

Date: Feb. 24, 2009

Item No. 18

File No. \_\_\_\_\_

## SUNSHINE ORDINANCE TASK FORCE

### AGENDA PACKET CONTENTS LIST\*

- Administrators Report
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Completed by: Chris Rustom

Date: Feb. 19, 2009

**\*This list reflects the explanatory documents provided**

~ Late Agenda Items (documents received too late for distribution to the Task Force Members)

\*\* The document this form replaces exceeds 25 pages and will therefore not be copied for the packet. The original document is in the file kept by the Administrator, and may be viewed in its entirety by the Task Force, or any member of the public upon request at City Hall, Room 244.

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**SUNSHINE ORDINANCE  
TASK FORCE**



**City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. (415) 554-7724  
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**MEMORANDUM**

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**Date:** Feb. 20, 2009  
**To:** Sunshine Ordinance Task Force  
**From:** Chris Rustom  
**Subject:** Administrator's Report

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Requests from community persons

- From January 21, 2009, to February 17, 2009, the Task Force's office responded to approximately 250 calls/e-mails/office visits from individuals requesting information regarding the Sunshine Ordinance, or to mediate request for records.

Complaint Log 2008

Complaint Log 2009

Submissions from DBI regarding #08054

Submissions from Peter Witt regarding #08053

COMMUNICATIONS RECEIVED LOG  
January 20, 2009, through February 17, 2009

DATE	FROM	DESCRIPTION	
1	21-Jan	Anonymous Tenants	Request for disciplinary action
2	21-Jan	Allen Grossman	SOTF referral letter (3)
3	21-Jan	Mpetrelis	Prop 8
4	21-Jan	Kimo Crossman	Obama on FOIA (3)
5	21-Jan	Kimo Crossman	MSNBC whistleblower (3)
6	22-Jan	Matt Dorsey	IDR extension
7	22-Jan	Ray Hartz	IDR extension (3)
8	23-Jan	Kimo Crossman	Shall v must
9	23-Jan	Peter Witt	Req for info
10	24-Jan	Kimo Crossman	CPRA on SSN, birthdate, address (2)
11	24-Jan	Ray Hartz	Index to Records (2)
12	24-Jan	Ray Hartz	IDR (2)
13	25-Jan	Peter Witt	DVD player
14	26-Jan	Tamara Odisho	Response to Witt
15	27-Jan	Matt Dorsey	Response to IDR (2)
16	27-Jan	Matt Dorsey	Llorente timesheet
17	23-Jan	Mpetrelis	gay marriage fight
18	27-Jan	Richard Knee	draft letter
19	27-Jan	Micki Callahan	Ordinance training
20	29-Jan	Mpetrelis	Prop 8 donations
21	29-Jan	Lynn Kaw	Disclosure requirements
22	30-Jan	Hermann Chu	Rec & Park rules
23	30-Jan	CFAC	Newsletter (3)
24	30-Jan	Mpetrelis	Prop 8 audit
25	1-Feb	Cynthia Servetnick	HPC meeting (7)
26	1-Feb	Christina Olague	HPC meeting
27	6-Feb	Erica Craven	New electronic records decision
28	7-Feb	Allen Grossman	Recap of 07077
29	7-Feb	Kimo Crossman	Size of SOTF file
30	7-Feb	Richard Knee	Size of SOTF file
31	9-Feb	Mark Brennan	SFPD IDR
32	9-Feb	Mpetrelis	Prop 8 meeting
33	9-Feb	Kimo Crossman	Rule of reason(2)

## Complaints 2008

30-Jul	Eula Walters (08040)	Recreation and Park Commission	Complaint 9/9/08; Task Force 9/23/08 [No violation] Appealed 10/28/08 No action taken
8/1/2008	Kimo Crossman (08041)	DTIS, SFGTV	Task Force 8/26/08, Withdrawn 8/19/08
8/1/2008	Kimo Crossman (08042)	DTIS, SFGTV, City Administrator, Media Services, SOTF-A, COB	Complaint 9/9/08; Task Force 9/23/08, 10/28/08 (1st cont.), 11/25/08 (2nd cont.) Withdrawn 11/10/08
8/5/2008	Charles Pitts (08043)	SFPD	Task Force 8/26/08 (Withdrawn 8/11/08)
8/19/2008	Brian Browne (08044)	Building Inspection	Task Force 9/23/08, 10/28/08 Withdrawn 10/17/08
8/26/2008	Barry Taranto (08045)	MTA	Complaint Committee 10/14/08 Comtd 11/12/08 Task Force 12/2/08 Violated 67.15, No further action
8/26/2008	Karl Beale (08046)	Rec & Park, Library	Complaint Committee 10/14/08 Task Force 10/28/08 No violation
8/26/2008	Peter Witt (08047)	Taxi Commission	Task Force 10/28/08, CAC 11/12/08, No action taken
8/26/2008	Anonymous Tenants (08048)	Building Inspection	Task Force 10/28/08, Withdrawn 10/27/08
9/3/2008	John Caldera (08049)	Veteran Affairs Commission	Complaint Committee 10/14/08, No action taken
10/17/2008	Charles Pitts (08050)	MOCJ	Task Force 11/25/08, 12/2/08 No violation
11/3/2008	Paul V. Horcher (08051)	Planning Department	Complaint 12/09/08, Task Force 01/06/09, Violated 67.21 a & c. No further action
11/13/2008	Mr. Alvin Xex (08052)	Arts Commission	Complaint 12/09/08, Task Force 01/06/09, No further action
11/19/2008	Peter Witt (08053)	Taxi Commission	Complaint 01/13/09, Task Force 1/27/09, No further action
12/2/2008	Anonymous Tenants (08054)	Building Inspection	Task Force 12/23/08, Rescheduled 01/06/09, Complaint 01/13/2009, Task Force 1/27/09, No further action
12/2/2008	Kimo Crossman (08055)	CAO, DTIS, SFGTV	Task Force 12/23/08, Rescheduled 01/06/09, No further action
12/4/2008	Anonymous (08056)	Police Dept	Task Force 01/06/09, Violated 67.29, No further action
12/16/2008	Vince Courtney (08057)	Labor Standards Enforcement	Task Force 01/27/09, continuance requested Task Force 02/24/09
12/16/2008	Peter Warfield (08058)	Capital Planning Committee	Task Force 01/27/09, Withdrawn 1/20/09

## Complaints 2009

Date Received	Complainant	Department/Respondent	Status
1/5/2009	Anonymous (09001)	CAO, Matt Dorsey	Complaint 2/10/09, Task Force 02/24/09
1/5/2009	Michael Petrelis	Equality California Institute has	Complaint 3/10/09
1/6/2009	Michael Petrelis (09002)	Public Health STD Unit	Task Force 1/27/09, No violation
1/19/2009	Rita O'Flynn (09003)	Dept of Technology	Task Force 02/24/09
1/23/2009	Anonymous (09004)	City Attorney, Matt Dorsey	Task Force 2/24/09
1/23/2009	Steve Lawrence (09005)	PUC	Task Force 2/24/09 withdrawn 2/9/09
1/26/2009	Joshua Arce & Eric Brooks (09006)	PUC	Task Force 2/24/09
1/30/2009	David Larkin (09007)	DPW	Complaint 03/10/09
2/4/2009	Anonymous (09008)	Police Commission	Task Force 2/24/09
2/9/2009	Charles Pitts (09009)	Health Dept	Complaint 03/10/09
2/4/2009	Peter Witt (09010)	Health Dept	Complaint 03/10/09



## MEMORANDUM

DATE: January 27, 2009  
TO: Members of Sunshine Ordinance Task Force (SOTF)  
FROM: Department of Building Inspection (DBI)  
RE: DBI PUBLIC RECORDS' PROCEDURES

Because of the volume of public documents generated annually at the Department of Building Inspection (DBI) – please see FY 07-08 statistics below-- and upon the advice of the City Attorney's Office, DBI digitizes and/or micro-films all documents. We do not retain original hard copies.

We make every possible effort to be immediately responsive, prompt and courteous to every customer's request for public documents – which is why we encourage everyone to visit the DBI web site, [www.sfgov.org/dbi](http://www.sfgov.org/dbi), where we provide easy public access to the overwhelming majority of all our public records – and why we established long ago the following departmental procedure:

When a request is made for permit applications and related materials, the Custodian of Public Records locates the requested document(s) on micro-film, and offers the customer the opportunity to come in to view them at our offices at 1650 and 1660 Mission Streets. If the customer wants a printed copy of the micro-filmed record, our staff will then print from that micro-film to provide this record, once a records' request form has been completed and we have had sufficient time (two business days) to fulfill it.

Given the volume of work and requests upon our public records' staff, our procedure makes it transparently clear to everyone that a request to print a single document from micro-film records is a two-day turnaround, and the clock begins after the customer has filled out our Records Request form. The minimum records' charge, as published and made clear in DBI's fee schedule, as adopted unanimously by ordinance in July, 2008, by the San Francisco Board of Supervisors, is \$6.50 (prior to Sept. 2, 2008, when fees changed, that fee had been \$3.50.) As noted in my earlier emails to the SOTF, the DBI web site is [www.sfgov.org/dbi](http://www.sfgov.org/dbi), and the Home Page has a link for the Fee Schedule, as well as to the detailed analyses behind the Fee Schedule (Matrix Report).

This is long-established departmental procedure, and has been reviewed and approved by the City Attorney's Office. In fact, when discussing this again on January 28, 2009 with Deputy City Attorney Judy Boyajian, she made it clear to me that making an exception to this established procedure would mean we no longer have a procedure and thus open the Department to demands by any complainant for the delivery of public records at the whim of the complainant. Would it be reasonable, she asked, if the complainant demanded delivery of the requested public record by messenger or hand-delivery?

Ms. Boyajian also asked if the complainant was disabled or out of the City and thus unable to follow our established procedure? We know that the answer to both questions is no. Since providing a PDF version of the requested document is not 'easily available' through the department's existing computer system, this was fully and repeatedly disclosed to this customer in Mr. Whiteside's email to the customer dated the same day the request was received, Nov. 13, 2008. Mr. Whiteside repeated the information on Nov. 14, and again on Nov. 20. The customer continued to insist upon

contesting DBI's established procedure and demanded a separate process that is not available to all customers, specifically, an e-mail with a PDF attachment, even though Mr. Whiteside made it clear that that is not DBI records' procedure, nor within our existing technical capacity.

Because DBI's electronically archived public records' files are not readily available in a PDF format, it is a hardship and unfair to every other customer who follows our established procedure to meet this single demand from one complainant – and what's more, from a complainant who requests public records on a frequent basis and who is thus not only completely familiar with the procedure but who also has followed the procedure on numerous occasions.

As reported during our testimony to the Task Force on January 27, 2009, to fulfill this specific request would have required our staff to find the requested document on micro-film; then print a copy from the film; then scan the printed version in order to convert it to the PDF format; and then rename and restore this same document that already exists as a micro-film record. With the volume of records' request received, and with existing staff resources, this departure from our established procedure is simply not practical, not fair to all other customers who do follow the department's established procedure, and not reasonable.

We offered an immediate response, per Sunshine requirements, to this customer and explained clearly what our procedure is, the timeline to produce the document and the fee established by law. This customer demanded separate, customized, treatment which we do not believe is reasonable and which, based upon the City Attorney's advice given to us, is not required by the Sunshine laws.

We appreciate the Task Force's finding of no violation, and respectfully offer the above background in the hope that your members are fully apprised of DBI's established procedures in managing voluminous public records' requests and understand the Department's complete commitment to providing the public with all public records upon request and in meeting both the spirit and legal requirements under the Sunshine ordinance.

#### **SUMMARY STATISTICS (FY 07 -08 Numbers)**

- Received a total of **11,713** microfilm requests.
- These microfilm requests produced a total of:
  - o **106,286** copies of applications/job cards/CFC's
  - o **54,020** copies of plans
  - o **22,729** diazos

Thank you for your attention, and for your consideration.





## DEPARTMENT OF BUILDING INSPECTION

City & County of San Francisco  
(415) 558-6088 General Information (415) 558-6401 Fax  
1660 Mission Street, San Francisco, California 94103-2414

### RECORD RETENTION AND DESTRUCTION POLICY

The Department of Building Inspection Record Retention and Destruction Policy is adopted pursuant to Chapter 8 of the San Francisco Administrative Code, which requires each department head to maintain records and create a records retention and destruction schedule. This policy supersedes all previous record retention and destruction policies issued by the Department of Building Inspection.

This policy covers all records and documents, regardless of physical form or characteristics, which have been made or received by the Department of Building Inspection in connection with the transaction of public business.

#### PART I: POLICY AND PROCEDURES

##### A. RETENTION POLICY

The Department of Building Inspection shall retain records for the period of their immediate or current use, unless longer retention is necessary for historical reference, or to comply with contractual or legal requirements, or for other purposes as set forth below. For record retention and destruction purposes, the term "record" is defined as set forth in Section 8.1 of the San Francisco Administrative Code. Documents and other materials that do not constitute "records" under that section, including those described below in Category 4., may be destroyed when no longer needed, unless otherwise specified in Part II. The records of the Department of Building Inspection shall be classified for purposes of retention and destruction as follows:

**Category 1: Permanent Retention.** Records that are permanent or essential shall be retained and preserved indefinitely.

- **Permanent records.** Permanent records are records required by law to be permanently retained and which are ineligible for destruction unless they are microfilmed or placed on an optical imaging system, and special measures are followed. Admin. Code Section 8.4. Once these measures are followed, the original paper records may be destroyed. Duplicate copies of permanent records may be destroyed whenever they are no longer necessary for the efficient operation of the Department. Examples of permanent records include: records of meetings, and agendas, Board decisions.
- **Essential records.** Essential records are records necessary for the continuity of government and the protection of the rights and interests of individuals. Admin. Code Section 8.9. Examples of essential records include policy memoranda, interpretive materials such as manuals, and building permits.

**Category 2: Current Records.** Current records are records for convenience, ready reference or other reasons are retained in the office space and equipment of the Department. Current records shall be retained as follows:

- **Where retention period specified by law.** Where federal, state, or local law prescribes a definite period of time for retaining certain records, the Department of Building Inspection will retain the records for the period specified by law. Examples of records required to be maintained for a specific period are: Statement of Economic Interest, Form 700 must be retained seven years pursuant to Government code Section 81009(e); Accident/Injury Reports must be retained five years pursuant to 29 CFR 1404.6.
- **Where no retention period specified by law.** Where no specific retention period is specified by law, the retention period for records that the Department is required to retain shall be specified in the attached Record Retention and Destruction Schedule. Records shall be retained for a minimum of two years, although such records may be treated as "storage records" and placed in storage at any time during the applicable retention period. Examples of current records include: invoices for purchases of supplies, departmental memoranda, and budget documents.

**Category 3: Storage Records.** Storage records are records that are retained offsite. Storage records are subject to the same retention requirements as current records. Examples of storage records include official records of Board action and calendars and minutes of hearings.

**Category 4: No Retention Required.** Documents and other materials that are not "records" as defined by Admin. Code section 8.1 need not be retained unless retention is otherwise required by local law (or by the attached Retention and Destruction Schedule). Documents and other materials (including originals and duplicates) that are not otherwise required to be retained, are not necessary to the functioning or continuity of the Department and which have no legal significance may be destroyed when no longer needed. Examples include materials and documents generated for the convenience of the person generating them, draft documents rendered moot by departmental action, and duplicate copies of records that are no longer needed. Specific examples include telephone message slips, miscellaneous correspondence not requiring follow-up or departmental action, notepads, e-mails that do not contain information required to be retained under this policy, and chronological files. With limited exceptions, no specific retention requirements are assigned to documents in this category. Instead it is up to the originator or the recipient to determine when the document's business utility has ended.

## **B. RECORDS NOT ADDRESSED IN THE RECORD RETENTION SCHEDULE**

Records and other documents or materials that are not expressly addressed by the attached schedule may be destroyed at any time provided that they have been retained for the periods prescribed for substantially similar records.

## **C. STORAGE OF RECORDS**

Records may be stored in the Department of Building Inspection's office space or equipment if the records are in active use or are maintained in the office for convenience or ready reference. Examples of active files appropriately maintained in the Department's office

space or equipment include active chronological files, research and personnel files, and calendars. Inactive records, for which use or reference has diminished sufficiently to permit removal from the Department of Building Inspection's office space or equipment, may be sent to the City's off-site storage facility or maintained in the Department's storage facility.

#### **D. HISTORICAL RECORDS**


Historical records are records that are no longer of use to the Department of Building Inspection but which because of their age or research value may be of historical interest or significance, maybe not be destroyed except in accordance with the procedures set forth in Administrative Code section 8.7.

#### **E. PENDING CLAIMS AND LITIGATION**

The retention periods set forth in the attached record retention schedule shall not apply to materials that are otherwise eligible for destruction, but which may be relevant to a pending claim of litigation against the City. Once a department becomes aware of the existence of a claim against the department, the department should retain all documents and other materials related to the claim until such time as the claim or subsequent litigation has been resolved. Where a department has reason to believe that one or more other departments also have records relating to the claim or litigation, these departments should also be notified of the need to retain such records.

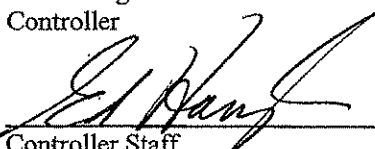
**APPROVALS:**

**Approved by Building Inspection Commission:**

  
\_\_\_\_\_  
Ephraim Hirsch  
President

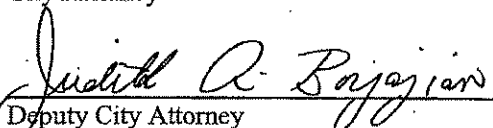
1/4/05  
Date Approved

**Approved as to Records Relating to Financial Matters:**

Ed Harrington  
Controller  
  
\_\_\_\_\_  
Controller Staff


2/6/06  
Date Approved

**Approved as to Records of Legal Significance:**

Dennis J. Herrera  
City Attorney  
  
\_\_\_\_\_  
Deputy City Attorney

12-28-05  
Date Approved

**Approved as to Records Relating to Payroll Matters:**

  
\_\_\_\_\_  
Clare M. Murphy  
Executive Director,  
Retirement System

3/16/05  
Date Approved  
by the Retirement Board

## DBI RECORD RETENTION SCHEDULE

Department Name: Building Inspection  
 Department Contact: Patty Herrera  
 Contact Phone Number 558-6130

PROGRAM / DIVISION	RECORD CATEGORY	TYPE OF RECORD	RETENTION CATEGORY	RETENTION PERIOD		REMARKS
				Total	On Site / Off Site	
Administration Services / Administration & Finance	Finance and Budget	ADPICS	2	5 Years	3 Years / 2 Years	
Administration Services / Administration & Finance	Finance and Budget	As Needed Master Agreements	2	5 Years	3 Years / 2 Years	
Administration Services / Administration & Finance	Finance and Budget	Budget Line Items Explanation ~ Phase D	2	1 Year	1 Year	
Administration Services / Administration & Finance	Finance and Budget	Budget Spread Sheets	2	5 Years	5 Years	
Administration Services / Administration & Finance	Finance and Budget	Carry Forward	2	5 Years	3 Years / 2 Years	
Administration Services / Administration & Finance	Finance and Budget	Contract Folders (Construction)	1	5 Years	Up to final acceptance / Remainder	
Administration Services / Administration & Finance	Finance and Budget	Contract Folders (Professional Services)	2	5 Years	Up to Final Acceptance / Remainder	
Administration Services / Administration & Finance	Finance and Budget	Contract Insurance Manual	2	Permanent	Until Superceded	
Administration Services / Administration & Finance	Finance and Budget	Contract Plans	2	5 Years	3 Years / 2 Years	
Administration Services / Administration & Finance	Finance and Budget	Contract Specification	2	5 Years	3 Years / 2 Years	
Administration Services / Administration & Finance	Finance and Budget	FAMIS Report	2	5 Years	3 Years / 2 Years	
Administration Services / Administration & Finance	Finance and Budget	Fee Schedule	3	Permanent	Until Superceded	
Administration Services / Administration & Finance	Finance and Budget	Final Contract Agreements and MOU's	2	20+ Years	Life of Agreement / 20 Years	
Administration Services / Administration & Finance	Finance and Budget	FPS Reports	2	5 Years	3 Years / 2 Years	
Administration Services / Administration & Finance	Finance and Budget	Gas, Oil Receipts/Auto Equip Reports	2	5 Years	3 Years / 2 Years	

**DBI RECORD RETENTION SCHEDULE**

PROGRAM / DIVISION	RECORD CATEGORY	TYPE OF RECORD	RETENTION CATEGORY	RETENTION PERIOD			REMARKS
				Total	On Site	Off Site	
Administration Services / Administration & Finance	Finance and Budget	General Provisions	1	Permanent	Until Superseded		
Administration Services / Administration & Finance	Finance and Budget	Job Orders	2	5 Years	3 Years	2 Years	
Administration Services / Administration & Finance	Finance and Budget	Prep Budget Documents-Phase D	2	5 Years	5 Years		
Administration Services / Administration & Finance	Finance and Budget	Receipts Processing Forms	2	5 Years	3 Years	2 Years	
Administration Services / Administration & Finance	Finance and Budget	Request for Proposals	2	3 Years	Until Awarded	2 Years after bid	
Administration Services / Administration & Finance	Finance and Budget	Standard Specification	1	Permanent	Until Superseded		
Administration Services / Administration & Finance	Finance and Budget	Supplemental Appropriation Request	2	1 Year	1 Year		
Administration Services / Administration & Finance	Finance and Budget	Valuation Data Scheduled (Marshal & Swift)	3	Permanent	Until Superseded		
Administration Services / Administration & Finance	Finance and Budget	Work Orders	2	5 Years	3 Years	2 Years	
Administration Services / Administration & Finance	Health & Safety	DMV Pin Pull Reports (maintained by DPW for DBI)	2	6 Months	6 Months		
Administration Services / Administration & Finance	Health & Safety	DMV Suspended License Reports	2	5 Years	5 Years		
Administration Services / Personnel & Payroll	Personnel	Class Specifications	2	Permanent	Until Superseded		
Administration Services / Personnel & Payroll	Personnel	Conflict of Interest Statements	2	7 Years	7 Years		
Administration Services / Personnel & Payroll	Personnel	Criminal Records	2	5 Years	3 Years	2 Years	5 Years if No Litigation
Administration Services / Personnel & Payroll	Personnel	CSC Report	2	Permanent	Until Superseded		
Administration Services / Personnel & Payroll	Personnel	CSC Seniority Roster	2	2 Years	1 Year	1 Year	
Administration Services / Personnel & Payroll	Personnel	Department Policy Book	1	Permanent	Until Superseded		

Category 1: Permanent Retention. Category 2: Current Records. Category 3: Storage Records. Category 4: No Retention Required.

**DBI RECORD RETENTION SCHEDULE**

PROGRAM / DIVISION	RECORD CATEGORY	TYPE OF RECORD	RETENTION CATEGORY	RETENTION PERIOD		REMARKS
				Total	Off Site	
Administration Services / Personnel & Payroll	Personnel	Discrimination & Harassment Complaints, Investigations & Resolutions	2	5 Years	Off Site	5 Years if No Litigation
Administration Services / Personnel & Payroll	Personnel	Eligible Lists	2	1 Year		
Administration Services / Personnel & Payroll	Personnel	Employee/Personnel Files	2	5 Years	2 Years	5 Years if No Litigation
Administration Services / Personnel & Payroll	Personnel	Employment History Summary	1	Permanent	Remainder	
Administration Services / Personnel & Payroll	Personnel	FPS Bi-Weekly Reports	2	2 Years	1 Year	
Administration Services / Personnel & Payroll	Personnel	General Employment History Records	2	5 Years	3 Years	5 Years if No Litigation
Administration Services / Personnel & Payroll	Personnel	Grievances	2	5 Years	5 YEARS	5 Years if No Litigation
Administration Services / Personnel & Payroll	Personnel	INS Form I-9 File	2	3 Years	Until Separated	
Administration Services / Personnel & Payroll	Personnel	Job Announcements	2	2 Years	2 Years	
Administration Services / Personnel & Payroll	Personnel	Medical Records	2	5 Years	3 Years	5 Years if No Litigation
Administration Services / Personnel & Payroll	Personnel	Notices of Certificates - CSC Copies - Bureau Copies	2	2 Years	2 Years	
Administration Services / Personnel & Payroll	Personnel	Oath of Allegiance	2	5 Years	Until Separated	5 Years if No Litigation
Administration Services / Personnel & Payroll	Personnel	OEPF Transmittal Receipts	2	5 Years	Until Separated	5 Years
Administration Services / Personnel & Payroll	Personnel	PARS	2	15 Months	Until Separated	15 Months

Category 1: Permanent Retention. Category 2: Current Records. Category 3: Storage Records. Category 4: No Retention Required.

DBI RECORD RETENTION SCHEDULE

PROGRAM / DIVISION	RECORD CATEGORY	TYPE OF RECORD	RETENTION CATEGORY	RETENTION PERIOD			REMARKS
				Total	On Site	Off Site	
Administration Services / Personnel & Payroll	Personnel	Payroll Records	2	5 Years	8 Months	4 ½ Years	5 Years if No Litigation, however, no time rolls, time cards, payroll checks or related records will be destroyed w/o obtaining approval from the SFERS first.
Administration Services / Personnel & Payroll	Personnel	Payroll/Personnel Procedures Manual	1	Permanent	Until Superseded		
Administration Services / Personnel & Payroll	Personnel	Performance Documents	2	5 Years	3 Years	2 Years	5 Years if No Litigation
Administration Services / Personnel & Payroll	Personnel	Personnel Policies & Procedures	1	Permanent	Until Superseded		
Administration Services / Personnel & Payroll	Personnel	Personnel Requisitions	2	1 Year	1 Year		
Administration Services / Personnel & Payroll	Personnel	Records of Corrective Action	2	5 Years	3 Years	2 Years	5 Years if No Litigation
Administration Services / Personnel & Payroll	Personnel	Recruitment file, including application & resumes	2	5 Years	5 Years		5 Years if No Litigation
Administration Services / Personnel & Payroll	Personnel	Training Documents	2	5 Years	3 Years	2 Years	5 Years if No Litigation
Administration Services / Personnel & Payroll	Personnel	Worker's Compensation Records	2	5 Years	3 Years	2 Years	5 Years if No Litigation
Director's Office	Administrative	Brochures	3	2 Years	2 Years		
Director's Office	Administrative	Calendars - Dept Head	4	2 Years	2 Years		
Director's Office	Administrative	Chronological Files	2	2 Years	2 Years		
Director's Office	Administrative	Daily Diaries	4	2 Years	2 Years		
Director's Office	Administrative	Daily Status Reports	2	2 Years	1 Year	1 Year	
Director's Office	Administrative	Department Quarterly Reports	2	5 Years	5 Years		
Director's Office	Administrative	Duplicates of memo, letter, computer printout, etc.	2	2 Years	2 Years		

Category 1: Permanent Retention. Category 2: Current Records. Category 3: Storage Records. Category 4: No Retention Required.



## DBI RECORD RETENTION SCHEDULE

PROGRAM / DIVISION	RECORD CATEGORY	TYPE OF RECORD	RETENTION CATEGORY	RETENTION PERIOD		REMARKS
				Total	On Site	Off Site
Director's Office	Administrative	Letter, memos, responses and general correspondence	2	2 Years	2 Years	
Director's Office	Administrative	Monthly Reports	2	2 Years	2 Years	
Director's Office	Administrative	Notebooks	4	2 Years	2 Years	
Director's Office	Administrative	Old Magazines, Catalogs, Journals	4	2 Years	2 Years	
Director's Office	Administrative	Personal Files	2	2 Years	2 Years	
Director's Office	Administrative	Phone Message Slips	2	2 Years	2 Years	
Director's Office	Program Management	Abatement Appeals Board	1	Permanent	Permanent	
Director's Office	Program Management	Access Appeals Commission	1	Permanent	Permanent	
Director's Office	Program Management	Agendas, Notices, and Minutes of Commission Meetings	1	Permanent	Permanent	
Director's Office	Program Management	Audio/Video recording of meetings	1	Permanent	Permanent	
Director's Office	Program Management	Board of Appeals	1	Permanent	Permanent	
Director's Office	Program Management	Board of Examiners	1	Permanent	Permanent	
Director's Office	Program Management	Commission Correspondence	2	2 Years	2 Years	
Director's Office	Program Management	Commission Files	1	Permanent	Permanent	Kept with Commission Secretary
Director's Office	Program Management	Commission Packets	2	3 Years	3 Years	
Director's Office	Program Management	Motions and Resolutions	1	Permanent	Permanent	
Inspection Services	Program Management	Annual Inspection Checklist	3	2 Years	Until Abated	Remainder
Inspection Services	Program Management	Application for Permit of Occupancy	2	Permanent	Scanned	No longer issued since 1998, archived in HIS

Category 1: Permanent Retention. Category 2: Current Records. Category 3: Storage Records. Category 4: No Retention Required.

**DBI RECORD RETENTION SCHEDULE**

PROGRAM / DIVISION	RECORD CATEGORY	TYPE OF RECORD	RETENTION CATEGORY	RETENTION PERIOD		REMARKS
				Total	Off Site	
Inspection Services	Program Management	Certificate of Final Completion (CFC)	1	Permanent	Microfilmed	street files
Inspection Services	Program Management	Complete Inspection Checklists	3	2 Years	Until Abated	Remainder
Inspection Services	Program Management	Electrical Permits	1	Permanent	Microfilmed Until 11/02	Microfilmed through 11/02. Permits currently issued and retrieved electronically.
Inspection Services	Program Management	Energy Checklists	3	2 Years	Until Abated	Remainder
Inspection Services	Program Management	Field Investigation Reports	3	5 Years	5 Years	
Inspection Services	Program Management	Hotel Conversion Checklists	3	2 Years	Until Abated	Remainder
Inspection Services	Program Management	Inspection Status Reports	2	2 Years	2 Years	
Inspection Services	Program Management	Inspector Job Cards	1	Permanent	Microfilmed	
Inspection Services	Program Management	Permit of Occupancy	2	Permanent	Scanned	No longer issued since 1998, archived in HIS files.
Inspection Services	Program Management	Plumbing Permits	3	Permanent	Microfilmed	
Inspection Services	Program Management	Security Checklists	3	2 Years	Until Abated	Remainder
Inspection Services	Program Management	Temporary Certificates of Occupancy (TCO)	2	Permanent	Microfilmed	
Inspection Services / Lead Abatement	Health & Safety	Accident Reports	2	5 Years	5 Years	

Category 1: Permanent Retention. Category 2: Current Records. Category 3: Storage Records. Category 4: No Retention Required.

## DBI RECORD RETENTION SCHEDULE

PROGRAM / DIVISION	RECORD CATEGORY	TYPE OF RECORD	RETENTION CATEGORY	RETENTION PERIOD		REMARKS
				Total	On Site / Off Site	
Inspection Services / Lead Abatement	Health & Safety	Baseline Hazard Survey (maintained for DBI)	2	3 Years	Off Site	
Inspection Services / Lead Abatement	Health & Safety	DBI Statistic Reports	2	5 Years		
Inspection Services / Lead Abatement	Health & Safety	Educational Curriculum & Attendance Sheets	2	3 Years		
Inspection Services / Lead Abatement	Health & Safety	Employer's Report of Occupational Injury or Illness	2	5 Years		
Inspection Services / Lead Abatement	Health & Safety	Equipment Accident Report	2	5 Years		
Inspection Services / Lead Abatement	Health & Safety	Industrial Hygiene Reports (maintained by DPW)	1	Permanent	Until Superseded	70 Years
Inspection Services / Lead Abatement	Health & Safety	Injury and Illness Prevention Program & Polices (maintained for DBI)	2	3 Years		
Inspection Services / Lead Abatement	Health & Safety	OSHA 200 Log	2	5 Years		
Inspection Services / Lead Abatement	Health & Safety	Reports of Damage to City Property	2	5 Years		
Inspection Services / Lead Abatement	Health & Safety	Respiratory Protection Records (maintained by DPW)	2	3 Years		
Inspection Services / Lead Abatement	Health & Safety	Worker's Compensation Expenditure Report	2	5 Years		
Inspection Services / Code Enforcement	Program Management	Affidavits	3	Until Abated	Until Abated	
Inspection Services / Code Enforcement	Program Management	Case History & Action	3	Until Abated	Until Abated	
Inspection Services / Code Enforcement	Program Management	Director's Complaints	3	Until Abated	Until Abated	
Inspection Services / Code Enforcement	Program Management	Heat/Hot Water Notices	3	Until Abated	Until Abated	
Inspection Services / Code Enforcement	Program Management	Inspection Correction Notices	2	Until Abated	Until Abated	
Inspection Services / Code Enforcement	Program Management	Notice of Compliance (Franchise Tax Board)	3	Permanent	Permanent	Not Microfilmed, Hard Copies in HIS

Category 1: Permanent Retention. Category 2: Current Records. Category 3: Storage Records. Category 4: No Retention Required.

**DBI RECORD RETENTION SCHEDULE**

PROGRAM / DIVISION	RECORD CATEGORY	TYPE OF RECORD	RETENTION CATEGORY	RETENTION PERIOD			REMARKS
				Total	On Site	Off Site	
Inspection Services / Code Enforcement	Program Management	Notice of Non-Compliance (Franchise Tax Board)	3	Until Abated	Until Abated	Street Files	
Inspection Services / Code Enforcement	Program Management	Notice of Violation	3	Until Abated	Until Abated		
Inspection Services / Code Enforcement	Program Management	Notice to Show Cause	3	3 Years	1 Year	2 Years	
Inspection Services / Code Enforcement	Program Management	Order of Abatement	3	Until Abated	Until Abated		
Inspection Services / Code Enforcement	Program Management	UMB Notices	3	Permanent	Permanent	Located in PCS UMB Files	
Permit Services	Program Management	Application & Permit Registers Printout	2	2 Years	1 Year	1 Year	
Permit Services	Program Management	Application Extension Requests	2	2 Years	1 Year	1 Year	
Permit Services	Program Management	Building Applications	1	Permanent	Microfilmed		
Permit Services	Program Management	Cancelled Applications	1	Permanent	Microfilmed		
Permit Services	Program Management	Cancelled Plans	2	2 Years	1 Year	1 Year	
Permit Services	Program Management	Issued Plans	1	Permanent	Microfilmed		
Permit Services	Program Management	Permit Extensions	2	Permanent	Microfilmed		
Permit Services	Program Management	Pre-Application Meeting Notes	2	2 Years	2 Years		
Permit Services	Program Management	Soil Reports for Specific Project	1	Permanent	For Life of Building	CURRENTLY MICROFILMED FROM HARD TO COPIES STORED WITH PCS	
Permit Services	Program Management	Special Inspection Reports	1	Permanent	Permanent	Not Currently	

Category 1: Permanent Retention. Category 2: Current Records. Category 3: Storage Records. Category 4: No Retention Required.

**DBI RECORD RETENTION SCHEDULE**

PROGRAM / DIVISION	RECORD CATEGORY	TYPE OF RECORD	RETENTION CATEGORY	RETENTION PERIOD			REMARKS
				Total	On Site	Off Site	
	Management						Microfilmed, Hard Copies Stored with PCS
Permit Services	Program Management	Worker's Compensation Certificates	2	5 Years	2 Years	3 Years	
Permit Services / Technical Services	Program Management	Administrative Bulletins	3	Permanent	Until Supersceded		
Permit Services / Technical Services	Program Management	Building Codes	1	Permanent	Until Supersceded		Retain one copy in Director's Office
Permit Services / Technical Services	Program Management	Code Interpretation (General)	2	7 Years	2 Years	5 Years	
Permit Services / Technical Services	Program Management	Code Interpretation Related to Specific Projects	1	Permanent	Until Supersceded		
Permit Services / Technical Services	Program Management	Code Rulings	3	5 Years	Until Supersceded	5 Years	
Permit Services / Technical Services	Program Management	Electrical Codes	1	Permanent	Until Supersceded		Retain one copy in Director's Office
Permit Services / Technical Services	Program Management	Housing Codes	1	Permanent	Until Supersceded		Retain one copy in Director's Office
Permit Services / Technical Services	Program Management	Mechanical Codes	1	Permanent	Until Supersceded		Retain one copy in Director's Office
Permit Services / Technical Services	Program Management	Plumbing Codes	1	Permanent	Until Supersceded		Retain one copy in Director's Office

**Final Report on the Cost of Services (User Fee)  
Study for the Department of Building Inspection**

**CITY AND COUNTY OF SAN FRANCISCO,  
CALIFORNIA**

**matrix#**  
**consulting group**

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**April 22, 2008**

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## **1. EXECUTIVE SUMMARY**

The report, which follows, presents the results of the Cost of Services (User Fee) Study conducted by the Matrix Consulting Group for the City and County of San Francisco. This report provides the City with the findings and conclusions resulting from the analysis of the Department of Building Inspection.

### **1. PROJECT BACKGROUND AND SCOPE OF WORK**

The City and County of San Francisco's Department of Building Inspection is responsible for overseeing the effective, efficient, fair, and safe enforcement of the City's Building, Housing, Plumbing, Electric, and Mechanical Codes, along with Disability Access regulations.

As part of the City/County's periodic review and update to existing fees for service, the Matrix Consulting Group has conducted a study to determine the total cost of services provided by the Department of Building Inspection. The results of this analysis provide a tool for understanding current service levels, the cost and demand for those services, and what fees for service can and should be charged.

### **2. GENERAL PROJECT APPROACH AND METHODOLOGY**

The methodology employed in establishing the full cost of providing services is a widely known and accepted "bottom up" approach to cost analysis, where time spent per unit of fee activity is determined for each position within a department. Once time spent for a fee activity is determined, all applicable costs are then considered in the calculation of the full cost of providing each service. A more detailed discussion of all costs considered for San Francisco's Department of Building Inspection is included in



Chapter 3 of this report. However, the following table is a summary of typical costs included in the calculation of total service costs:

<b>Cost Component</b>	<b>Description</b>
<b>Direct</b>	Salaries, benefits and allowable departmental expenditures.
<b>Departmental Overhead</b>	Departmental administration / management and clerical support.
<b>City/County-wide Overhead</b>	Central service costs such as payroll, human resources, budgeting, city/county management, etc. Often established through a cost allocation methodology or plan (In this case, the City/County provided these costs).
<b>Cross-Departmental Support</b>	Costs associated with review or assistance in providing specific services. For example, costs associated with the Planning Department's review of construction plans..
<b>Off-budget items</b>	General Plan Update, code enforcement, and technology related costs, where applicable.

The work accomplished by the Matrix Consulting Group in the analysis of the proposed fees for service involved the following steps:

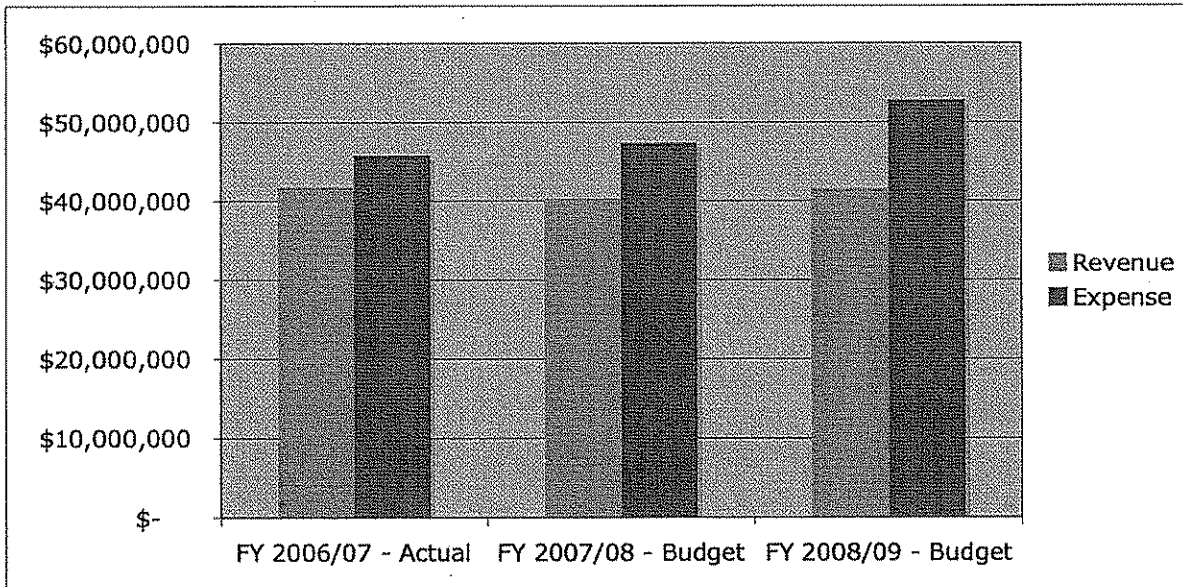
- **Initial Interviews:** Key project management staff for the City and County of San Francisco were interviewed to solidify the mutual understanding of the objectives of this study and potential issues with the implementation of user fees.
- **Department of Building Inspection Staff Interviews:** The project team interviewed staff in each of DBI's divisions regarding their needs for clarification to the structure of existing fee items, or for addition of new fee items.
- **Data Collection:** All essential data components were entered into the Matrix Consulting Group's user fee analytical software model, including all budgetary, staffing level, time estimate, and volume of activity assumptions.
- **Cost Analysis:** The project team applied all applicable City/County costs toward the calculation of the full costs of providing each service included in the model. Resulting costs were presented on a unit and annual level, compared to revenue reports, and provided information about cost recovery surpluses and deficits.
- **Review and Approval of Results with City/County Staff:** Because the analysis of fees for service is based on estimates and information provided by the Department's staff, it is extremely important that all participants were comfortable with our methodology and with the data they provided. Department staff and management reviewed and approved these documented results.

- **Comparison Survey of Market Rates and Fees:** The Department of Building Inspection wished to consider the local "market rates" for services as a means for assessing what types of changes in fee levels their community can bear. The Matrix Consulting Group will worked together with Solem and Associates, a Human Rights Commission-certified Local Business Enterprise, to conduct a comparison survey of rates, fees, and cost recovery practices.

In the detailed report, which follows, the full cost of services for items included in the Study are presented from both a unit and annual cost perspective. A more detailed description of user fee methodology and policy considerations are provided in the Chapter 2 of this report.

### 3. SUMMARY OF RESULTS

The following table shows a three year picture of cumulative expenses versus revenue for the Department of Building Inspection:



As shown above, cost recovery for the Department of Building Inspection has shown a steady decrease, where expenses are typically exceeding revenues.

The cumulative results of this User Fee Study, based on budgeted expenditures for fiscal year 2007/08, also identified an overall subsidy provided to the fee payer,

where the annual revenue collected for all fee related services is, on average, less than the estimated true cost of providing those services.

From a detailed, fee-by-fee perspective, the results demonstrate that while some charges for services are set at levels higher than the true costs of providing services, other charges for service are generating much less than their estimated true cost. However, as stated previously, the net result of the Study found an overall undercharge for services by the Department of Building Inspection. The project team also combined and annualized the costs for each service by using actual permit volumes provided by the Department's financial and permit tracking system, as well as estimates of activity volume provided by City/County staff.

The table on the following pages identifies the potential revenue impacts associated with the implementation of fees at 100 percent recovery of full cost:

CITY AND COUNTY OF SAN FRANCISCO, CALIFORNIA  
Final Report on the Department of Building Inspection's User Fee Study

Exhibit 1.1  
Cost Recovery Report – Total for all Fee Related Services

FEE NO.	Fee Name	Total Current Fee / Deposit (\$ Per Unit)	Total Average Cost Per Unit (\$)	Surplus / (Deficit) per Unit (\$)	Annual Volume Performed	Revenue at Current Fee - Annual (\$)	Total Cost - Annual (\$)	Surplus / (Deficit) - Annual (\$)
<b>PERMITTING, PLAN REVIEW AND INSPECTION SERVICES</b>								
1	1A-A - \$1 - \$2,000 New Construction	20	131	(111)	1	20	131	(111)
2	1A-A - \$2,001 - \$50,000 New Construction	437	147	289	13	5,675	1,912	3,762
3	1A-A - \$50,001 - \$200,000 New Construction	1,025	158	867	6	6,152	947	5,205
4	1A-A - \$200,001 - \$500,000 New Construction	2,206	925	1,280	69	152,180	63,838	88,342
5	1A-A - \$500,001 - \$1,000,000 New Construction	3,501	849	2,653	58	203,067	49,213	153,854
6	1A-A - \$1,000,001 - \$5,000,000 New Construction	9,048	1,316	7,732	25	226,197	32,898	193,298
7	1A-A - \$5,000,001 and above New Construction	158,863	10,997	147,866	16	2,541,816	175,959	2,365,857
8	1A-A - \$1 - \$2,000 Alterations Commercial	60	134	(74)	1,206	71,777	161,459	(89,682)
9	1A-A - \$2,001 - \$50,000 Alterations Commercial	341	179	162	3,118	1,063,792	558,976	504,817
10	1A-A - \$50,001 - \$200,000 Alterations Commercial	1,320	293	1,027	1,096	1,447,064	321,567	1,125,497
11	1A-A - \$200,001 - \$500,000 Alterations Commercial	3,049	328	2,721	358	1,091,689	117,461	974,228
12	1A-A - \$500,001 - \$1,000,000 Alterations Commercial	3,088	344	2,744	246	759,634	84,634	675,000
13	1A-A - \$1,000,001 - \$5,000,000 Alterations Commercial	11,326	980	10,345	75	849,420	73,524	775,896
14	1A-A - \$5,000,001 and above Alterations Commercial	57,864	4,534	53,330	8	462,909	36,269	426,640
15	1A-A - \$1 - \$2,000 Alterations Residential	60	174	(114)	4,826	289,472	837,795	(548,322)

**CITY AND COUNTY OF SAN FRANCISCO, CALIFORNIA**  
**Final Report on the Department of Building Inspection's User Fee Study**

FEE NO.	Fee Name	Total Current Fee / Deposit (\$) Per Unit	Total Average Cost Per Unit (\$)	Surplus / (Deficit) per Unit (\$)	Annual Volume Performed	Revenue at Current Fee - Annual (\$)	Total Cost - Annual (\$)	Surplus / (Deficit) - Annual (\$)
16	1A-A - \$2,001 - \$50,000 Alterations Residential	322	342	(20)	10,821	3,479,342	3,697,747	(218,405)
17	1A-A - \$50,001 - \$200,000 Alterations Residential	1,269	464	805	1,361	1,727,156	631,507	1,095,650
18	1A-A - \$200,001 - \$500,000 Alterations Residential	2,956	825	2,131	292	863,196	240,886	622,310
19	1A-A - \$500,001 - \$1,000,000 Alterations Residential	5,479	853	4,626	54	295,876	46,063	249,813
20	1A-A - \$1,000,001 - \$5,000,000 Alterations Residential	11,448	3,531	7,917	22	251,853	77,675	174,178
21	1A-A - \$5,000,001 and above Alterations Residential	47,492	4,394	43,098	5	237,462	21,969	215,492
22	1A-A - \$1 - \$2,000 New Construction - Plan Review	-	189	(189)	1	-	189	(189)
23	1A-A - \$2,001 - \$50,000 New Construction - Plan Review	698	1,744	(1,045)	13	9,079	22,670	(13,591)
24	1A-A - \$50,001 - \$200,000 New Construction - Plan Review	562	2,080	(1,518)	8	4,494	16,639	(12,145)
25	1A-A - \$200,001 - \$500,000 New Construction - Plan Review	1,082	2,951	(1,869)	72	77,907	212,443	(134,536)
26	1A-A - \$500,001 - \$1,000,000 New Construction - Plan Review	5,128	5,820	(692)	66	338,473	384,149	(45,676)
27	1A-A - \$1,000,001 - \$5,000,000 New Construction - Plan Review	3,961	20,227	(16,265)	30	118,835	606,797	(487,962)
28	1A-A - \$5,000,001 and above New Construction - Plan Review	97,234	65,456	31,778	17	1,652,971	1,112,748	540,223
29	1A-A - \$1 - \$2,000 Alterations Commercial - Plan Review	74	356	(282)	1,300	95,683	462,924	(367,242)
30	1A-A - \$2,001 - \$50,000 Alterations Commercial - Plan Review	187	414	(227)	3,262	609,852	1,351,415	(741,563)
31	1A-A - \$50,001 - \$200,000 Alterations Commercial - Plan Review	589	723	(134)	1,149	676,657	831,145	(154,488)
32	1A-A - \$200,001 - \$500,000 Alterations Commercial - Plan Review	1,246	1,244	2	380	473,585	472,833	752

**CITY AND COUNTY OF SAN FRANCISCO, CALIFORNIA**  
**Final Report on the Department of Building Inspection's User Fee Study**

FEE NO.	Fee Name	Total Current Fee / Deposit (\$)/ Per Unit	Total Average Cost / Per Unit (\$)	Surplus / (Deficit) per Unit (\$)	Annual Volume Performed	Revenue at Current Fee - Annual (\$)	Total Cost - Annual (\$)	Surplus / (Deficit) - Annual (\$)
	Commercial - Plan Review							
33	1A-A - \$500,001 - \$1,000,000 Alterations Commercial - Plan Review	2,246	1,520	726	143	321,135	217,332	103,803
34	1A-A - \$1,000,001 - \$5,000,000 Alterations Commercial - Plan Review	4,846	4,964	(118)	79	382,806	392,164	(9,358)
35	1A-A - \$5,000,001 and above Alterations Commercial - Plan Review	40,486	15,263	25,223	11	445,350	167,894	277,456
36	1A-A - \$1 - \$2,000 Alterations Residential - Plan Review	44	212	(168)	5,073	224,759	1,076,482	(851,723)
37	1A-A - \$2,001 - \$50,000 Alterations Residential - Plan Review	100	388	(288)	13,467	1,342,918	5,222,637	(3,879,719)
38	1A-A - \$50,001 - \$200,000 Alterations Residential - Plan Review	509	1,062	(554)	1,513	769,781	1,607,330	(837,549)
39	1A-A - \$200,001 - \$500,000 Alterations Residential - Plan Review	1,121	2,578	(1,456)	347	389,118	894,481	(505,363)
40	1A-A - \$500,001 - \$1,000,000 Alterations Residential - Plan Review	2,241	4,983	(2,742)	75	168,083	373,723	(205,640)
41	1A-A - \$1,000,001 - \$5,000,000 Alterations Residential - Plan Review	4,716	7,085	(2,369)	23	108,477	162,956	(54,479)
42	1A-A - \$5,000,001 and above Alterations Residential - Plan Review	40,781	23,188	17,593	6	244,684	139,127	105,557
43	1A-A - \$1 - \$2,000 No Plan Permits	57	319	(262)	3,931	224,720	1,253,653	(1,028,933)
44	1A-A - \$2,001 - \$50,000 No Plan Permits	300	479	(180)	5,904	1,768,383	2,829,062	(1,060,679)
45	1A-A - \$50,001 - \$200,000 No Plan Permits	1,131	556	575	257	290,576	142,812	147,765
46	Subdivisions - DPW		2,132	(2,132)	200	-	426,406	(426,406)
47	1A-H Sign Permit - Up to 50 sf	20	46	(26)	29	580	1,333	(753)
48	1A-H Sign Permit - 51-100 sf	20	40	(20)	1	20	40	(20)
49	1A-H Sign Permit - 101-200 sf	20	46	(26)	14	280	647	(367)
50	1A-H Sign Permit - 201-400 sf	20	46	(26)	8	160	370	(210)
51	1A-H Sign Permit - Over 400 sf	20	46	(26)	12	240	554	(314)

**CITY AND COUNTY OF SAN FRANCISCO, CALIFORNIA**  
**Final Report on the Department of Building Inspection's User Fee Study**

FEE NO.	Fee Name	Total Current Fee / Deposit (\$)/Per Unit	Total Average Cost Per Unit (\$)	Surplus / (Deficit) per Unit (\$)	Annual Volume Performed	Revenue at Current Fee - Annual (\$)	Total Cost - Annual (\$)	Surplus / (Deficit) - Annual (\$)
52	1A-H Sign Permit - Ground Sign - Up to 100 sf	20	46	(26)	8	160	370	(210)
53	1A-H Sign Permit - Ground Sign - 101-600 sf	20	46	(26)	272	5,440	12,559	(7,119)
54	1A-H Sign Permit - Ground Sign - Over 600 sf	20	46	(26)	53	1,060	2,446	(1,386)
55	1A-J Building Numbers (Addressing)	17	213	(196)	604	9,996	128,497	(118,500)
56	1A-L Notices	17	26	(9)	1,199	19,843	30,831	(10,988)
57	Building Inspection - Housing Litigation Cases	-	347,122	(347,122)	1	-	347,122	(347,122)
<b>Subtotal</b>						<b>26,801,853</b>	<b>28,137,208</b>	<b>(1,335,355)</b>

**PLUMBING INSPECTIONS**

1	Category 1P single residential unit - water service, sewer replacement, single plumbing fixture installation, shower pan installation, or kitchen or bathroom remodels. includes 1 inspection	102	158	(56)	3,830	389,298	603,755	(214,456)
2	Category 1M single residential unit - mechanical gas appliance (furnace, hydronic heat, heat pump) includes 1 inspection	93	145	(51)	766	71,606	110,821	(39,215)
3	Cat 2PA - plumbing installation for residential construction with 2-6 dwelling units or guest rooms- w/o underground plumbing installation (includes water gas waste and vent) includes 2 inspections	152	259	(107)	887	134,689	230,037	(95,348)
4	Cat 2PB - plumbing installation for residential construction with 2-6 dwelling units or guest rooms- with underground plumbing installation (includes water gas waste and vent) includes 3 inspections	212	377	(166)	610	129,149	230,108	(100,959)
5	Cat 2M - mechanical gas appliances for residential construction with 2-6 dwelling units	140	292	(92)	313	43,784	72,713	(28,929)

**CITY AND COUNTY OF SAN FRANCISCO, CALIFORNIA**  
**Final Report on the Department of Building Inspection's User Fee Study**

FEE NO.	Fee Name	Total Current Fee / Deposit (\$)	Total Average Cost Per Unit (\$)	Surplus / (Deficit) per Unit (\$)	Annual Volume Performed	Revenue at Current Fee - Annual (\$)	Total Cost - Annual (\$)	Surplus / (Deficit) - Annual (\$)
	- includes 2 inspections							
6	Cat 3PA 7 - 12 dwelling units.	310	571	(261)	532	185,113	303,877	(138,764)
7	Cat 3PB 13 - 36 dwelling units	590	1,119	(530)	292	172,196	326,820	(154,624)
8	Cat 3PC over 36 dwelling units	2,466	4,801	(2,335)	34	83,858	163,236	(79,378)
9	Cat 3MA 7 - 12 dwelling units.	310	571	(261)	402	124,708	229,621	(104,914)
10	Cat 3MB 13 - 36 dwelling units	589	1,119	(531)	221	130,062	247,353	(117,291)
11	Cat 3MC over 36 dwelling units	2,533	4,801	(2,268)	25	63,321	120,026	(56,705)
12	Cat 4A fire sprinklers - one and two family dwelling units two inspections	91	139	(48)	574	52,131	79,967	(27,837)
13	Cat 4B fire sprinklers - multi-family dwellings, commercial and office - 1 inspection per floor	140	232	(93)	2,872	401,408	667,192	(265,783)
14	Cat 5P Office, mercantile & retail buildings: new or tenant improvements - per tenant or per floor	152	247	(95)	3,734	566,555	921,657	(355,103)
15	Cat 6P Restaurants	185	311	(126)	71	13,146	22,090	(8,944)
16	Cat 8 New Boiler installations over 200kbtu	210	256	(46)	338	70,980	86,526	(15,546)
17	Cat 9 Surveys	160	412	(252)	70	11,200	28,833	(17,633)
18	Complaints and NOV's (paid by inv fees)	307	645	(338)	707	216,815	456,094	(239,279)
19	Condo Conversions	-	363	(363)	422	-	153,093	(153,093)
20	Boiler maintenance program	35	51	(16)	4,204	147,145	214,007	(66,862)
	<b>Subtotal</b>					<b>2,987,164</b>	<b>5,267,826</b>	<b>(2,280,662)</b>
<b>ELECTRICAL INSPECTION</b>								
1	RES <10 OUTLET/DEVICES (1 INSP)	85	108	(23)	2,870	244,668	310,669	(66,002)
2	RES 10-20 OUTLET/DEVICES (2 INSPS)	85	238	(153)	2,870	244,668	683,474	(438,806)
3	RES 21-40 OUTLET/DEVICES (3 INSPS)	264	281	(17)	1,674	442,172	471,136	(28,964)



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	including AIMCO)							
4	RES >41 OUTLET/DEVICES & <5K SQ FT (4 INSPS)	264	413	(149)	1,453	383,796	600,537	(216,740)
5	RES 5K-10K SQ FT (5 INSPS)	20	590	(570)	473	9,460	279,278	(269,818)
6	COMM_OPN-COMMERCIAL OPENINGS FEE <6 (2 INSP)	111	141	(29)	1,169	130,051	164,503	(34,452)
7	COM 6-20 OUTLET/DEVICES (3INSP)	246	393	(57)	361	88,806	109,416	(20,610)
8	COMM >20 UP TO 2.5K SQ FT (4 INSP)	246	472	(226)	843	207,378	398,193	(190,815)
9	COMM 2.5-5K SQ FT (6 INSPECTIONS)	246	886	(640)	843	207,378	746,612	(539,234)
10	COMM 5K-10K SQ FT (8 INSPECTIONS)	246	1,378	(1,132)	361	88,806	497,347	(408,541)
11	COMM 10K-20K SQ FT (12 INSPECTIONS)	1,001	2,273	(1,272)	152	152,122	345,526	(193,404)
12	COMM 20K-30K SQ FT (18 INSPECTIONS)	1,001	3,031	(2,030)	75	75,060	227,319	(152,259)
13	COMM 30K-500k SQ FT (24 INSPECTIONS)	12,769	3,897	8,872	15	191,536	58,453	133,083
14	COMM 500K-1M SQ FT (110 INSPECTIONS)	19,144	12,557	6,587	2	38,287	25,114	13,173
15	COMM OVER 1m SQ FT (220 INSPECTIONS)	20	19,484	(19,464)	1	20	19,484	(19,464)
16	SURV-SURVEY FEE @ \$160 ea	160	197	(37)	139	22,240	27,357	(5,117)
17	GENR-GENERATOR FEE @ \$400 ea	420	295	125	12	5,040	3,543	1,497
18	FIRE_PUMP-FIRE PUMP FEE @ \$200 ea	220	295	(75)	3	660	886	(226)
19	HVAC-HVAC FEE @ \$91.25 ea	111	118	(7)	6	668	708	(41)
20	EQP-EQUIPMENT FEE under 800 amps @ \$91.25 ea	111	118	(7)	196	21,805	23,145	(1,340)
21	EQP-EQUIPMENT FEE 801-1600 amps @ \$200 Ea	220	179	41	2	440	358	82
22	EQP-EQUIPMENT FEE over 1600 amps @ \$1000 ea	1,020	276	744	2	2,040	551	1,489
23	TESTS-TESTS FEE @ \$160 ea	160	197	(37)	390	62,400	76,757	(14,357)
24	EXT_SIGN-EXTERIOR SIGNS @ 46.75 ea	67	87	(20)	262	17,489	22,689	(5,200)

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25	INT SIGN-INTERIOR SIGNS @ \$39 ea	59	108	(49)	63	3,717	6,820	(3,103)
26	RES DOOR-RESIDENTIAL ONLY DOOR OPENER @ \$30	30	49	(19)	682	20,460	33,557	(13,097)
27	EXB_WIR-EXHIBITION AND WIRING 1-100 @ \$62	82	108	(26)	87	7,134	9,417	(2,283)
28	EXB_WIR-EXHIBITION AND WIRING 101-200 @ \$91.25	111	162	(51)	14	1,558	2,273	(716)
29	EXB_WIR-EXHIBITION AND WIRING 101-200 @ \$226	246	216	30	50	12,300	10,825	1,475
30	QRTLY_FIL-QUARTERLY FILING @ \$65.25	65	197	(132)	105	6,851	20,665	(13,814)
31	LAGUNA HONDA (Work order)	71	197	(126)	1,607	114,270	316,279	(202,009)
32	PENALTY FEE (Complaint inspections)	244	197	48	720	175,996	141,705	34,290
33	#3R inspections (condo conversions)	-	197	(197)	422	-	83,055	(83,055)
34	Port Inspections (Work Order)	494	197	298	85	42,031	16,729	25,302
35	COMM 100K-500k SQ FT (48 INSPECTIONS)	2,570	162	2,408	15	38,547	2,423	36,124
<b>Subtotal</b>						<b>3,059,852</b>	<b>5,736,804</b>	<b>(2,676,952)</b>
<b>HOUSING DIVISION</b>								
1	Energy Reports & Certificates	10	19	(9)	3,189	31,890	61,538	(29,648)
3	Certification of Qualified Energy Inspector	-	807	(807)	13	-	10,496	(10,496)
4	1A-P Apartment House License Fee - 3 Units	47	69	(22)	14,349	675,814	992,309	(316,495)
5	1A-P Apartment House License Fee - 4-6 Units	35	40	(5)	35,360	1,239,697	1,422,257	(182,560)
6	1A-P Apartment House License Fee - 7-10 Units	28	25	3	15,190	418,923	376,867	42,057
7	1A-P Apartment House License Fee - 11-15 Units	23	16	8	20,405	476,476	319,299	157,177
8	1A-P Apartment House License Fee - 16-20 Units	24	11	12	9,477	226,435	108,873	117,562

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9	1A-P Apartment House License Fee - 21-30 Units	21	8	12	13,514	277,824	109,647	168,177
10	1A-P Apartment House License Fee - 30 + Units	12	3	8	39,576	457,372	130,617	326,755
11	1A-P Hotel License Fee - Less Than 20 Rooms	15	102	(88)	2,750	40,181	281,651	(241,470)
12	1A-P Hotel License Fee - 20-29 Rooms	9	9	(0)	3,053	27,020	28,327	(1,306)
13	1A-P Hotel License Fee - 30-39 Rooms	8	7	0	2,582	19,429	18,827	602
14	1A-P Hotel License Fee - 40-49 Rooms	7	5	3	2,505	18,236	11,770	6,466
15	1A-P Hotel License Fee - 50-59 Rooms	8	3	4	2,762	21,410	9,608	11,801
16	1A-P Hotel License Fee - 60-99 Rooms	6	1	5	8,863	56,765	10,874	45,891
17	1A-P Hotel License Fee - 100-149 Rooms	4	2	2	8,349	36,300	18,105	18,195
18	1A-P Hotel License Fee - 150-175 Rooms	4	3	0	3,062	10,978	9,960	1,018
19	1A-P Hotel License Fee - More than 175 Rooms	2	0	2	22,234	54,818	4,609	50,208
21	1A-K Building Official's Abatement Orders	-	1,557	(1,557)	281	-	437,606	(437,606)
23	1A-K Emergency Order	-	2,531	(2,531)	6	-	15,188	(15,188)
24	Annual Usage Report Filing Fee	49	62	(14)	416	20,202	25,861	(5,659)
25	HCO Permit to Convert	362	1,551	(1,189)	10	3,623	15,509	(11,887)
26	HCO Implementation	-	1,079	(1,079)	19	-	20,499	(20,499)
27	Inspection of R-3 Occupancy	-	2,158,388	(2,158,388)	1	-	2,158,388	(2,158,388)
30	Lead Penalties	1,051	998	53	54	56,743	53,890	2,853
32	Subordination Fees	295	1,346	(1,051)	5	1,475	6,732	(5,257)
33	Witness Fees	150	463	(313)	32	4,800	14,819	(10,019)
	<b>Subtotal</b>					<b>4,177,136</b>	<b>6,688,020</b>	<b>(2,510,884)</b>
<b>CUSTOMER SERVICES</b>								

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1	3R Reports	50	161	(111)	8,444	422,200	1,361,878	(939,678)
2	Microfilming	17	103	(86)	12,308	209,236	1,262,528	(1,053,292)
<b>Subtotal</b>						<b>631,436</b>	<b>2,624,405</b>	<b>(1,992,969)</b>
<b>FULL COST RECOVERY RATES PER DIVISION</b>								
1	Hourly Rate - Customer Services	80	118	(38)	1	80	118	(38)
2	Hourly Rate - Permit Services	80	135	(55)	1	80	135	(55)
3	Hourly Rate - Plan Review Eng/Mech	80	318	(238)	1	80	318	(238)
4	Hourly Rate - Plan Review Inspections	80	280	(200)	1	80	280	(200)
5	Hourly Rate - Building Inspections	80	153	(73)	1	80	153	(73)
6	Hourly Rate - Plumbing Clerical	80	114	(34)	1	80	114	(34)
7	Hourly Rate - Plumbing Inspections	80	213	(133)	1	80	213	(133)
8	Hourly Rate - Electrical Inspections	80	191	(111)	1	80	191	(111)
9	Hourly Rate - Electrical Clerical	80	97	(17)	1	80	97	(17)
10	Hourly Rate - Housing Inspections	80	174	(94)	1	80	174	(94)
11	Hourly Rate - Housing Clerical	80	92	(12)	1	80	92	(12)
<b>TOTAL - ALL SERVICES</b>						<b>37,657,440</b>	<b>48,454,264</b>	<b>(10,796,823)</b>

At full cost recovery, the potential additional revenue obtained from implementing these revised and/or additional fees for services is approximately \$10.8 million above what is currently collected for these services. However, in some cases, recovery of the full cost of providing each service may be limited by economic, policy and even State law limitations (as in the case of the California Public Records Act, for example). The remainder of this report provides a detailed discussion of the approach, methodology, and results of the Matrix Consulting Group's study.

## **2. LEGAL FRAMEWORK AND POLICY CONSIDERATIONS**

A "user fee" is a charge for services provided by a governmental agency to a public citizen or group. In California, several constitutional laws such as Propositions 13, 4 and 218, State Government Codes 66012 and 66014, and more recently the Attorney General's Opinion 92-506 set the parameters under which the user fees typically administered by local government are established and administered.

### **1. GENERAL PRINCIPLES AND PHILOSOPHIES REGARDING USER FEES**

Local governments are providers of many types of general services to their communities. While all services provided by local government are beneficial to constituents, some services can be classified as globally beneficial to all citizens, while others provide more of a direct benefit to a specific group or individual. The following table provides examples of services provided by local government within a continuum of the degree of community benefit received:

<b>Services that Provide General "Global" Community Benefit</b>	<b>Services that Provide Both "Global" Benefit and also a Specific Group or Individual Benefit</b>	<b>Services that Provide a Primary Benefit to an Individual or Group, with less "Global" Community Benefit</b>
<ul style="list-style-type: none"> <li>• Police</li> <li>• Park Maintenance</li> </ul>	<ul style="list-style-type: none"> <li>• Recreation / Community Services</li> <li>• Fire Suppression</li> </ul>	<ul style="list-style-type: none"> <li>• Building Permits</li> <li>• Planning and Zoning Approval</li> <li>• Site Plan Review</li> <li>• Engineering Development Review</li> </ul>

Funding for local government is obtained from a myriad of revenue sources such as taxes, fines, grants, special charges, user fees, etc. In recent years, alternative tax revenues, which typically offset subsidies for services provided to the community, have

become increasingly limited. These limitations have caused increased attention on user fee activities as a revenue source that can offset costs otherwise subsidized (usually) by the general fund. In the table above, services in the "global benefit" section tend to be funded primarily through voter approved tax revenues. In the middle of the table, one typically finds a mixture of taxes, user fee, and other funding sources. Finally, in the "individual / group benefit" section of the table, lie the services provided by local government that are typically funded almost entirely by user fee revenue.

The following are two central concepts regarding the establishment of user fees:

- **Fees should be assessed according to the degree of individual or private benefit gained from services.** For example, the processing and approval of a land use or building permit will generally result in monetary gain to the applicant, whereas Police services and Fire Suppression are examples of services that are essential to the safety of the community at large; and,
- **A profit making objective should not be included in the assessment of user fees.** In fact, California laws require that the charges for service be in direct proportion to the costs associated with providing those services. Once a charge for service is assessed at a level higher than the actual cost of providing a service, the term "user fee" no longer applies. The charge then becomes a tax subject to voter approval.

Therefore, it is commonly accepted that user fees are established at a level that will recover up to, and not more than, the cost of providing services.

## **2. GENERAL POLICY CONSIDERATIONS REGARDING USER FEES**

Undoubtedly, there are programs, circumstances, and services that justify a subsidy from a tax based or alternative revenue source. However, it is essential that jurisdictions prioritize the use of revenue sources for the provision of services based on the continuum of benefit received.

Within the services that are typically funded by user fees, the Matrix Consulting Group recognizes several reasons why a jurisdiction's staff or decision making authority

may not advocate the full cost recovery of services. The following factors are key policy considerations in setting fees at less than 100 percent of cost recovery:

- **Limitations posed by an external agency.** The State or other agency will occasionally set a maximum, minimum, or limit the jurisdiction's ability to charge a fee at all. Examples include Transportation Permits commonly issued by Public Works departments, many types of Police records and processing fees, as well as charging for time spent copying and retrieving public documents in the City Clerk's office.
- **Encouragement of desired behaviors.** Keeping fees for certain services below may provide a better compliance from the community. For example, if the cost of a permit for changing a water heater in a residential home is higher than the cost of the water heater itself, many citizens will avoid pulling the permit.
- **Affect on demand for a particular service.** Sometimes raising the "price" charged for services might reduce the number of participants in a program. This is largely the case in Recreation programs such as aquatics or sports leagues, where participants often compare the jurisdiction's fees to surrounding agencies or other options for leisure activities.
- **Participation for individuals or groups that typically cannot afford services.** Policy makers may decide to fully subsidize or set fees at a level that will allow participation for certain segments of the community, such as Senior programs.
- **Benefit received by user of the service and the community at large is mutual.** Many services that directly benefit a group or individual equally benefit the community as a whole. Examples include Recreation programs, Planning Design Review, historical dedications and certain types of special events, to name a few.

The Matrix Consulting Group recognizes the need for policy that intentionally subsidizes certain activities. The primary goals of a User Fee Study are to provide a fair and equitable basis for determining the costs of providing services, and assure that fees charged for services are in compliance with State law.

Once the full cost of providing services is known, the next step is to determine the "rate" or "price" for services at a level which is up to, and not more than the full cost amount. The Council or Board is responsible for this decision, which often becomes a



question of balancing service levels and funding sources. The placement of a service or activity within the continuum of benefit received may require extensive discussion and at times fall into a "grey area". However, with the resulting cost of services information from a User Fee Study, the Council or Board can be assured that the adopted fee for service is reasonable, fair, and legal.

### 3. METHODOLOGY AND APPLICATION OF RESULTS

The Matrix Consulting Group utilizes a cost allocation methodology, commonly known and accepted as the "bottom-up" approach to establishing User Fees. The term means that several cost components are calculated for each fee or service. These components then build upon each other to comprise the total cost for providing the service. The components of a the full cost calculations for the City and County of San Francisco's Department of Building Inspection's services are shown in the table below:

Cost Component	Description
Direct	Fiscal Year 2007/08 budgeted salaries, benefits and allowable departmental expenditures.
Departmental Overhead	Division and Department administration / management and clerical support.
City/County-wide Overhead	City and County costs associated with central service costs such as payroll, human resources, budgeting, City/County management, etc.
Cross-Departmental Support	Costs associated with review or assistance in providing specific services from other departments.
Off-budget items	Additional costs identified in support of the Building permit process that are allowable under State Government Code, including: <ul style="list-style-type: none"> <li>• Technology for acquisition, enhancement and replacement of for the Department's permitting operation.</li> </ul> These costs should be designated and set aside on an annual basis specifically for the purposes noted above.

The general steps utilized by the project team to determine allocations of cost components to a particular fee or service are:

- Develop time-estimates for each service included in the study;
- Calculate the direct cost attributed to each time estimate;
- Utilize the comprehensive allocation of staff time to establish an allocation basis for the other cost components; and,

- Distribute the appropriate amount of the other cost components to each fee or service based on the staff time allocation basis, or other reasonable basis.

The result of these allocations provides detailed documentation for the reasonable estimate of the actual cost of providing each service. The following are critical points about the use of time estimates and the validity of cost allocation models.

**1. TIME ESTIMATES ARE A MEASURE OF SERVICE LEVELS REQUIRED TO PERFORM A PARTICULAR SERVICE**

One of the key study assumptions utilized in the “bottom up” approach is the use of time estimates for the provision of each fee related service. Utilization of time estimates is a reasonable and defensible approach, especially since these estimates are developed by experienced staff members who understand service levels and processes unique to the City and County of San Francisco.

The project team worked closely with the Department of Building Inspection's staff in developing time estimates with the following criteria:

- Estimates are representative of average times for providing service. Extremely difficult or abnormally simple projects are excluded from the analysis;
- Estimates provided by staff are reviewed and approved by the department, and often involve multiple iterations before a Study is finalized;
- Estimates are reviewed by the project team for “reasonableness” against their experience with other agencies.

The Matrix Consulting Group agrees that while the use of time estimates is not a perfect approach, it is the best alternative available for setting a standard level of service for which to base a jurisdiction's fees for service, and it meets the requirements of California law.

The alternative to time estimating is actual time tracking, often referred to billing

on a "time and materials" basis. Except for in the case of anomalous or sometimes very large and complex projects, the Matrix Consulting Group believes this approach not to be cost effective or reasonable for the following reasons:

- Accuracy in time tracking is compromised by the additional administrative burden required to track, bill, and collect for services in this manner;
- Additional costs are associated with administrative staff's billing, refunding, and monitoring deposit accounts;
- Customers often prefer to know the fees for services in advance of applying for permits or participating in programs;
- Applicants may begin to request assignment of faster or less expensive personnel to their project;
- Departments can better predict revenue streams and staff needs using standardized time estimates and anticipated permit volumes.

Situations arise where the size and complexity of a given project warrants time tracking and billing on a "time and materials" basis. However, the Matrix Consulting Group discourages this practice whenever possible.

## **2. CROSS CHECKS ENSURE THE VALIDITY OF OUR ANALYTICAL MODEL**

In addition to the collection of time estimate data for each fee or service included in the User Fee Study, annual volume of activity data assumptions are also a critical component. By collecting data on the estimated volume of activity and estimated amount of revenue collected for each fee or service, a number of analyses are performed which not only provide useful information to departments regarding allocation of staff resources, but also provide valuable cross checks that ensure the validity of each cost allocation model. This includes assurance that 100% of staff resources are accounted for and allocated to a fee for service, or "other non fee" related category. Since there are no objectives to make a profit in establishing user fees, it is very

important to ensure that services are not estimated at a level that exceeds budgeted resource capacity. If at least and not significantly more than 100% of staff resources are accounted for, then no more than 100% of costs associated with providing services will be allocated to individual services in the Study.

### **3. INTERPRETATION AND APPLICATION OF THE STUDY'S RESULTS**

Many jurisdictions nationwide, including the City and County of San Francisco, use traditional sliding scale fee tables applied to project valuation calculations for establishment of building permit fees.

The results shown in Chapter 1 can be utilized to expand upon and update the Department's existing sliding fee tables so that they reflect up to, and not more than 100% cost recovery of services. To accomplish this, the Department of Building Inspection can utilize the results presented in this report to make the appropriate adjustments.

Other services included in this User Fee Study, such as Electrical, Plumbing, Sign, Housing, etc., can be identified and considered on a unit-by-unit basis, as "flat" or non-scaled fees for service.

## **4. CONCLUSION**

The motivation behind a cost of services (User Fee) analysis is for the jurisdiction to maintain services at a level that is both accepted and effective for the community, and also to maintain control over the policy and management of these services.

The display of 100 percent cost recovery levels for each fee in Chapter 1 is meant to provide a basis for policy development discussions, and does not represent a recommendation for where the City/County should set the "price" of each fee. The setting of the "rate" or "price" for services, whether at 100 percent full cost recovery or lower, is a decision to be made only by the necessary decision making authority, often in conjunction with input from Department staff. Common reasons for adopting fees at less than 100 percent of full cost recovery are presented in Chapter 2 of this report.

The presentation of results in this report are intended as summaries of extensive and voluminous cost allocation documentation for the Department of Building Inspection's analytical model. The full analytical results were provided to the Department's staff under separate cover from this summary report.

It should be noted that these results are not a precise measurement. Changes to the structure of fee names, along with the use of time estimates and annual volume and revenue estimates allow only for a reasonable projection of surpluses, subsidies and revenues. Consequently, the reader should rely conservatively upon these estimates to gauge the impact of implementation going forward, while, at the same time, remain confident that the data, conclusions, and results presented in this report represent the estimated, reasonable cost of providing the Department's fee related services.

## **ATTACHMENT A: SURVEY OF MARKET RATES AND FEES**

As part of a cost of services (fee study) for San Francisco's Department of Building Inspection, the Matrix Consulting Group worked with Solem and Associates (a San Francisco HRC certified subcontractor) to conduct a comparative survey of fee calculations for typical project sizes, as well as of general questions related to the administration of fees and cost recovery policy. The following is an outline for the survey, in accordance with the contract and proposed scope of work.

### **1. JURISDICTIONS INCLUDED IN THE SURVEY**

The City/County desired to compare itself against the following seven jurisdictions:

- San Diego
- Los Angeles
- San Jose
- Anaheim
- Oakland
- Seattle
- Sacramento

### **2. PROJECT TYPES AND SIZES FOR THE FEE COMPARISON SURVEY**

For the following scopes of work, we identified both the Plan Check and Building Permit (aka. inspection) fees, separately:

Type of Project	Size (s.f.)	Type of Construction	Other
Office Tenant Improvement	5,000	Existing Type I building	Include sprinklers
Retail Tenant Improvement	2,000	Existing Type V building	
Hi Rise Office Building – New Construction	120,000	Steel Frame Type I building	Include sprinklers
Hi Rise Residential Condominium Building – New Construction	150,000	Concrete Shear Wall Type I building	
Mixed Use Building – New Construction (podium construction)	Includes: 80,000 Residential 10,000 Retail 10,000 Parking Garage	Residential = Type V One-Hour Retail = Type V One-Hour Parking = Type I	Include sprinklers
Single Family Home – New Construction	Home = 2,400 Garage = 600	Type V building	
Single Family Home – Addition (Vertical or Horizontal)	1,000	Type V building	
Single Family Home – Remodel (bathroom and/or kitchen space)	Value of approx \$30,000	Type V building	

Important to note for this part of the survey was which plan review and inspections the permit fee covered. For example, did the fees provided cover building permits as well as mechanical, electrical, plumbing permits.

### 3. ADDITIONAL SURVEY QUESTIONS

In addition to a comparison of Plan Check and Building Permit fees for the project types and sizes listed above, Solem and Associates also surveyed the chosen jurisdictions on responses to the following questions pertaining to cost recovery practices, fees, and policies:

1. Do you charge a separate fee for Disabled access plan review and/or inspection? In addition to above fees, what other fees are assessed for these permits?



(such as application fee, filing fee, records fee, processing fees, etc.)

2. Do you use the valuation method to determine your permit fees? If not, what method do you use?
3. Has the jurisdiction's decision making body adopted a formal cost recovery policy for Building and Safety fees?
4. Do the Building and Safety fees for service recover for costs associated with technology improvements, records management, office space, code enforcement, review of subdivisions... etc.
5. What type of increase mechanism (CPI or otherwise) is utilized to update the Building and Safety fees for service and how often?
6. Does the jurisdiction increase multi-year project fees by a CPI?
7. Do you have premium express, or expedited plan review? If so, what are the related fees?
8. What is your hourly rate for additional services provided by inspectors, engineers, and support staff?

## 1. SUMMARY OF SURVEY

According to a major California cost management/cost estimating firm (Cumming Corporation), plan check and building permit fees are typically 2 to 2.5 percent of project cost. Some jurisdictions' fees can be higher if they had a sewer improvement bond recently that raised sewer fees. All information was received from San Diego, Los Angeles, Anaheim, Oakland, Seattle Sacramento and San Jose.

### 1. SUMMARY OF FEE COMPARISON RESULTS FOR EACH PROJECT TYPE AND SIZE

The following presents a summary of survey findings for plan check and building permit fees by project type listed in section 1.2 above:

- **Office Tenant Improvements:** Results were all over the board, ranging from \$2,000 to \$13,000. San Francisco's current fees are in the low end of this range, at \$3,469.
- **Retail Tenant Improvements:** Results were pretty close here, averaging about \$2,000 among all jurisdictions. San Francisco's current fees are the second to highest of jurisdictions responding for this project type, at \$4,149.
- **Hi Rise Office Building – New Construction:** Results varied greatly here, ranging from \$50,000 to \$400,000. Most jurisdictions submitted about a \$100,000 fee, while Oakland's jumped to \$400,000. San Francisco's current fees are in the middle of this range, at \$155,976.
- **Hi Rise Residential Condominium Building – New Construction:** Most jurisdictions were in the ballpark here, with a fee of about \$100,000. Again, Oakland submitted the highest fee at \$500,000. San Francisco's current fees are in the middle of this range, at \$174,417.
- **Mixed Use Building – New Construction (podium construction):** Everyone was in the ballpark again with about a \$50,000 average except for Oakland, at over \$200,000. San Francisco's current fees are in the middle of this range, at \$118,321.

- **Single Family Home – New Construction:** The average was about \$4,000 here. San Francisco's current fees are in the middle to low end of this range, at \$3,484.
- **Single Family Home – Addition (Vertical or Horizontal):** Everyone was in the ballpark here at about \$2,000. San Francisco's current fees fall in the middle of the range at \$2,603.
- **Single Family Home – Remodel (bathroom and/or kitchen space):** The average was about \$1,000. San Francisco's current fees are the lowest of the range, at \$517.

While determining fee calculations shown in the appendix to this report, Solem and Associates asked jurisdictions which plan review and inspections each permit fee covered. Responses indicated that these fees generally cover all inspections related to architectural, structural, energy and disabled access compliance.

Solem also asked each jurisdiction if the fee calculations included inspections and plan review fees related to mechanical, electrical and plumbing items. Most jurisdictions said that their plan check fees cover building mechanical, electrical and plumbing review in addition to architectural, structural, energy and disabled access. However, most building permit fees only cover inspections related to architectural, structural, energy and disabled access compliance. When jurisdictions were asked to provide a separate estimate for mechanical, plumbing, and electrical permit fees for each project type, data was not provided, except for in the case of San Jose. Surveyed jurisdictions felt it was too time intensive and cumbersome to try and estimate these fees, given that most of these jurisdictions base these permit fees on unit counts of fixtures, etc. per project.

## **2. SUMMARY OF RESULTS FOR ADDITIONAL SURVEY QUESTIONS**

The following is a summary of results for each additional question noted above in section 1.3 of this report, in the same numerical order:

1. Most jurisdictions do not charge a separate fee for Disabled Access plan review. Los Angeles, however, does. Other fees assessed could include Mapping Fee, General Plan Maintenance Fee, Hazmat Fee, and Permit Issuance Fee and/or a fee for parking facilities outside of buildings; floodplain approval/license fee; demolition/relocation fee; site review fee (hourly fees for certain employees that are drainage or geotechnical engineers); standard plans; factory built structures; single-family earthquake retrofits; swimming pools.
2. Most jurisdictions do use the valuation method. If not, jurisdictions generally either based their fees on the time it takes to perform each plan check and inspection or developed some type of development fee index (DFI) method.
3. Half of surveyed jurisdictions said yes, the other half said no to whether a formal recovery policy had been adopted.
4. All jurisdictions surveyed, except San Francisco, answered yes to whether their fees for service attempted to recover for costs associated with technology improvements, records management, etc.
5. Most jurisdictions review or update their rates by CPI or otherwise, annually.
6. Most jurisdictions do not increase multi-year project fees by a CPI or other adjustment factor. Fees may be modified to a current fee subtitle when the permit is not issued within 12 months of the start of the initial review unless there is reasonable and continuous progress on the completion of the permit requirements. Otherwise, the fees are based on the fee subtitle in effect at the time of application.
7. Most jurisdictions said they do have an expedited plan review service and the additional cost is 50% of the normal plan check fees they assess.
8. Hourly rates varied by jurisdiction, averaging about \$100. They start at \$75 and go up to \$165.

## 2. MATRIX OF PLAN CHECK AND BUILDING PERMIT FEE COMPARISONS BY PROJECT TYPE

The following table presents the detailed results of plan check and building permit fee responses for each jurisdiction included in the comparative survey:

JURISDICTION	PROJECT TYPE	SIZE	CONSTRUCTION TYPE	OTHER	PLAN CHECK	BUILDING PERMIT	TOTAL
San Diego	Office Tenant Improvement	5,000	Existing Type I building	include sprinklers	\$98	\$12,946	\$13,044
Los Angeles					\$986	\$1,095	\$2,081
Anaheim					\$1,996	\$1,205	\$3,201
Oakland					No breakout available	No breakout available	\$12,009
Seattle					No breakout available	No breakout available	\$8,994
San Jose					\$3,603	\$2,673	\$6,276
Sacramento					\$3,043	\$3,165	\$6,209
San Francisco -- Current Fees					\$1,310	\$2,159	\$3,469
San Diego	Retail Tenant Improvement	2,000	Existing Type V building		\$98	\$1,607	\$1,705
Los Angeles					\$572	\$635	\$1,207
Anaheim					\$792	\$485	\$1,277
Oakland					No breakout available	No breakout available	\$3,017
Seattle					No breakout available	No breakout available	\$3,100
San Jose					\$2,770	\$2,301	\$5,070
Sacramento					\$1,335	\$1,417	\$2,752
San Francisco -- Current Fees					\$1,031	\$3,118	\$4,149

**CITY AND COUNTY OF SAN FRANCISCO, CALIFORNIA**  
**Final Report on the Department of Building Inspection's User Fee Study**

JURISDICTION	PROJECT TYPE	SIZE	CONSTRUCTION TYPE	OTHER	PLAN CHECK	BUILDING PERMIT	TOTAL
	Hi Rise Office Building – New Construction	120,000	Steel Frame Type I building				
San Diego					\$98	\$70,910	\$71,008
Los Angeles					\$49,768	\$55,298	\$105,066
Anaheim					\$31,006	\$19,003	\$50,009
Oakland					No breakout available	No breakout available	\$399,406
Seattle					No breakout available	No breakout available	\$104,740
San Jose					\$10,410	\$21,344	\$31,754
Sacramento					\$80,784	\$80,940	\$161,723
San Francisco – Current Fees					\$61,958	\$94,019	\$155,977
	Hi Rise Residential Condominium Building – New Construction	150,000	Concrete Shear Wall Type I building				
San Diego					\$98	\$75,916	\$76,014
Los Angeles					\$56,232	\$62,480	\$118,712
Anaheim					\$31,133	\$19,081	\$50,214
Oakland					No breakout available	No breakout available	\$502,283
Seattle					No breakout available	No breakout available	\$108,115
San Jose					\$56,536	\$189,328	\$245,864
Sacramento					\$103,982	\$104,002	\$207,985
San Francisco – Current Fees					\$68,663	\$105,754	\$174,417
	Mixed Use Building – New Construction (podium)	Includes: 80,000 Residential 10,000 Retail	Residential = Type V One-Hour Retail = Type V One-Hour Parking = Type I				

CITY AND COUNTY OF SAN FRANCISCO, CALIFORNIA  
 Final Report on the Department of Building Inspection's User Fee Study

JURISDICTION	PROJECT TYPE	SIZE	CONSTRUCTION TYPE	OTHER	PLAN CHECK	BUILDING PERMIT	TOTAL
San Diego	construction)	10,000 Parking Garage					
Los Angeles					\$98	\$46,238	\$46,336
Anaheim					\$27,504	\$30,560	\$58,064
Oakland					\$28,118	\$17,233	\$45,351
Seattle					No breakout available	No breakout available	\$239,231
San Jose					No breakout available	No breakout available	\$58,430
Sacramento					\$42,975	\$94,474	\$137,449
San Francisco - Current Fees					\$44,501	\$44,870	\$89,371
					\$47,124	\$71,197	\$118,321
	Single Family Home - New Construction	Home = 2,400 Garage = 600	Type V building				
San Diego					\$98	\$4,472	\$4,570
Los Angeles					\$1,232	\$1,108	\$2,340
Anaheim					\$2,925	\$1,793	\$4,718
Oakland					No breakout available	No breakout available	\$8,903
Seattle					No breakout available	No breakout available	\$4,162
San Jose					\$1,891	\$2,131	\$3,962
Sacramento					\$1,095	\$2,003	\$3,098
San Francisco - Current Fees					\$1,372	\$2,112	\$3,484
	Single Family Home - Addition (Vertical or Horizontal)	1,000	Type V building				
San Diego					\$98	\$2,213	\$2,311
Los Angeles					\$621	\$690	\$1,311
Anaheim					\$1,103	\$676	\$1,779

**CITY AND COUNTY OF SAN FRANCISCO, CALIFORNIA**  
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JURISDICTION	PROJECT TYPE	SIZE	CONSTRUCTION TYPE	OTHER	PLAN CHECK	BUILDING PERMIT	TOTAL
Oakland					No breakout available	No breakout available	\$2,870
Seattle					No breakout available	No breakout available	\$2,568
San Jose					\$1,051	\$2,098	\$3,149
Sacramento					\$544	\$1,026	\$1,570
San Francisco – Current Fees					\$894	\$1,709	\$2,603
	Single Family Home – Remodel (bathroom and/or kitchen space)	Value of approx \$30,000	Type V building				
San Diego					No breakout available	No breakout available	\$1,009
Los Angeles					\$315	\$350	\$665
Anaheim					Charge on hourly basis (\$165.92/hr)	Charge based on number of inspections (\$131.60/inspection)	n/a
Oakland					No breakout available	No breakout available	\$1,891.80
Seattle					No breakout available	No breakout available	\$1,029.50
San Jose					No data provided	No data provided	No data provided
Sacramento					\$271	\$530	\$801
San Francisco – Current Fees						\$517	\$517



### 3. DETAILED RESPONSES TO ADDITIONAL SURVEY QUESTIONS

The following presents each surveyed jurisdiction's responses to additional survey questions presented by Solem and Associates:

1. **DO YOU CHARGE A SEPARATE FEE FOR DISABLED ACCESS PLAN REVIEW AND/OR INSPECTION? IN ADDITIONAL TO ABOVE FEES, WHAT OTHER FEES ARE ASSESSED FOR THESE PERMITS, SUCH AS APPLICATION FEE, FILING FEE, RECORDS FEE, PROCESSING FEES, ETC.?**
  - **San Diego:** No. Other fee examples include: Mapping Fee, General Plan Maintenance Fee, Hazmat Fee, and Permit Issuance Fee.
  - **Los Angeles:** There is a separate fee for disabled access plan review and inspection. There is also a fee for Energy review.
  - **Anaheim:** No, we do not charge a separate plan check and permit fee for reviewing plans and providing inspection on disabled access compliance. We do not have application, filling and processing fees. We do charge \$1 imaging fee per sheet of approved blue print.
  - **Oakland:** No. Application fee, filing fee, records fee and technology enhancement fee are included in the estimate.
  - **Seattle:** DPD does not charge a separate fee for disabled access plan review nor for it's inspections. The review and inspection of any code required accessibility upgrades would be done under the permit & plan review fees. However depending on the type of permit, there are a multitude of additional fees that may be incurred to apply for the permit (or for the permit to be issued) that may not be related to the fee based on valuation or may be in addition to the fee based on valuation. Some of those include: a fee for parking facilities outside of buildings; floodplain approval/license fee; demolition/relocation fee; site review fee (hourly fees for certain employees that are drainage or geotechnical engineers); standard plans; factory built structures; single-family earthquake retrofits; swimming pools. These additional fees are listed in Table D-2 of the fee subtitle.
  - **San Jose:** Disabled review and inspection is included, no separate fee. Records fee is also included.
  - **Sacramento:** Disabled access, NO. Technology Fee and General Plan Fee, Yes.

- **San Francisco:** Does not currently charge separate fees in this area.
- 2. **DO YOU USE THE VALUATION METHOD TO DETERMINE YOUR PERMIT FEES? IF NOT, WHAT METHOD DO YOU USE?**
- **San Diego:** Our fees are based upon the time it takes to perform the plan check and inspection for various project types
- **Los Angeles:** Yes. We use the valuation method to determine our building plan check and permit fees.
- **Anaheim:** No, we do not use the valuation method to determine our plan check and permit fees. Instead, our fees are based on square footage, occupancy and type of construction of the projects.
- **Oakland:** Yes.
- **Seattle:** Valuation method is based on the determination of a development fee index (DFI). The fees associated with the permit fee and plan review fee are based on the DFI. The DFI is based on a sliding scale and is shown in Table D-1 in the fee subtitle.
- **San Jose:** Service fees are based on several criterion attributed to the type and scope of the work proposed but fees are no longer associated with value. They are based on primarily the following:
  - Fee tables are separate for each of the categories of Commercial/Industrial, Multi-family, and Single Family.
  - Base fees are intended to compensate for hours spent of 80% of like projects based on historical data.
  - Additional fee increments added to a base fixed fee are proportional to the square feet of the area of work.
  - Criterion for the base hours assessed for single family detached work is based on the type of work. Multi-family hours assessed are based primarily on the number of units and the average size of each unit. Commercial/Industrial finish/alteration fees are modified by occupant use, while type of structural system modifies the assessment for the shell portion of a new commercial/industrial building.
- **Sacramento:** New Construction, Yes. Not new - Contractor Value.
- **San Francisco:** Currently uses the valuation method, and establishes their own

table based on the Marshall and Swift Construction indices.

**3. HAS YOUR DECISION MAKING BODY ADOPTED A FORMAL COST RECOVERY POLICY FOR BUILDING AND SAFETY FEES?**

- **San Diego:** Our department is an Enterprise Fund, so our fees must be cost recoverable.
- **Los Angeles:** Our fees are to recover the cost of work associated with plan check and permits. There is a separate surcharge to deal with technology improvements and building improvements to our construction services centers.
- **Anaheim:** Yes.
- **Oakland:** No.
- **Seattle:** The decision making body for DPD's fees is the City Council. There does not appear to be any formal cost recovery policy for Building & Safety fees.
- **San Jose:** The City Manager and Council expect proposed service fees to provide full cost recovery for the Building Division.
- **Sacramento:** No.
- **San Francisco:** The Building Fund is a Special Revenue fund and therefore established as a 100% cost recovering operation.

**4. DO THE BUILDING AND SAFETY FEES FOR SERVICE RECOVER FOR COSTS ASSOCIATED WITH TECHNOLOGY IMPROVEMENTS, RECORDS MANAGEMENT, OFFICE SPACE, CODE ENFORCEMENT, REVIEW OF SUBDIVISIONS, ETC.?**

- **San Diego:** Yes.
- **Los Angeles:** Building permit fees cover only work related to inspection. A separate fee covers technological improvements.
- **Anaheim:** Yes, it does. However, code enforcement and review of subdivision are under separate departments and they have their own fee structures.
- **Oakland:** Yes.
- **Seattle:** The permit and plan review fees do cover the costs associated with technology improvements, records management, office space. However, some code enforcement fees are recovered through the use of a "special investigation fee". This fee is added to permits that are associated with Notice of Violations. The fee is a stepped fee based on the value of the work and can be seen in

Table B-2. This analysis has not discussed any fees that would be incurred with Land Use permits for projects such as, administrative conditional uses, design review, SEPA, shoreline, short subdivisions, variances, council conditional uses, full subdivisions, and zoning map changes and rezones.

- **San Jose:** Building Division Service fees are intended to be based on hourly rates that are inclusive of our entire budget including overhead, though recent studies indicates the rates are undervalued. Code enforcement that is building code related and occurs within our Division is structured to charge the same type of fees as typical permit applications to achieve cost recovery. Division fees are not structured to subsidize other development services such as entitlements.
  - **Sacramento:** Yes.
  - **San Francisco:** Surcharges exist on alteration permits and apartment house and hotel license fees for such structures constructed prior to 1979. The surcharges are intended to fund lead abatement regulation.
5. **WHAT TYPE OF INCREASE MECHANISM (CPI OR OTHERWISE) IS UTILIZED TO UPDATE THE BUILDING AND SAFETY FEES FOR SERVICE AND HOW OFTEN?**
- **San Diego:** N/A
  - **Los Angeles:** Our fee schedule has not been changed in many years.
  - **Anaheim:** The hourly rates are reviewed on annual basis based upon our full cost recovery program.
  - **Oakland:** Annual fee schedule change.
  - **Seattle:** As discussed previously, the permit fee and plan review fee for new construction projects are based on determining the value of construction by determining the construction type and occupancy. Each construction type and occupancy would have a different value associated with it, multiplied by the square footage. This value is based on the Building Valuation Data (BVD). The current BVD is based on ICC August 2007 BVD and modified for the Seattle area to keep the fees in line with current market conditions by increasing the ICC BVD by 9%. This update is done once a year and is effective January 1.
  - **San Jose:** Service fees are based on estimated hours of service given fixed project parameters. Thus only a periodic review of historical data of time reported is required for updates.

- **Sacramento:** Valuation calculated based on ICC (ICBO/California UBC) tables. Updates must be adopted by City Council. Building Fees currently based on 2007 rates.
- **San Francisco:** The current fee schedule does not have an increase mechanism included.

**6. DO YOU INCREASE MULTI-YEAR PROJECT FEES BY A CPI?**

- **San Diego:** We are currently involved in a fee study, and we intend to include this factor as part of the fees.
- **Los Angeles:** The permit fee is assessed at the time of the permit issuance. This fee is the same regardless of the duration of the project.
- **Anaheim:** No.
- **Oakland:** No.
- **Seattle:** Fees may be modified to a current fee subtitle when the permit is not issued within 12 months of the start of the initial review unless there is reasonable and continuous progress on the completion of the permit requirements. Otherwise, the fees are based on the fee subtitle in effect at the time of application.
- **San Jose:** No
- **Sacramento:** No.
- **San Francisco:** No.

**7. DO YOU HAVE PREMIUM EXPRESS, OR EXPEDITED PLAN REVIEW? IF SO, WHAT ARE THE RELATED FEES?**

- **San Diego:** An initial fee of \$1,000, and an addition 50% added to the plan check fee.
- **Los Angeles:** The cost of expedited plan review service is 50% of the plan check fee for a project. That fee is used to pay for off-hour plan review.
- **Anaheim:** We do have expedited plan review service and the additional cost is 50% of the normal plan check fees we assess.
- **Oakland:** Expedited plan review is provided at \$173.00 per hr/1 hr min

- **Seattle:** DPD currently does not have any fees related to premium express or expedited plan review, although historically that has been an option that the fee subtitle allowed. However the current policy is that depending on the complexity of the project, some projects have an expedited review including STFI permits issued over the counter while the applicant waits at application, however no additional fees are paid for those reviews.
- **San Jose:** We have 4 primary types of review service:
  1. **Regular:** Normal fee based on 80th percentile of past reported time to review work proposed.
  2. **Minor:** Counter walk-in customer that requires minimal code review. 1/2 hour minimum charge with additional charge by the hour if required.
  3. **Express:** Review for one hour appointment. Fee initially assessed for one hour. Additional review time is charged by the hour. A 50% surcharge is applied to the initial assessment and any additional hours expended.
  4. **Intermediate:** As in Regular review, with a 50% surcharge applied to initial assessment and any additional hours expended. 1st cycle review period target reduced to 5 business days.

Note that though additional hours reported beyond those covered by the initial fee assessment are billable to the customer, for "Regular" review, additional fees are limited to the time spent after the 2nd hour of the 2nd cycle of review. This limitation does not apply to other review types.

- **Sacramento:** Yes - related fee = 1 1/2 Plan Review Fee.
  - **San Francisco:** Current fee for express plan review is 50% on top of the original plan review fee.
- 8. WHAT IS YOUR HOURLY RATE FOR ADDITIONAL SERVICES PROVIDED BY INSPECTORS, ENGINEERS, AND SUPPORT STAFF?**
- **San Diego:** \$99 for inspectors, \$144 for engineers.
  - **Los Angeles:** Our hourly fee for miscellaneous services such as revisions is \$75 per hour.
  - **Anaheim:** Our hourly rates for engineers (plan examiners), inspectors and support staff are \$165.92, \$131.60 and \$131.60, respectively.
  - **Oakland:** \$157/hour applies to inspector, \$173/hour applies to engineers and support staff.

- **Seattle:** The hourly rate for additional services is \$155/hour. This fee is the 'base fee', which many of the other fees are based on. Typically, when a project is required to be revised, the hourly fee is incurred to review the revised plan is based on the hourly fee. Also, the base fee is paid for inspection requests not during normal business hours.
- **San Jose:**

Code Review – All Staff:	\$191 per hour
Field Inspection	\$187 per hour
Permit Specialist Processing	\$114 per hour
- **Sacramento:**

Clerical:	\$50
Technicians:	\$75
Inspectors:	\$75
Plan Check:	\$85
- **San Francisco:** San Francisco's hourly rate for additional services is currently \$80.00 per hour.



<complaints@sfgov.org>

02/04/2009 12:19 PM

To <soft@sfgov.org>

cc

bcc

Subject Sunshine Complaint

Submitted on: 2/4/2009 12:19:35 PM

Department: S.O.T.F.

Contacted: President

Public\_Records\_Violation: Yes

Public\_Meeting\_Violation: Yes

Meeting\_Date: 1/27/09

Section(s)\_Violated: not

Description: For the record ; it is my belief the S.O.T.F. has - as a whole- deflected attention away from the core issues of my complaints that were filed in 2003 and 4/1/08.

That being "omitting public comment and corospondance" ... blatinly!

Thus again , feel I have been prejudice by the S.O.T.F.

This would also include the facts as follows.....

FIRST.....It has been my contention from 2002 the TXC has operating outside many laws, however there is evidents now that this started in 1999. None the less, as suggested by the S.O.T.F , in 2004,- these are not just minor Sunshine violates.

However, simular to the most recent S.O.T.F. determination they failed to explore the merits of the case.

SECOND.....In recent said date, the S.O.T.F. order a repesentive from the Taxicab commission to appear before the full S.O.T.F. The Taxicab Commission failed to adhere to the S.O.T.F. and the S.O.T.F. confirmed the fact and suggested, that, in itself was a violation of the Taxicab Commissiom. However the S.O.T.F. failed to mentioned or included these facts as part of their order of detemination issued 2/4/09.

THIRD.....The fact as follows:

- The Taxicab Commission failed to provide a written responce
- The Taxicab Commission failed to provide a representative on 1/27/09 as ordered by the S.O.T.F.
- The fact the S.O.T.F. worked out a -so called- arrangement with Jordanna Thigpen and the law... without my consent which I have yet to recive a copy of.

FOUTH.....Coupled with the following facts;

- The S.O.T.F. has repetedly failed to mention or address the "missing corospondance" that I've repetedly submitted to the Taxcab commission -for the expressed use in the Taxicab commission's P.C.& N. process.
- And failed to take any inisitive on it own time to examine the video of Feb. 13th 2006, (easily found with the specific times I provided)....which clearly shows -compaired with the minutes.



- 1.) Minutes do not reflect what the speakers say.
- 2.) Six (6) public speakers missing from the minutes.
- 3.) Public correspondence submitted by myself for P.C. & N. not inclusive / can not be found by the Taxicab commission staff. .
- 4.) Nor have any corrections ever been offered.
- 5.) While one question was asked of me on 1/27/09 about the 150 word attachments.

FITH.....It was mentioned on 1/27/09 by the S.O.T.F. that the TXC days are numbered, however it does not preclude them from their responsibility's, nor do I believe... should it your's.

Hearing: Yes

Pre-Hearing: No

Date:

Name: Peter Witt

Address: [REDACTED] St

City: San Francisco

Zip: 94123

Phone: (415) [REDACTED]

Email: [REDACTED].net

Anonymous:

Confidentiality\_Requested: Yes



PETER WITT  
[redacted]@sbcglobal.net>

02/02/2009 10:52 AM

Please respond to  
wittup@sbcglobal.net

To sotf@sfgov.org

cc

bcc

Subject Ref. Case # 08053

To the S.O.T.F.

2/2/09

From Peter Witt

(Exhibit A.)

Ref. Case # 08053

Attached below .... is a e-mail from Mr. Jim Kennedy (WWII vet) which corroborates the extent and seriousness of this case as it relates to the charges listed below, that also appear in my preveous 4/1/ 08 complaint that re-appear in my most recent complaints inwhich, on Jan 27th 2009, the full S.O.T.F. failed to address.

- 1.) Misrepresentation of the minutes by the TXC's Executive Director -Heidi Machen(HM) 2005-2007- of statements given by the public.
- 2.) Exclusion of written statements and/or documents by the TXC's Executive Director (HM) from the minutes, submitted by the public.
- 3.) Deletion of public testimony by the TXC's Executive Director (HM).
- 4.) Knowingly failed to correct minutes.
- 5.) Knowing failed to disseminate or retain public information by the TXC's Executive Director (HM) as it relates to "public processes".
- 6.) Failed to grant request for information -if so- TXC's Executive Director (HM) in a responsible or timely manner.

--- On Sun, 2/1/09, [redacted]@aol.com <[redacted]@aol.com> wrote:

From: [redacted]@aol.com <[redacted]@aol.com>

Subject: Re: Meeting about forming a real union.

To: [redacted]@sbcglobal.net

Date: Sunday, February 1, 2009, 10:41 PM.

Hi Peter.....

I'm getting a little too old to write letters to the Sunshine Task Force, Etc...But, you can use this email to verify that I did on two or three occasions present in writing "for insertion into the minutes" letters of 150 words or less....I do not believe that any of those letters were inserted into the minutes....or acknowledged that I had made the requests in any of the printed minutes....If I had to go to a court of law to verify those requests. I would have to review the "tapes:"

of the meetings first... Which would be a monumental task.....since my requests for insertion was made over a number of years that Heidi Machen was in charge...

My main reason for requesting the insertion of memo's was for reference in any legal actions in the future....I can remember one instance where I had to appear before the Taxi Commission on about 3 or 4 different occasions requesting the the Taxi Commission Office return my "way-bills" for the previous year. I eventually had to hold up for the SFGOVTV "cameras" at one meeting a DVD tape which I advised contained excerpts from 3 previous meetings where I made the request to return my way-bills...The waybills were finally returned the following week after I made the "dramatic TV request". I believe I had previously submitted a written 150 word request at previous meetings. (which was not mentioned or included in the minutes)...

signed/Jim Kennedy, February 1, 2009.....

-----Original Message-----

From: PETER WITT <[REDACTED]@sbcglobal.net>

To: [REDACTED]@aol.com

Sent: Sat, 31 Jan 2009 6:34 pm

Subject: Meeting about forming a real union.

Hey Mr. Kennedy .....

If you could write a letter to the Sunshine Task Force to confirm/coroborate the FACT that the TAXI commiss never has entered your memos into the minutes .

IT WOULD HELP , my case. (their lame too , BUT BETTER) thanks.

P.S. ....scuttle butt is , Heinikie is and a roll and after our medillions AGAIN.

Holding a meeting for all drivers, at the Ramp, (off of mariposia St), 1:00 pm Sunday Feb. 8th.  
roce

---

Great Deals on Dell Laptops. Starting at \$499.



PETER WITT  
<[REDACTED]@sbcglobal.net>

02/03/2009 03:29 PM

Please respond to  
wittup@sbcglobal.net

To soft@sfgov.org

cc

bcc

Subject Ref. Exhibit "B" ....

To the S.O.T.F. 2/3/08

From Peter Witt  
To the (S.O.T.) Force,  
W/ref. to ; Requests to the TXC .... "NOT" granted

PLEASE NOTE SIX FACTS....

- The Taxicab commissiom "TXC" minutes are missing from 1999 to mid May 2000.  
(Written and/or recorded records are incomplete and wide gaps appear)
- The TXC's can not account for their annual P.C.& N findings, for the year 1999, 2000, 2001, 2002 and 2004 ...as I've only recently discovered. And the TXC has failed to hold a 2008 P.C.&N hearing as required (by law).
- I have not received the log of withheld 150 statements excluded from from the TXC minutes, as previously requested.
- I have not recieved a log of reselutions from 1999 to 2001, as previously requested,.
- I have not received a copy or cost, of the one customer survey, in which the TXC claims to have on record for 2004 for P.C.& N.,as previously requested.
- I have not seen the "Aug.26th 2003" tape which I requested be available to the S.O.T.F. at the Jan.27th 2009 hearing.  
(\* ) Noting a early a pattern of "Excutive Director abuse", such as, **not** sumerizing or omitting public comment from the record, that includes, " withholding or distroyed public corropsondence intended for government/public use, and /or TXC's annual P.C.&N. hearings.

Attached below .....< "Exhibit B" >.....is the responce, to my requests.

--- On Mon, 1/26/09, PETER WITT <[REDACTED]@sbcglobal.net> wrote:  
From: PETER WITT <[REDACTED]@sbcglobal.net>  
Subject: Re: Request for info.  
To: "Tamara Odisho" <Tamara.Odisho@sfgov.org>  
Date: Monday, January 26, 2009, 9:55 AM

None of the material has been received ...as was requested (last year). Please specify what you are talking about? If there are missing documents please... reiterate.

Also with reference to the two studies, in 2003, from the controller's office. I have yet to receive a response about them. The ones that do not appear on line.

Thank you, Peter

--- On Mon, 1/26/09, Tamara Odisho <Tamara.Odisho@sfgov.org> wrote:

From: Tamara Odisho <Tamara.Odisho@sfgov.org>

Subject: Re: Request for info.

To: [REDACTED]@sbcglobal.net

Cc: "TXC" <sftaxi.commission@sfgov.org>, softf@sfgov.org

Date: Monday, January 26, 2009, 9:41 AM

Dear Mr. Witt:

The Taxi Commission has received your request. Some of the material you request has already been submitted to you by this office last year. In order to research this information for you again, it will take time since all of the requested information is located at an offsite storage facility.

Thank you,  
Tamara Odisho Benjamin  
Outreach Coordinator & Executive Assistant  
San Francisco Taxi Cab Commission  
25 Van Ness Avenue, Suite 420  
San Francisco, CA 94102  
415.503.2180  
415.503.2186 fax

Please consider the environment before printing this email.

P [REDACTED] ITT  
<[REDACTED]@sbcglobal.net>

To

<sftaxi.commission@sfgov.org>,

TXC

01/23/2009 03:45

TXC

<Tamara.Odisho@sfgov.org>

PM

cc

sotf@sfgov.org

Subject

Please respond to  
wittup@sbcglobal.  
net

Request for info.

To the TXC , 1/23/09  
From Peter Witt

Ref. Request for the following .....

1.) The 1999, 2000, 2001, 2002 P.C.& N. findings.

2.) A copy of "ALL" 150 word (or less) , statements submitted,  
that have  
"NOT" been entered into the minutes. I repete> ALL<  
statements that do  
not appear in the minutes.

3.) A log of the TXC resolutions, between March Of 1999 to end  
of Feb  
2001.

4.) A list of the number of "customers surveys" received by TXC  
by  
the  
year /number of pages including any and all reports refering to  
" Taxi

Service in S.F."

To be presented at the S.O.T.F. hearing, on the 27th of Jan  
2009.

Thank you, Peter Witt