BIC Regular Meeting of August 16, 2023

Agenda Item 8
DRAFT MINUTES

1. The regular meeting of the Building Inspection Commission was called to order at 9:05 a.m.
Call to Order and Roll Call.

COMMISSION MEMBERS PRESENT:
   Alysabeth Alexander-Tut, Interim President
   Evita Chavez, Commissioner
   Bianca Neumann, Commissioner
   Earl Shaddix, Commissioner
   Angie Sommer, Commissioner
   Kavin Williams, Commissioner

   Sonya Harris, Secretary
   Monique Mustapha, Assistant Secretary

D.B.I. REPRESENTATIVES:
   Patrick O’Riordan, Director
   Christine Gasparac, Assistant Director
   Matthew Greene, Acting Deputy Director, Inspection Services
   Neville Pereira, Deputy Director, Plan Review Services
   Alex Koskinen, Deputy Director, Administrative Services
   Carl Nicita, Legislative & Public Affairs Manager

CITY ATTORNEY REPRESENTATIVE:

   Robb Kapla, Deputy City Attorney
2. Discussion and possible action to elect an Interim President of the Building Inspection Commission.

Public Comment:

Mr. Juan Garcia from SRO Families United Collaborative made a comment on this item, unfortunately the microphone did not capture and the comment was not recorded.

Commissioner Alexander-Tut nominated herself, Commissioner Chavez and Commissioner Williams to be the Interim President of the Building Inspection Commission (BIC).
Commissioner Neumann nominated Commissioner Alexander-Tut for Interim President of the BIC.
Commissioner Shaddix nominated Commissioner Alexander-Tut for Interim President of the BIC.
Commissioner Sommer nominated Commissioner Alexander-Tut for Interim President of the BIC.

There were no other nominations.

*There was a motion to nominate Commissioner Alexander-Tut as the Interim President of the Building Inspection Commission, which was seconded by Commissioner Neumann.*

Assistant Commission Secretary Mustapha Called for a Roll Call Vote:

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<th>Commissioner</th>
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<tr>
<td>Commissioner Alexander-Tut</td>
<td>Yes</td>
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<td>Commissioner Chavez</td>
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<td>Commissioner Neumann</td>
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<td>Commissioner Sommer</td>
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<td>Commissioner Williams</td>
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*The motion carried unanimously.*

**RESOLUTION NO. BIC 044-23**

3. General Public Comment: The BIC will take public comment on matters within the Commission’s jurisdiction that are not part of this agenda.

There was no general public comment.

4. Director’s Report.

   a. **Director’s Update [Director O’Riordan]**

Director O’Riordan presented and discussed the following points:

   * The Director congratulated Interim President Alexander-Tut on her election and welcomed new Commissioners Evita Chavez and Kavin Williams.
• The Director thanked Commission Secretaries Sonya Harris and Monique Mustapha for their efforts to promote the Well-Being initiatives at DBI and for being recognized by the City program.

Director O’Riordan made the following points in regards to permitting times:

• Three years ago when the Director began his role, the Department set out to change the way business was conducted.

• An effort to prioritize reforming initiatives that would improve transparency and ensure the Department held itself to the highest ethical standards.

• Tremendous strides were made with those reforms which were formalized with the City Controller and overseen by DBI Compliance Manager Christopher Vergara, whose position was created the year before.

• New metrics were established and instituted a rigorous data analysis to identify key areas to improve operations with Megan Wall Shui leading the effort as Principal Data Analyst. Ms. Wall Shui did an incredible job of creating dashboards and other data tools to help make data driven improvements.

• A new Deputy Director of Permit Services was hired and laid out a plan to improve the department’s processes.

• Some improvements were fruitful immediately, but for a number of reasons including a backlog caused by Covid, the seasonal nature of the work and lagging indicators made it take longer to see how well the Department was doing.

Director O’Riordan said he looked forward to sharing the Departments accomplishments and he thanked the staff for all of their work and willingness to embrace the changes.

b. Update on major projects.

Director O’Riordan gave an update on major projects for June 2023 as follows:

• Major projects are those with valuation of $5 million or greater filed, issued, or completed.
  • 1 permits filed
  • $59.6 million in valuation
  • 168 net units

• Major projects with permits issued.
  • 3 issued
  • $69.8 million in valuation
  • 90 net units

• Major projects with Certificate of Occupancy
  • 8 issued
  • $136.2M million in valuation
  • 225 net units
c. Update on DBI’s finances.

Deputy Director of Administrative Services Alex Koskinen gave an update on the Department’s June 2023 finances as follows:

Revenues:
- 100% of the year had elapsed
- Total year revenue project to be 7% below budget

Expenditures:
- Total expenditure budget was 81% spent year-to-date (YTD)
- Expecting many additional outstanding invoices
- Final accounting would be provided September 2023

Permits:
- YTD permits were 7% lower than the prior year
- YTD valuation was 10% lower than last year

Mr. Koskinen said the budget was in the full Board phase and the Budget and Finance Committee had done their part and the budget moves to the Mayor for signature in which at that phase very few changes would be made.

Mr. Koskinen said the budget that was submitted to the BIC in February 2023 was largely what was approved in the final budget with a notable exception that the Community Based Organizations (CBO) grants were restored to the budget during the Board of Supervisor phase, less about sixty thousand dollars.

Mr. Koskinen said the mechanism the funds were added back to DBI’s budget was a transfer from the General Fund and DBI would receive an ongoing annual transfer of $4.8 million from the General Fund and the Department had informed the CBO’s.

Commissioner Williams said could Mr. Koskinen explain the projections section of the budget.

Mr. Koskinen explained the department for example would talk with permitting staff and revenue team and then estimate what has been happening and what may happen based on what has been happening. He said there was some seasonality and timing factors for example every three years at the end of the calendar year the Building Code has an update which would cause lots of permit submittals to go in under the old rules.

Mr. Koskinen said the department projected an eighteen percent decrease to the budget and assumed less demand for services.

Commissioner Chavez asked what were the impacts of that deficit and how would the deficit be remedied?

Mr. Koskinen said during the construction boom of 2010 the department was able to create a reserve fund balance and in short that would be how the deficit would be remedied.

Interim President Alexander-Tut asked for the timeline of the budget meetings from July 2023 until the BIC’s February budget meetings.

Mr. Koskinen said for Fiscal Year 2024 an across the board fifteen percent fee increase was applied and there was an Ordinance making its way through legislation that was attached to the budget which means...
the department's fees would increase September 1, 2023.

Mr. Koskinen said the department was in the middle of a fee study reviewing department cost and to assign those cost to various fees that the department charges and the results of the study were expected to publish in the fall of 2023.

d. Update on proposed or recently enacted State or local legislation.

Legislative Affairs Manager Carl Nicita gave an update on recently enacted State or local legislation as follows:

File No. 230371: Ordinance amending the Planning Code to facilitate residential uses Downtown by authorizing the conversion of non-residential uses to residential use in C (Commercial) zoning districts; and facilitate residential adaptive reuse by amending the Building Code to add standards for adaptive reuse of non-residential buildings.

File No. 230447: Ordinance amending the Building and Planning Codes to create a temporary amnesty program for unpermitted awnings that streamlines the application process to legalize awnings, waives applicable fees, and confers legal nonconforming status for awnings that do not comply with the Planning Code.

File No. 230374: Ordinance amending the Building Code to outline the site permit application process, define and limit the scope of Building Official review of site permits, and require simultaneous interdepartmental review of site permits.

File No. 230559: Ordinance amending the Planning, Building, and Fire Codes to codify the annual waiver of awning replacement fees and awning sign fees applied for during the month of May, to annually waive fees for Business Signs and new awning installations applied for during the months of May 2023 and May 2024, and to indicate that the Planning Code, Building, and Fire Code waivers are keyed to permit application in May rather than permit issuance in May.

File No. 230764: Ordinance amending the Planning Code to change the way that the City sets, imposes, and collects the various development impact fees that are required; and amending the Building Code to allow payment of development impact fees, with the exception of fees deposited in the Citywide Affordable Housing Fund, to be deferred until issuance of the first certificate of occupancy and repealing the fee deferral surcharge.

File No. 230703: Ordinance amending the Electrical Code to require electrical and communications work installations be performed by contractors with specific certifications under the California Labor Code; and affirming the Planning Department’s determination under the California Environmental Quality Act.

AB 1114 (Supervisor Haney): making post-entitlement permits non-discretionary (ministerial). Status Passed Assembly. With Senate Appropriations committee.

e. Update on Inspection Services.

Acting Deputy Director of Inspection Services Matthew Greene presented the following Building Inspection Division Performance Measures for June 1, 2023 to June 30, 2023:

- Building Inspections Performed: 5,329
- Complaints Received: 422
Acting Deputy Director of Inspection Services Matthew Greene presented the following Building Inspection Division Performance Measures June 1, 2023 to June 30, 2023:

- Housing Inspections Performed 899
- Complaints Received 387
- Complaint Response within 24-72 hours 374
- Complaints with Notice of Violations issued 130
- Abated Complaints with NOVs 334
- # of Cases Sent to Director's Hearing 45
- Routine Inspections 114

Acting Deputy Director of Inspection Services Matthew Greene presented the following Building Inspection Division Performance Measures for June 1, 2023 to June 30, 2023:

- # Housing of Cases Sent to Director’s Hearing 66
- # Complaints of Order of Abatements Issues 15
- # Complaint of Cases Under Advisement 5
- # Complaints of Cases Abated 102
- Code Enforcement Inspections Performed 577
- # of Cases Referred to BIC-LC 1
- # of Case Referred to City Attorney 1

Acting Deputy Director of Inspection Services Matthew Greene said Code Enforcement Outreach Programs are updated on a quarterly as follows for the 4th quarter:

- # Total people reached out to 41,567
- # Counseling cases 486
- # Community Program Participants 7,416
- # Cases Resolved 321

Commissioner Williams asked what was a routine inspection for a multi-family and was it distinguished from other inspections.

Acting Chief Director of Building Services Matthew Greene said apartment homes consist of 3-units or more pay an annual apartment license fee which funds the inspections and a routine inspection should be done once every five years and performed by Housing Inspection Services and limited to the common areas of the building such as hallways, fire escapes, rear stairs, storage rooms, etc. The inspectors do not enter the units and the other inspections performed by Housing Services would be complaint responses that were generally tenant complaints which could be in the common areas or sometimes inside the units.
for maintenance issues.

Interim President Alexander-Tut said what was the routing of the inspections for plumbing, electrical, and building which percentages came from complaints, were part of the permit process and was Code Enforcement included.

Mr. Greene said the majority of complaints were construction complaints and ongoing construction projects. The Department has a complaint investigation team that follows up on complaints from neighbors that may have an active permit or non-active permit complaints.

Commissioner Chavez said were the outcomes of each case tracked.

Mr. Greene said he would be able to get that data for the commission at a later date and mostly if the inspector determined the complaint to be valid it turns into a Notice of Violation (NOV) and would face the Code Enforcement process.

Public Comment:

Mr. Jerry Dratler said he would like to see the monthly permit schedule modified to include the average permit fee for each of the ten lines for 2023 and 2022. Next, Mr. Dratler said DBI’s failure to implement the Controller’s recommendation to lock down the permit tracking system, to prevent employees from altering the systems records was inconsistent with DBI’s actions to root out corrupt behavior.

Mr. Dratler said the City Controller’s office was required to issue a formal evaluation of the new budget and encouraged the Commissioner’s to read the report to understand the city’s current and future budget crisis. He said the Mayor took about $640 million in reserves to balance the budget which meant the Mayor avoided the structural changes needed to adjust the city’s cost structure to the new operating reality.

5. Discussion and possible action regarding Board of Supervisors Ordinance (File No. 230559-2) amending the Planning, Building, and Fire Codes to codify the annual waiver of awning replacement fees and awning sign fees applied for during the month of May, in addition to other requirements.

Legislative Affairs Manager Carl Nicita made the following points on the background of the awning legislation:

- Earlier in 2023 Supervisor Engardio sponsored an Ordinance to codify an annual awning fee waiver for small businesses every May, which was small business month in San Francisco.
- The legislation waived permit fees for small businesses that applied in May to replace an awning and waived permit fees for new awning installation for a two-year limited period retroacted to May 2023 and May 2024. Was signed by the Mayor and in effect.
- New awning amnesty program created a temporary amnesty awning program for unpermitted awnings that streamlined the application process to legalize awnings and waive applicable fees through June 2024.

Mr. Nicita said also on the list for the Commissions consideration and recommendation to the Board of Supervisors was a duplicate of the first May Small Business Awning Fee Waiver would add a fee waiver for new installations of business signs.
Mr. Nicita said the Code Advisory Committee letter from their June 12, 2023 meeting stated it recommended approval of the Ordinance if amended to require reimbursement of fees waived by DBI through the city’s General Fund.

Ms. Tita Bell, Legislative Aide to Supervisor Engardio, presented the following points:

- The Ordinance was a continuation of Supervisor Engardio’s offices effort to expand the small business month promotional program to support and incentivize small business beautify their storefronts and make modifications to revitalize their business.
- The update was to add one more waiver to the program to include all business signs applied for by a small business.
- The addition was recommended by the Planning Department.

There was no public comment.

*Commissioner Shaddix made a motion, seconded by Commissioner Chavez, to recommend approval of the Ordinance File No. 230559-2 with the recommendations from the Code Advisory Committee.*

Assistant Commission Secretary Mustapha Called for a Roll Call Vote:

Commissioner Alexander-Tut   Yes
Commissioner Chavez   Yes
Commissioner Neumann   Yes
Commissioner Shaddix   Yes
Commissioner Sommer   Yes
Commissioner Williams   Yes

*The motion carried unanimously.*

**RESOLUTION NO. BIC 045-23**

6. Discussion and possible action regarding Board of Supervisors Ordinance (File No. 230764) amending the Planning Code to 1) modify the annual indexing of certain development impact fees, with the exception of inclusionary housing fees; 2) provide that the type and rates of applicable development impact fees, with the exception of inclusionary housing fees, shall be determined at the time of project approval; 3) exempt eligible development projects in PDR (Production, Distribution, and Repair) Districts and the C-2 (Community Business) District from all development impact fees for a three-year period; 4) allow payment of development impact fees, with the exception of fees deposited in the Citywide Affordable Housing Fund, to be deferred until issuance of the first certificate of occupancy; and 5) adopt the San Francisco Citywide Nexus Analysis supporting existing development impact fees for recreation and open space, childcare facilities, complete streets, and transit infrastructure and making conforming revisions to Article 4 of the Planning Code; amending the Building Code to allow payment of development impact fees, with the exception of fees deposited in the Citywide Affordable Housing Fund, to be deferred until issuance of the first certificate of occupancy and repealing the fee deferral surcharge, in addition to other requirements.
Legislative Affairs Manager Carl Nicita said File No. 230764 had both Building and Planning Code amendments and the Code Advisory Committee made a unanimous recommendation to the BIC to recommend the Ordinance to the Board of Supervisors for approval.

Chief of Staff at the Planning Department Daniel Sider presented the following points:

- The Ordinance was introduced by Mayor Breed to lessen the financial burden of the impact the fees that are assessed on housing.
- The goal was to increase the production of housing to stimulate the job creation and grow the economy.
- For the most part the legislation was to change the Planning Code however there were changes to the Building Code as well.
- The legislation was only dealing with development impact fees not application fees.
- Every year impact fees increase and are indexed by what was called the Annual Infrastructure Construction Cost Inflation Estimate (AICCE).
- The third change would boost the industrial and cultural base by providing a 3-year fee holiday for two kinds of projects: Hospitality located in the north east side of the city and larger retail or industrial projects on underdeveloped lots in industrial zoned neighborhoods.
- The changes to the Building Code relate to the building fee deferral program. During the Great Recession between 2010 and 2013 the city created an impact fee deferral program where instead of requiring fees to be paid at the time of construction document issuance a deferral was allowed of those fees until immediately before occupancy.
- The city Economic Recovery Task Force recommended the fee deferral program be reinstated and there would be two changes to the program: first, eliminate the programs assessment of interest and not allow housing impact fees related to affordable housing to be included in the deferral.

Director of Joint Development with the Office of Economic and Workforce Development Anne Taupier presented the following points:

- The legislation was introduced by Mayor Breed and Board of Supervisor’s President Peskin on June 27, 2023 and was part of the fee reform package.
- By reforming the way fees were escalated and when they were assessed the legislation would provide certainty and predictability for builders advancing projects as well as for city staff for budgeting fee revenue. It would also help improve the financial feasibility by not subjecting projects to fee escalation after projects had been approved.
- The fee deferral program was recommended as one tool the city could make available for the city’s economic recovery. More projects moving forward meant more jobs, tax revenue, economic growth and stability for the city.

The Board had extensive discussion with Mr. Sider and Ms. Taupier regarding File No. 230764. There was no public comment.

Commissioner Shaddix made a motion, seconded by Commissioner Neumann, to recommend approval of File No. 230764.
Assistant Commission Secretary Mustapha Called for a Roll Call Vote:

Commissioner Alexander-Tut  Yes
Commissioner Chavez  Yes
Commissioner Neumann  Yes
Commissioner Shaddix  Yes
Commissioner Sommer  Yes
Commissioner Williams  Yes

The motion carried unanimously.

RESOLUTION NO. BIC 046-23

7. Discussion regarding data on permitting times. (Continued from the June 21, 2023 meeting.)

Chief Building Inspector of Plan Review Services Mark Walls introduced himself and said he was available for questions.

Principal Data Analyst Megan Wall Shui presented the following points:

- Highlights of DBI Permit Review Improvement initiatives
- DBI has two channels for Permit Review Performance Reporting: a number of metrics were published through the Controller’s Office City Performance Program and housing specific metrics the department reported on as part of the Housing for All Executive Directive

Commissioner’s Questions and Comments:

Commissioner Shaddix asked regarding the in-house plan recheck how many people had gone through the recheck and of those how many had to be checked again.

Ms. Walls Shui and Mr. Walls both said they did have the data on those recheck turn-around.

Commissioner Shaddix said he wanted to commend the Department for having the recheck window.

Commissioner Williams asked a few questions beginning with the information regarding the median days to issue-housing related permits by issuance year. He said when was the fifty percent target established and why was the department so far from the target.

Ms. Wall Shui said the fifty percent reduction was expressed in the Executive Directive and most of those permits had been filed during 2020 and 2019 was the Departments biggest filing year since the Great Recession causing the Department to have a huge list right before the pandemic which caused the business processes to be disrupted. Almost all of housing related permits were reviewed by DBI, Planning, DPW, PUC, and the Fire Department.

Commissioner Williams asked what could a customer do if their permit application was going beyond a year.
Mr. Walls said the customer had the option to contact their plan reviewer and request an update on the status of their review and other available options to go beyond that would be contacting the that reviewer’s supervisor. All of the supervisors had been working diligently on creating shorter time frames and timelines for review and at times applications could go into a holding pattern and staff would be waiting for the design professional to respond.

Ms. Wall Shui said the new Permit Tracking System (PTS) 101 process enabled staff to subtract the design professional submitting their response and in the future the Department would be able to measure city only time.

Mr. Walls said the Department had a plan review process in place that allowed staff a first look at documents submitted and that had been very beneficial because the fifteen minutes the plan review took allowed staff to identify any major deficiencies.

Interim President Alexander-Tut said regarding the Over the Counter (OTC) no-plans building permits that are processed online was the twelve percent target of all OTC plans or only for kitchen/bath remodels.

Ms. Wall Shui said the twelve percent was for all OTC permits and that many of the permits were not eligible for the process but it was intended to explore if there were other areas of permits that could be added to the online OTC process.

Interim President Alexander-Tut asked if staff knew the data of how many of those reroofing and kitchen and bathroom remodels were being approved and it would be good to know how successful the Department was in that area.

Interim President Alexander-Tut asked how was the Department performing on the thirty-day business permit requirement metric which referred to Proposition H.

Ms. Wall Shui said staff was measuring the metrics of meeting the requirements of Proposition H and because of it the OTC process had used a different business process staff would subtract times that the customer may have to leave and go back into DBI however Ms. Walls Shui said the Department was meeting the requirement at least above eighty percent.

Interim President Alexander-Tut said had there been any conversation regarding reevaluating the goals from the Executive Directive.

Ms. Wall Shui said prior to FY 23-24 reports staff had done a large scale revision and given the Department was meeting the target of sixty percent Electronic Plan Review (EPR) staff would have the opportunity the next February to move the benchmark for the next fiscal year.

Public Comment:

Mr. Jerry Dratler said he reviewed the Controller’s Budget Letter he noticed some of DBI’s reserved system funding had been eliminated and asked was there funds to continue the review of the overdue review systems improvement.

Mr. Dratler said in response to a question a commissioner raised, should there be an alternative plan
review process conducted by an outside independent licensed professional to expedite the backlog.

   a. Inquiries to Staff. At this time, Commissioners may make inquiries to staff regarding various documents, policies, practices, and procedures, which are of interest to the Commission.
   b. Future Meetings/Agendas. At this time, the Commission may discuss and take action to set the date of a Special Meeting and/or determine those items that could be placed on the agenda of the next meeting and other future meetings of the Building Inspection Commission.

Assistant Secretary Mustapha said that the next regular meeting of the Building Inspection Commission would be August 16, 2023.

Commissioner Shaddix said for consideration for the August or September agenda all of the city’s commercial corridors were about to face serious deadline for American’s with Disabilities Act (ADA) compliance and it would have a tremendous effect on the outer neighborhoods. He said he would like to discuss what the status of San Francisco was on that matter along with the data on percentages of in compliance and out of compliance and what the cost was on average to get in to compliance. Commissioner Shaddix said he witnessed the financial devastation that the ADA compliance was having and wanted to have a discussion on what DBI may be able to do.

Interim President Alexander-Tut said to add to the August agenda the Commission Secretary review and to begin to nominate for the BIC’s subcommittees and to consider a motion to create a housing code enforcement committee.

Commissioner Chavez said she wanted to include a discussion on the reform package and progress the Department had made.

Commissioner Williams said he wanted to include a discussion regarding the Single Room Occupancy (SRO) community and the shelter communities given the climate of the Department’s budget and to begin to plan for solutions or alternative solutions for those communities possibly including them with the creation of a housing code enforcement subcommittee.

Public Comment:

Mr. Juan Garcia from the SRO Families United Collaborative said he supported Commissioner Williams’ idea of having more information on the Code Enforcement Outreach (CEOP) and the Single Room Occupancy (SRO) programs.

Mr. Garcia said he wanted to remind the Commission that the Housing Inspection Services and CEOP programs were a model not just for the city and Bay Area but for the state of California and maybe even the country. Mr. Garcia said some reports from outside of the city show that larger cities are having some of the same issues but San Francisco could be a better model for those other cities and show that the tenants are protected as well as the buildings while not prioritizing big developers over affordable housing and how could the city keep people housed and in safe and habitable housing.
9. Review and approval of the minutes of the Special Joint City Planning Commission and Building Inspection Commission Meeting of May 11, 2023. (Continued from the June 21, 2023 meeting.)

Commissioner Sommer made a motion, seconded by Commissioner Shaddix, to approve the Special Meeting minutes of May 11, 2023.

There was no public comment.

RESOLUTION NO. BIC 047-23

10. Review and approval of the minutes of the Regular Meeting of May 17, 2023.

Interim President Alexander-Tut called agenda items 10, 11, and 12 at the same time and made a motion, seconded by Commissioner Williams, to approve the meeting minutes of May 17, 2023, June 13, 2023, and June 21, 2023.

There was no public comment.

RESOLUTION NO. BIC 048-23


This item was called with agenda item 10.


This item was called with agenda item 10.


Interim President Alexander-Tut made a motion, seconded by Commissioner Shaddix, to adjourn the meeting.

The meeting was adjourned at 11:22 p.m.

RESOLUTION NO. BIC 049-23
**SUMMARY OF REQUESTS BY COMMISSIONERS OR FOLLOW UP ITEMS**

| Commissioner Chavez requested to see the data on the outcomes of those housing complaints. – Chavez | Page 6 |
| Interim Alexander-Tut asked if staff knew the data of how many of those reroofing and kitchen and bathroom remodels were being approved. – Alexander-Tut | Page 11 |
| Commissioner Chavez said she wanted to include a discussion on the reform package and progress the Department had made. – Chavez | Page 12 |
| Commissioner Williams said he wanted to include a discussion regarding the Single Room Occupancy (SRO) community and the shelter communities given the climate of the Department’s budget and to begin to plan for solutions or alternative solutions for those communities possibly including them with the creation of a housing code enforcement subcommittee. – Williams | Page 12 |

Respectfully submitted,

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Monique Mustapha, Assistant BIC Secretary

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Edited By: Sonya Harris, BIC Secretary