

SF Bay Stewardship Alliance Comments  
BCDC Commission Meeting  
May 7, 2020

Agenda Item #8  
Enforcement Workplan - Responses to State Auditor

I am Bob Wilson co-founder of The Alliance. We welcome the opportunity to comment on the Enforcement Workplan and especially how it relates to the responses to the California State Auditor's report issued last year.

Action: Permit Fees

The Auditor suggested permit fees be reviewed. Public comments asked that if fees increased, the permit process would be improved and delays reduced. Permit Fee increases were approved last year. In our review of documents provided to us under our Public Records Act request, there are statements made by the Executive staff to state that permit fees were required to pay for the increased rents as a result of the Building move. This was never made clear when we and others challenged the move and we query if the Commissioners were fully aware the increase in rent costs depended on a permit increase to avoid a budget shortfall. We therefore call on Commissioners to review all documents related to the move. The public has a right to know all that went into these fee increases and quickly.

Action: Citizen's Advisory Committee

This is a requirement of the McAteer Petris Act. BCDC has constantly resisted any oversight or guidance from the public, most other agencies and well qualified professionals. The Auditor was clear on this point. One assumes BCDC Staff prefer to go their own way with no real independent review or over-sight. This commission must insist the law be followed and the Citizens Advisory Committee be put in place. The lack of action on this issue is a major dereliction of duty by this Commission.

Action: Case Management

The public should have a complete listing of all open Enforcement Cases including classifications and descriptions of violations with planned dates for resolution. While some cases are slowly being reviewed after many years, we find it interesting that most in the backlog have been resolved with no action required by "violators" and no penalties issued. The

executive staff has repeatedly used this "large case backlog" to justify increased resources. We are unconvinced by the results thus far that a huge backlog of real violations exists. There should be a freeze or reduction on any spending until the so-called backlog is reviewed in detail and cases validated. Sadly, the Auditor only looked at a few cases. More new cases have been added this year and a few current ones resolved, but we have no confidence they are real violations. The case backlog needs an independent and objective review.

We look forward to a continuing overhaul of the BCDC enforcement process. Stronger direction is needed from this commission to clean up a broken and badly run process.