

Enforcement Program Update

Item 10

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October 21, 2021

Outline

- Enforcement Program Goals
- Enforcement Committee Contribution Summary
- 2021 Case Resolution Progress Summary (Caseload reduction progress, fines and penalties collected)
- Update to State Auditor
- Union Point Park Cease and Desist Order Compliance Update
- Next Steps

Enforcement Program Goals

- **Deterrence:** Remove incentive to violate BCDC laws, policies and regulations.
- **Transparency:** Clearly communicate expectations and ensure that processes are known and understood.
- **Consistency:** Maintain a clear, documented enforcement process that is publicly transparent and consistently applied.
- **Fairness:** Treat violations similar in nature and impact to the Bay and public access similarly (will not necessarily equate to the same outcome) and remove any competitive advantage gained from noncompliance.

2021 Enforcement Committee Contribution Summary



UNION POINT PARK COMPLIANCE
UPDATES



FEEDBACK ON OLDEST CASE
RESOLUTION UPDATES

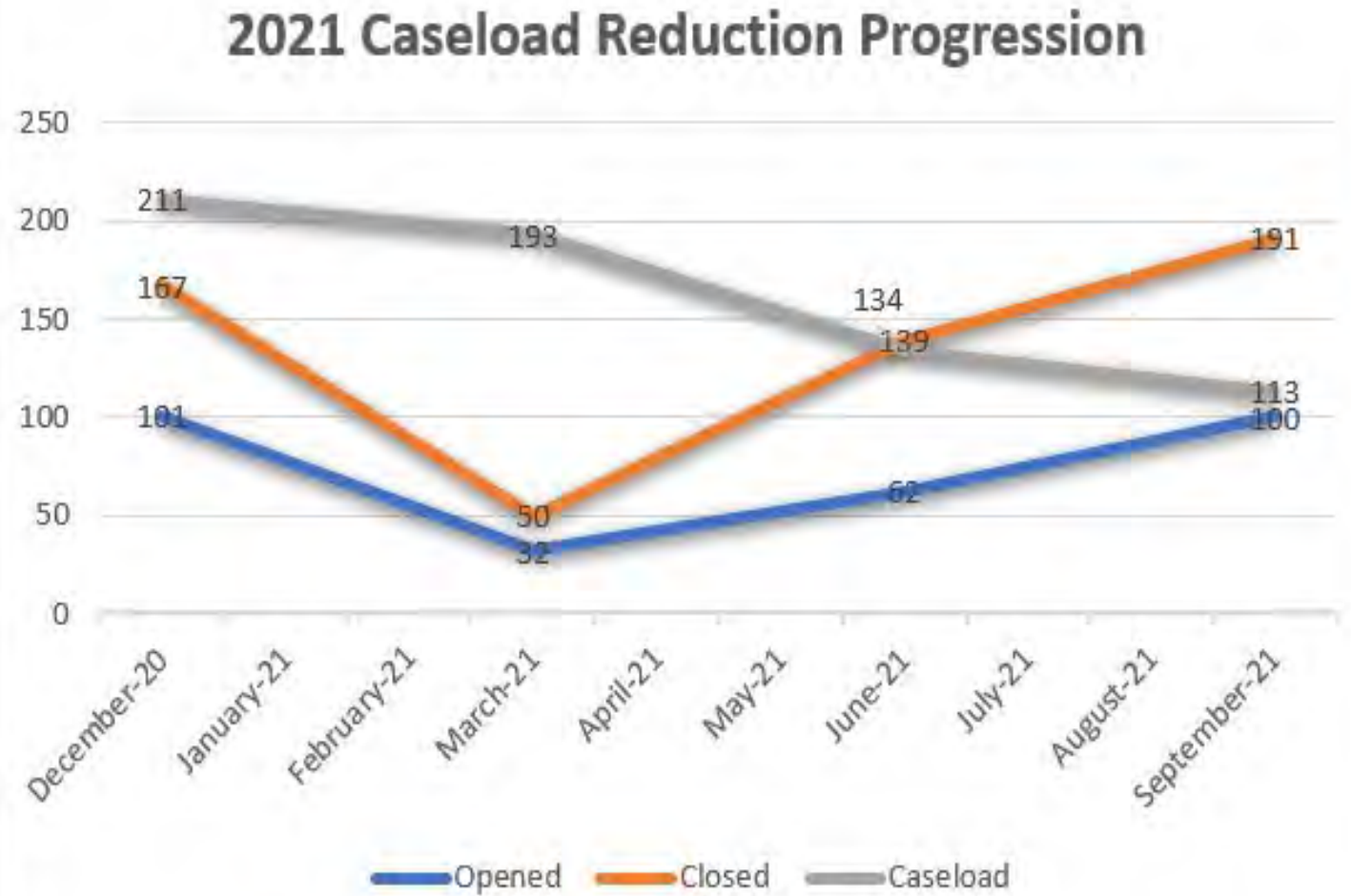


GUIDANCE ON THE RESOLUTION
OF COMPLEX CASES

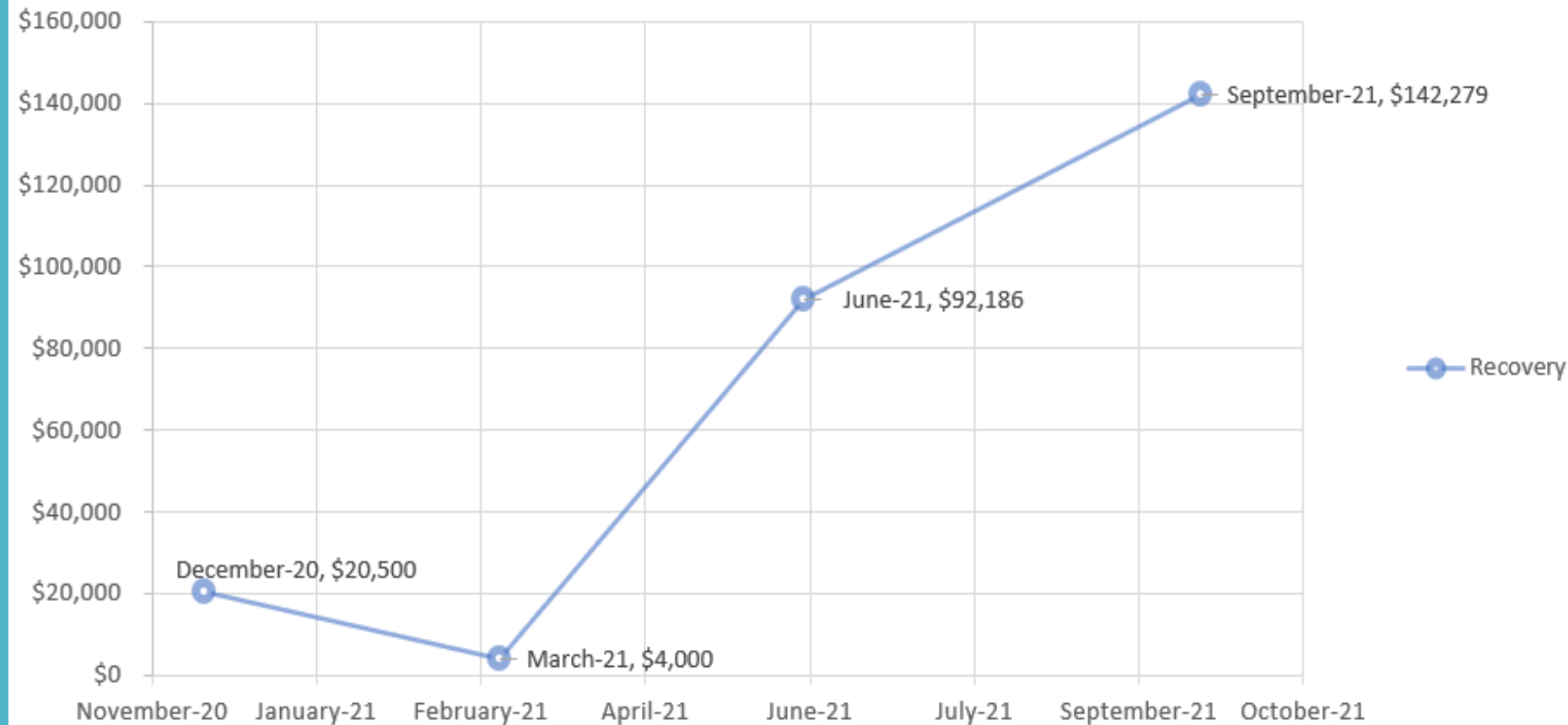
2021 Case Resolution Progress Summary

	December 31, 2020	March 16, 2021	June 30, 2021	September 30, 2021
Total Cases	211	193	134	113
Old Cases (pre-2017)	104	89	46	35
Oldest Cases (pre-2000)	4	4	4	3
Others	102	100	84	75
Cease and Desist Orders Issued	1	1	1	1
Settlement Agreements	1	0	3	4
Cases Opened	101	32	62	100
Cases Closed	167	50	139	191

Caseload Reduction Progression



2021 Fine and Penalty Recovery



2021 Fines and Penalties Collected

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Where we were December 31, 2020



Where we were March 16, 2021



Where we were June 30, 2021



Case Resolution

Where we are September 30, 2021

Opened: 100

Closed: 191

Total cases: 113

Old Cases (pre-2017): 35

Oldest cases (pre-2000): 3

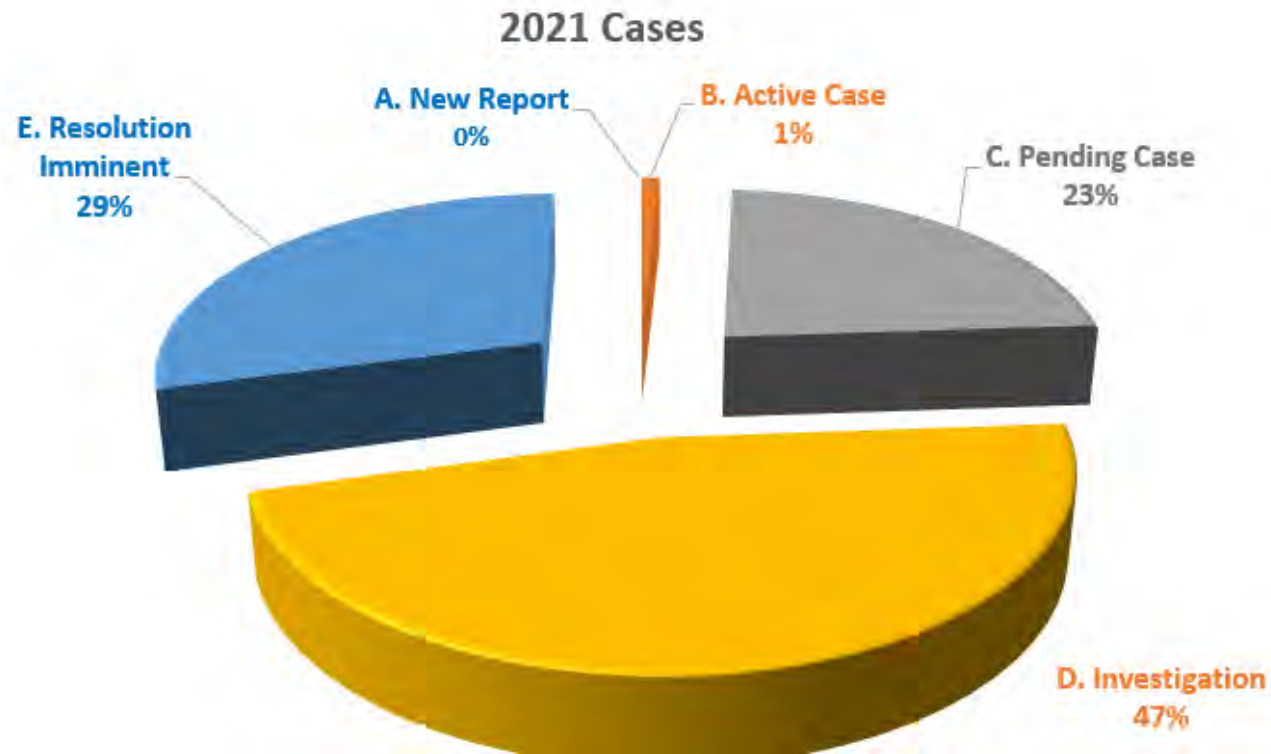
Others: 75

Commission Cease and Desist Orders: 1

Settlement Agreements: 3

Fines and Penalties: \$142,279

Where we are September 30, 2021



Update to Auditor

- Fully implemented case resolution milestones
- Fully implemented Case Review and Case Management Procedures
- Office of Administrative Law approval pending for Chapter 13 amendments submitted May 2021 (include significant harm definition, clarification of standardized fines sections and Appendix J with the Administrative Civil Penalty Policy)
- Finalization of Mission Based Review initiated in the fall of 2019 and funding availability are delaying addition of compliance staff
- Funding limitations are delaying the implementation of an integrated database

Union Point Park Compliance Update

- City of Oakland provided long-term park encampment enforcement plan
- City of Oakland developed needs assessment for park restoration
- City of Oakland developed Restoration Plan received
- City of Oakland developed Long-Term Maintenance Plan received
- Restoration completion deadline April 1, 2022

Union Point Park Status October 14

- No new reports of encampments since the last report
 - The No Camping Signs are intact throughout the park
- Long Term Maintenance Plan and Restoration Plan
 - These plans were submitted to BCDC in September and BCDC Staff recommendation integration is underway

Next Steps

Pending matters:

Finalizing revisions to the enforcement regulations

Obtaining an integrated database

Obtaining position(s) devoted to compliance

Ongoing:

Resolving cases...

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Questions?