

San Francisco Bay Conservation and Development Commission

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December 10, 2020

TO: Enforcement Committee Members

FROM: Priscilla Njuguna, Enforcement Policy Manager (415/352-3640;
priscilla.njuguna@bcdc.ca.gov)

SUBJECT: Approved Minutes of December 10, 2020 Enforcement Committee Meeting

1. Call to Order. The meeting, held remotely via Zoom, was called to order by Chair Scharff at 9:30 A.M.

2. Roll Call. Present were Chair Scharff and Commissioners Gilmore and Vasquez. Chair Scharff stated that a quorum was present.

Staff in attendance included Executive Director, Larry Goldzband; Chief Deputy Director, Steve Goldbeck; Regulatory Director, Brad McCrea; Staff Counsel, Karen Donovan; Legal Secretary, Margie Malan; Enforcement Analyst, John Creech; Principal Enforcement Analyst, Adrienne Klein, and Enforcement Policy Manager, Priscilla Njuguna.

Shari Posner, Deputy Attorney General, was also in attendance.

Chair Scharff announced that Agenda Item 6 would be taken out of order. The order of hearing items was Items 1, 2, 4, 6, 3, 5, 7 then 8. In these minutes, the items are listed in the order that they originally appeared on the agenda.

3. Public Comment. Avi (no last name given) spoke as a concerned resident regarding the Union Point encampment. She commented that evicting a community, destroying their shelter and possessions, and offering no permanent alternate shelter, especially during this pandemic, is cruel. She stated that BCDC has the power not to put people's lives at risk during this COVID surge. She stated that BCDC should leave people to shelter in place and provide the basic necessities laid out in its own Cease and Desist order. She added that the encampment residents object to BCDC's actions, which they view as treating people like pollution rather than preservation of the San Francisco Bay. Avi requested that BCDC work with the encampment residents.

4. Approval of Draft Minutes from the November 12, 2020 Meeting

MOTION: Commissioner Gilmore moved for approval of the November 12, 2020 meeting minutes. Chair Scharff seconded the motion. The motion carried unanimously with a vote of 3-0-0 with Commissioners Gilmore, Vasquez, and Chair Scharff voting "YES", no "NO" votes, and no "ABSTAIN" votes.

5. Enforcement Report. Ms. Njuguna reported on enforcement developments during the period November 11 – December 9.

Staff opened five cases and closed six; two were closed because there was no violation, and four were closed when staff received documentation that the violations had been resolved.

As of December 9, the total caseload was 231, a one-case decrease from November 12. Staff continue to work on resolution of the oldest cases.

Staff confirmed with the City of Oakland that the work to consolidate the encampments to meet the Union Point Park Cease and Desist order terms was completed on schedule. Approximately 10 people remain in the encampment; they have been informed of available alternate accommodation.

Regarding Richardson Bay, staff anticipates a discussion on the proposed resolution for the City of Sausalito on December 16, and substantial progress is being made in the resolution for the Richardson Bay Regional Agency by early next year.

Staff did not end up submitting a grant application for the removal of the tug *Polaris* to the NOAA Marine Debris Prevention and Removal grant program. The grant application will be submitted next year when better information on the abatement process for this abandoned commercial vessel has been obtained.

Staff continues to refine case management and review procedures to ensure effectiveness in enabling staff to meet the enforcement goals of deterrence, consistency, fairness, and transparency. The process of integrating simplified case status codes is ongoing, as is the tracking of aged and closed cases.

6. Public Hearing and Vote on Proposed Cease and Desist Order CCD2020.002.00. A verbatim transcript was prepared for Item 6 and is posted.

7. Future Agenda Items. Ms. Njuguna stated that staff anticipates the City of Sausalito's proposed resolution to come to the Committee for review on December 16. Ms. Donovan added that the meeting agenda for that date has been posted.

Ms. Njuguna stated that the requested written update on the Point Buckler matter will be provided in the near future.

8. Adjournment. Chair Scharff adjourned the meeting at 10:43 A.M.