

San Francisco Bay Conservation and Development Commission

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December 8, 2022

TO: Enforcement Committee Members

FROM: Matthew Trujillo, Enforcement Policy Manager (415-352-3633;
matthew.trujillo@bcdc.ca.gov)

SUBJECT: Draft Minutes of December 8, 2022 Enforcement Committee Meeting

1. Call to Order. The meeting, held remotely via Zoom, was called to order by Chair Gilmore at 9:32 a.m.

Chair Gilmore gave instructions to all attendees on procedures for participating in the meeting.

2. Roll Call. Mr. Trujillo called the roll. Present for roll call were Chair Gilmore and Commissioners Eisen and Vasquez. A quorum was achieved. Commissioner Wagenknecht joined at 9:42 a.m.

Staff in attendance included Executive Director Larry Goldzband, Enforcement Policy Manager Matthew Trujillo, Enforcement Analyst Rachel Cohen, Principal Enforcement Analyst Adrienne Klein, Legal Secretary Margie Malan and Lead Enforcement Attorney Brent Plater.

Deputy Attorney General Shari Posner was also in attendance.

Chair Gilmore stated a quorum was present and the Committee was duly constituted to conduct business.

3. Public Comment. Chair Gilmore invited the general public to comment on items not on the day's Agenda.

Chair Gilmore gave instructions for members of the public to offer public comment.

Chair Gilmore announced that one public comment had been received online.

No members of the public addressed the Committee.

4. Approval of Draft Minutes from the November 3, 2022 Meeting.

MOTION: Commissioner Vasquez moved for approval of the November 3, 2022 Meeting Minutes; Commissioner Eisen seconded the motion. The motion carried unanimously by a show of hands with no abstentions or opposition.

5. Enforcement Report. Mr. Trujillo updated the Commissioners on new activity since the November 3, 2022 meeting.

Mr. Trujillo stated five new cases were received, four cases were resolved and staff issued one order to resolve the oldest unresolved case. As of December 8 there are 96 open cases in the queue.

Mr. Trujillo then updated the Committee on staff's efforts to backfill the open Coastal Program Analyst II position created when John Creech joined the newly-formed compliance unit in November. The vacancy was posted last Tuesday and have received no applications for the job yet. This is a six month limited term position for a Coastal Program Analyst II, which is the full journey person level of the Coastal Program Analyst classification. Mr. Trujillo added he would appreciate if Committee Members would spread the word about this opening to their contacts.

Chair Gilmore congratulated Mr. Trujillo and all staff for finally wrangling the oldest case, to a conclusion.

Chair Gilmore stated she did have one request for either a future Enforcement Committee briefing or maybe even in front of the full Commission. Once our compliance team has had maybe six to eight months under their belts it would be nice to have a briefing on how that is going because I think we have all had great expectations that that would help us curtail some of the enforcement actions. So it would just be nice to get an update whenever staff feels it is appropriate, that they have had enough time working out the kinks, so to speak.

Mr. Trujillo stated he would pass the request to Chief Counsel Greg Scharff as he is the direct supervisor of that unit as well as senior staff.

Executive Director Goldzband added: I can actually answer your question, Chair Gilmore. Greg Scharff is planning with the compliance team to actually provide a briefing to the full Commission in January on how the compliance team has started and what its framework of working is. That I believe is being scheduled for January 15. We did not think about doing it specifically for the Enforcement Committee but we are more than happy. I am sure Greg and Matthew would be more than happy to do either a follow-up or some kind of separate program for you all too because you probably have very specific questions as well. So I leave that to Matthew and Greg. But just so you know, the full Commission will hear things on January 15.

Chair Gilmore thanked the Executive Director and continued on to Item 6.

6. Public Hearing and Vote on Proposed Cease and Desist Order and Civil Penalty Order Number 2022.005.00 (BCDC Enforcement Case ER2020.021.00).

(A verbatim transcript is available for this Agenda Item.)

7. Adjournment. Upon motion by Commissioner Vasquez, seconded by Commissioner Eisen, the meeting was adjourned at 12:40 p.m.