

San Francisco Bay Conservation and Development Commission

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November 9, 2023

TO: Enforcement Committee Members

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

SUBJECT: Draft Minutes of November 9, 2023 Enforcement Committee Meeting

1. Call to Order. The hybrid meeting was called to order by Chair Gilmore at 9:30 a.m. The meeting was held with a primary physical location of 375 Beale Street, San Francisco, California, and online via Zoom and Teleconference.

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

2. Roll Call. Mr. Trujillo called the roll. Commissioners Belin, Eisen and Chair Gilmore were present. A quorum was achieved. Commissioner Vasquez joined after the Roll Call was taken.

Staff in attendance included General Counsel Greg Scharff, Enforcement Policy Manager Matthew Trujillo, Principal Enforcement Analyst Adrienne Klein, and Legal Secretary Margie Malan.

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

3. Public Comment Period. 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.

No members of the public addressed the Committee.

4. Approval of Draft Minutes from the September 27, 2023, Enforcement Committee Meeting.

MOTION: Commissioner Eisen moved approval of the September 27, 2023, Meeting Minutes; Commissioner Belin seconded the motion.

The motion was carried by affirmation with no abstentions or opposition.

5. Enforcement Report. Mr. Trujillo updated the Commissioners on new activity since the September 27 meeting.

Mr. Trujillo reported that in the last 43 days, 7 new cases were received, 11 cases were resolved. As of November 9, there were 74 unresolved cases, is a net change of -5 since the last report.

Mr. Trujillo proceeded to update the Committee on the status of compliance with issued orders by the Commission.

Compliance Analyst Tony Daysog reports that he has been monitoring compliance with CCD2022.003, which was issued to the Port of Oakland in July 2022 to address public access maintenance issues at Jack London Square. He notes that there are no issues of concern.

John Creech reports that he has been monitoring compliance with CCD2020.002 issued to Param and Amandeep Dhillon for illegal filling in White Slough in Vallejo; also, CCD2023.001 for unauthorized fill at the Family Gun Club at the Suisun Marsh, and CCD2020.001 issued to the City of Oakland for failing to maintain the public access and shoreline areas at Union Point Park. He reports that there are no issues of concern with the Dhillon and Family Gun Club orders; and that the City of Oakland has not responded to his outreach efforts lately.

Mr. Trujillo reported that due to the fine investigative work of Rachel Cohen of our Enforcement staff, and the negotiations led by former Chief Counsel Mark Zeppetello, who generously donated his time to assist us in its resolution, the case against the Bay Area Council for failing to abide by the terms and conditions of its permit 2021.001, which was to redevelop the historic ferry boat Klamath for public access at Pier 9 in San Francisco, has been settled. The settlement agreement was executed by our Executive Director on November 7, and the settlement establishes a timeline by which the Council must complete its public access obligations under its permit and pay a fine of \$50,000. Executive Director Goldzband will provide further comments on the settlement at the next Commission meeting on the 16th where, incidentally, I am scheduled to deliver my third quarterly report on the status of the Enforcement Program to the full Commission.

This concludes my report. I would be glad to entertain any follow-up questions that you may have.

Commissioner Eisen asked: I am just curious. I think you said we got 7 new cases and settled 11 and we are still down -5 instead of -4. Is that because something dropped off somehow?

Mr. Trujillo stated: I believe that report probably incorporates cases that yes, have been either combined or were closed and we did not get to it right away. Sometimes those things happen. It is a pretty big database and we do

not really have a systematic way of tracking everything in real time.

**6. Hearing and Vote to Recommend Approval of Stipulated Orders
CCD2023.002.00 and CCD2023.003.00.**

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

7. Adjournment. Upon motion by Commissioner Eisen, seconded by Commissioner Vasquez, the Enforcement Committee meeting was adjourned at 10:01 a.m.