

SAN FRANCISCO BAY CONSERVATION  
AND DEVELOPMENT COMMISSION

ENFORCEMENT COMMITTEE MEETING  
PARTIAL TRANSCRIPT - ITEMS 6-7

HYBRID IN-PERSON/TELECONFERENCE MEETING  
HOSTED BY THE SAN FRANCISCO BAY  
CONSERVATION AND DEVELOPMENT COMMISSION  
375 BEALE STREET  
SAN FRANCISCO, CALIFORNIA

WEDNESDAY, MARCH 27, 2024

9:30 A.M.

Reported by: John Cota

APPEARANCESEnforcement Committee

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PROCEEDINGS

9:50 a.m.

1  
2  
3 COMMITTEE CHAIR GILMORE: We are going on to Item  
4 number 6, which is a hearing and vote on the Recommended  
5 Enforcement Decision to resolve ER2015.024.00, the City of  
6 San Rafael. We are going to have a presentation and a vote  
7 on a proposed recommended decision to adopt a Proposed  
8 Settlement Agreement with the city of San Rafael, who is  
9 the owner of record of the subject property of  
10 ER2015.024.00, Starkweather Park in San Rafael, Marin  
11 County. The City has closed a required public restroom at  
12 the park for approximately 38 years and counting.

13 If this Committee votes to adopt this Recommended  
14 Enforcement Decision, which includes the Proposed  
15 Settlement Agreement, then it will be put up for a vote of  
16 approval or rejection by the full Commission at its April  
17 18, 2024 meeting, which is scheduled to be held online and  
18 in-person at the Metro Center, located at 375 Beale Street  
19 in San Francisco, commencing at 1:00 p.m.

20 So, after BCDC staff gives its presentation, the  
21 Respondent will be invited to present any remarks they may  
22 wish to enter into the record. Then I will allow public  
23 comment on this item and afterwards we, the Committee,  
24 shall hold our discussion and vote on the staff's  
25 recommendation. Presentations made by the parties as well

1 as any public comments to follow shall be limited to  
2 responding to the evidence already made part of the  
3 enforcement record. This Committee shall not allow the  
4 introduction of new evidence or oral testimony.

5 So, at this time, will the representative or  
6 representatives for the City of San Rafael please identify  
7 themselves for the record?

8 MR. MACLEAN: Hi, I am Connor MacLean, attorney on  
9 behalf of the City of San Rafael.

10 MS. GUILLEN: Hi, I am Fabiola Guillen, I am with the  
11 Department of Public Works in the city of San Rafael.

12 CHAIR GILMORE: Thank you so much and welcome.

13 Okay, so now we will hear a presentation by staff, and  
14 I am going to invite Enforcement Analyst Adrienne Klein to  
15 give her remarks. Adrienne.

16 MS. KLEIN: Good morning, Chair Gilmore,  
17 Commissioners. Nice to meet you, Connor and Fabi, in  
18 person.

19 I have a slide presentation. I believe it will be --  
20 There it is. Thank you very much. So, we can go to the  
21 next slide please.

22 This formal enforcement proceeding, as noted, is to  
23 resolve a single permit violation involving a closed public  
24 restroom at Starkweather Park on Francisco Boulevard in the  
25 city of San Rafael.

1           So, the presentation is not long, less than 10  
2 minutes. It will identify the site where the violation is  
3 occurring, briefly review the permit and enforcement  
4 history, summarize the terms of the Settlement Agreement  
5 that will resolve the violations, and as noted by Chair  
6 Gilmore, conclude with the staff recommendation. Next  
7 slide.

8           So, the next three slides identify Starkweather Park  
9 in the city of San Rafael, near the western terminus of the  
10 Richmond-San Rafael Bridge. You can see a red circle  
11 there.

12           The next slide zooms in. Another red circle showing  
13 the office park; and next slide please.

14           So, with this third image there is adequate detail  
15 that the restroom building is visible inside the red cloud-  
16 shaped bubble at the bottom left in the image. Francisco  
17 Boulevard is located below the bottom of the image and the  
18 shoreline trail that you can see between the restroom  
19 building and the beach continues to the north and west  
20 above the top of the image. So, as you can see and as  
21 noted in the public comment received from Bruce Beyaert  
22 with the Trails for Richmond Action Committee, this is an  
23 important public access site, not just for the local Marin  
24 County community, also for East Bay residents who may  
25 choose to use the Richmond-San Rafael Bridge public access;

1 and the restroom is a valuable public benefit that has been  
2 absent for too long. So next slide.

3 This image from Google Earth is a street view or  
4 ground view of the restroom looking to the north. The  
5 beach is to the right, Francisco Boulevard is behind the  
6 image. The public shore parking required by this permit is  
7 located just to the right of the image that we saw in the  
8 last, the last image, that I should have pointed out there.  
9 So go ahead to the next image, next slide, please, thanks.

10 So, the formal enforcement proceeding seeks to resolve  
11 a single violation of failure to maintain a public restroom  
12 in violation of Permit Condition II.B.4 of the 1978.028.05  
13 permit. Next slide.

14 So, we will spend most of the time here. Very  
15 briefly, the permit authorizes a portion of two commercial  
16 buildings and fill placement for paved roads and parking in  
17 the Commission's 100 foot shoreline band jurisdiction. And  
18 as just noted, the permit requires a series of public  
19 access improvements as usual, and again as usual, requires  
20 those improvements to be maintained. And in this case, the  
21 restroom was opened but closed, and from that point not  
22 maintained open.

23 The commercial facility has been in use since at least  
24 1987. And while the public restroom, as I just noted, was  
25 opened and constructed pursuant to approved plans in

1 September 1985. It was closed six months later in March  
2 1986 and has remained closed since then.

3 BCDC became aware of this closure in 2015 and opened  
4 an enforcement case and notified Respondent of its permit  
5 violation.

6 Despite more than seven years of effort by both City  
7 staff and BCDC staff, especially City staff, the restrooms  
8 remained closed.

9 As a result, BCDC issued a Violation Report on January  
10 30, 2024, to cause resolution of this longstanding  
11 violation.

12 And I am not spending time on the details during that  
13 seven-year period. They are laid out in the findings with  
14 the Settlement Agreement and in the Violation Report that  
15 was published. But if there are any questions, they can be  
16 answered if relevant.

17 So, coming right up to the present. A week prior to  
18 issuing the Violation Report I made contact with Fabiola  
19 and got a very positive update, which was that in the  
20 intervening time between the last Enforcement Analyst and  
21 myself working on the case, the restroom in fact had been  
22 restored according to staff-approved plans; so that step  
23 had been achieved.

24 However, the not-so-good news was that there was  
25 another issue, which was that the electrical conduit was



1 installed on private, not public property, rendering PG&E  
2 unwilling to turn power on to the restroom until that  
3 private property owner had provided an easement to the  
4 City. In order to speed that process up, the City  
5 negotiated with PG&E and the private property owner to  
6 accept a letter while an easement is in process. So PG&E  
7 agreed that a letter would suffice with a commitment that  
8 an easement would be forthcoming. That resulted in PG&E  
9 being willing to schedule an appointment, a site visit to  
10 turn on the power on April 10th, and so that is, that is  
11 all positive news.

12 So, with that, on March 4, BCDC counsel and City of  
13 San Rafael counsel held a confidential negotiation that  
14 resulted in an agreement to settle this matter as follows,  
15 and we can now move to the next slide.

16 And so, the Settlement Agreement. In the Settlement  
17 Agreement the City agrees by May 10 to open the restroom to  
18 the public and submit evidence of having done so,  
19 photographic evidence and a permit Notice of Completion  
20 that confirms that the facilities have been installed  
21 consistent with the approved plans. Next slide, please.

22 As part of the Settlement Agreement, the City has  
23 agreed to pay a civil penalty. The full penalty would be  
24 \$30,000 by May 10. Or if the City demonstrates that it has  
25 opened the public restroom, as per the prior commitment,

1 according to approved plans and all by April 27, then the  
2 civil penalty would be half of 30,000 and 15,000 would be  
3 due by May 6. So, in addition to opening the public  
4 restroom, there is a temporary porta-potty, so that should  
5 be removed; and there is some missing landscaping that will  
6 also be restored. So, with that, next slide.

7 Staff is therefore recommending that the Committee  
8 recommend that the full Commission adopt the proposed  
9 Settlement Agreement to resolve Enforcement Case 2015.024.  
10 And that concludes the staff presentation, thank you.

11 CHAIR GILMORE: Thank you, Adrienne.

12 Now I would like to invite representatives from the  
13 City of San Rafael to make their presentation or whatever  
14 comments you would like to make.

15 MR. MACLEAN: Hi there, Connor Maclean, attorney on  
16 behalf of the City of San Rafael. Adrienne, thanks so much  
17 for working with us on this, we really appreciate it. I  
18 think this is a result, the settlement agreement is a  
19 result that is good for everyone. It is good for the City  
20 because it saves the City money that the City can use to  
21 actually open this restroom, which is exactly what everyone  
22 here wants. The city is on the verge of opening it and it  
23 is a result that is beneficial to the public, to BCDC and  
24 to the City.

25 I just want to clarify really quick. And let me know,

1 Michael, if this is your reading of the agreement too.  
2 Adrienne, I think some of the timeline that you mentioned  
3 was just a little bit off. So, the agreement is April 27,  
4 open the bathroom, restore -- remove the temporary toilet,  
5 have the water fountains available. Then -- no sorry.  
6 April 27 is open bathroom and open water fountain and water  
7 bottle filling station.

8 May 6 is remove temporary toilet, there is currently a  
9 porta-potty there, and hand washing station, and restore  
10 the landscaping. So that's by May 6.

11 May 10 is payment date, in any case. So May 10 is if  
12 that stuff doesn't happen, then on May 10 the City owes  
13 \$30,000. If those things have happened by April 27 and May  
14 6, then on May 10 the city owes \$15,000. I just wanted to  
15 confirm that that is the correct timeline.

16 MS. KLEIN: I -- oh, sorry. I will pull up the  
17 settlement agreement. I didn't negotiate it so maybe I  
18 read it incorrectly.

19 MR. MACLEAN: Yes, it's -- if you want to pull up the  
20 Settlement Agreement it is on page 7, and it is point 3.

21 MR. NG: Michael Ng, Staff Attorney. I also was not  
22 involved in the drafting of this, but I did read it last  
23 night. I think my recollection -- I am pulling it up.  
24 Adrienne is on my computer at the moment, so I am pulling  
25 it up on my phone. My recollection is that Connor's

1 characterization of the timing requirements is accurate.  
2 But let me just take a minute to just take a look at it  
3 again. So, May 10 being the date that either the 30,000 or  
4 the 15,000 is paid, depending on what corrective action --  
5 if the corrective action is taken by April 27 with regard  
6 to making the permanent restroom facilities and water  
7 fountain/water bottle filling station available by April  
8 27. And by May 6, restoring and removing the temporary  
9 toilet and hand washing station and restoring the landscape  
10 behind the restroom. Is that your -- I think that is  
11 consistent with what you just said.

12 MR. MACLEAN: That's right, that's the City's  
13 understanding as well.

14 MR. NG: Yes. Yes. I guess obviously this goes  
15 without saying, but if those, I guess, milestones are not  
16 met, payment by May 10 of the 30,000 is also the date by  
17 which the City would have the permanent restroom open.

18 MR. MACLEAN: Yes. I mean.

19 MR. NG: Yes.

20 CHAIR GILMORE: Wait a minute, I am confused now. It  
21 sounds like the restroom had to be open by the 27 and if  
22 that didn't happen the 30,000 was due, help me here.

23 MR. MACLEAN: On the 10th.

24 MR. MACLEAN: On May 10. But there is nothing that  
25 says that if you miss the April 27 date that the restroom

1 has to be open by May 10; is that true?

2 MR. TRUJILLO: No, that's not true. Part 1 of page 7,  
3 Cease and Desist, does include the phrase --

4 CHAIR GILMORE: Ah.

5 MR. TRUJILLO: Respondent --

6 CHAIR GILMORE: Yes.

7 MR. TRUJILLO: Yes.

8 CHAIR GILMORE: Okay, I see it now. Thank you.

9 MR. NG: So, I think we're covered.

10 CHAIR GILMORE: Okay. So, I am going to ask the City  
11 of San Rafael, do you agree to the terms of the Settlement  
12 Agreement?

13 MR. MACLEAN: Yes. So, we are at a similar place in  
14 accepting this agreement as you are. Staff has recommended  
15 approval; the City Manager has signed. But the City  
16 Manager only has the authority to sign for things up to  
17 \$20,000 so this will be on the City's agenda for the April  
18 15 City Council hearing, at which staff will recommend that  
19 the City Council enter into and approve the Settlement  
20 Agreement, and we expect that the City Council will approve  
21 the Settlement Agreement.

22 CHAIR GILMORE: Okay, great. So, do any members of  
23 the Enforcement Committee have clarifying questions or any  
24 questions for either staff or the City?

25 COMMISSIONER VASQUEZ: Marie, this is John.

1 CHAIR GILMORE: Yes.

2 COMMISSIONER VASQUEZ: What if nothing happens?

3 MR. TRUJILLO: I can field that. Do you mean, if the  
4 City just -- do you mean if the Settlement Agreement is not  
5 approved, or if the City does not live up to the terms of  
6 the Settlement Agreement?

7 COMMISSIONER VASQUEZ: Doesn't live up to the terms.  
8 Something happens.

9 MR. TRUJILLO: Okay. So, in that event, we have a  
10 couple of options. I am channeling a discussion I had with  
11 Greg about this yesterday. Option, the potential option  
12 would be to then refer the matter directly to the Attorney  
13 General or to issue an order that orders the City to comply  
14 with the terms of the Settlement Agreement.

15 COMMISSIONER VASQUEZ: Does the fine increase then?

16 MR. TRUJILLO: From our perspective, no, because we  
17 are already maxed out, we can't charge more than 30,000.  
18 However, I am less clear about how it works if this were to  
19 go to court.

20 COMMISSIONER VASQUEZ: Well, it started in 2015, it  
21 has been now nine years.

22 MR. TRUJILLO: Yes.

23 COMMISSIONER VASQUEZ: All right, thank you.

24 CHAIR GILMORE: Any other? Rebecca.

25 COMMISSIONER EISEN: This may be for Michael, but does

1 the full Commission need to also approve the Settlement  
2 Agreement? And if so, in the presentation to the  
3 Commission I think there should be some description of,  
4 summary description of what happened between '86 and 2015,  
5 why there was no effort to enforce the permit during that  
6 twenty-some year period. And then also a summary  
7 description of why the negotiations between 2015 and now  
8 have taken this long.

9 MR. TRUJILLO: Okay, we can do that.

10 COMMISSIONER EISEN: Am I right that the Commission  
11 needs to approve the Settlement Agreement also?

12 MR. TRUJILLO: You are correct, yes.

13 COMMISSIONER EISEN: Yes, I think we should. People  
14 are going to ask. I would be asking now but I gather --

15 MS. KLEIN: I can answer that question.

16 COMMISSIONER EISEN: -- some of that information is  
17 already available. Go ahead.

18 MS. KLEIN: I apologize if I didn't provide enough  
19 background. We were -- staff was not aware, Commissioner  
20 Eisen, before 2015 that the restroom was closed. The City  
21 in fact submitted a request to amend their permit to remove  
22 the public restroom requirement in 2015 and that is how  
23 BCDC found out that the restroom was closed. The City, I  
24 believe, eventually withdrew that request based on  
25 direction from staff that they were unlikely to make a

1 recommendation of approval to the Commission as that  
2 amendment was considered to be, likely to be a material  
3 permit amendment.

4 We then -- this was actually Matthew's enforcement  
5 case. So, we used the 35 day standardized fine letter as  
6 the first tool along with a lot of communication. Matthew  
7 negotiated the porta-potty so that at least there would be  
8 a public restroom facility while the permanent restroom  
9 facility was being refurbished. So, it had been closed for  
10 so long. I don't think I ever knew exactly the details  
11 from reading the record of the condition of the restroom,  
12 but it wasn't able to be simply opened. I think it needed  
13 to be wholly reconstructed.

14 So, there were a series of events that I might  
15 characterize as a bit of a tragic comedy in that the City,  
16 I believe with full good faith, intended on many different  
17 occasions to take step X and open the restroom. At the  
18 point that staff would check in when that due date, that  
19 sort of City self-imposed due date came, there was yet  
20 another technical reason why they couldn't then open the  
21 restroom for another year. And so this series of events  
22 occurred over this eight year period and staff was for the  
23 most part engaged during that entire period of time.

24 The last couple years I think we haven't been engaged  
25 so actively. Compliance Analyst, former Enforcement



1 Analyst John Creech was then working on the case for a  
2 couple of years and in close contact with Fabiola. She  
3 wasn't part of the project originally, but became, I  
4 believe, the City lead. And during the period that we  
5 weren't in contact the City did reconstruct the restroom,  
6 which is great. And then as I had mentioned, they  
7 encountered in this series of events another obstacle,  
8 unexpected, not intentional, and they seem to have now  
9 worked their way through that. I would be curious to know  
10 if there is an update on how long it will take PG&E to turn  
11 on the power.

12 So, I hope that answers your question. I am happy to  
13 provide more details if you have any further questions.

14 COMMISSIONER EISEN: It does. But it also leads me to  
15 think about what lessons can be learned from this. I mean,  
16 part of the problem sounds like we rely, or at least have  
17 in the past, largely relied on somebody coming to us and  
18 saying guess what, that bathroom is not open. And we don't  
19 have any method for making sure permit holders bring to our  
20 attention any issues with compliance with the permit.  
21 There may be a dozen other things. But I think, you know,  
22 given that we have got thirty-some years invested in this,  
23 maybe we can spend a few minutes thinking about what  
24 lessons can be learned from this and if there can be  
25 improvements in processes given what's happened in this

1 case. Whether we can use it as a learning. It sounds like  
2 we can't get any more money out of it but maybe we can get  
3 some learning out of it.

4 MR. TRUJILLO: Well, so we -- yes, we learned a lot  
5 from this case. As you probably have discerned, this case  
6 was opened prior to the reinvigoration of the enforcement  
7 program, before we had the establishment, which was a  
8 recommendation by the auditor of a compliance program, as  
9 well as another recommendation, which is to do more in  
10 terms of getting out into the community to monitor and  
11 patrol the site. So, while I don't believe, because this  
12 was an active case, and I believe that -- correct me if I  
13 am wrong, Adrienne -- they were only looking at resolved  
14 cases. This is certainly one that was top of mind  
15 throughout that process.

16 I am not going to necessarily make excuses for why it  
17 has taken so long post-audit, other than just to say that  
18 the practicalities have not allowed us to resolve this case  
19 fully. This PG&E issue, for example, has been going on for  
20 I believe it has been a couple of years at least where we  
21 have checked in, what is going on with the restroom? Oh,  
22 it's PG&E. And then eventually, the reason why it's now in  
23 front of you is because we just needed, we need resolution.  
24 We can't have these longstanding cases. Nine, eight, nine  
25 years is just too long for any case to really stay open

1 post-audit, post-reinvigoration, so we are really trying to  
2 move those things through.

3 But yes, we do learn from these. Unfortunately, this  
4 will not be the probably the only example that comes before  
5 you of a very longstanding case that takes forever to  
6 resolve but we are on top of it.

7 CHAIR GILMORE: John.

8 COMMISSIONER VASQUEZ: Yes. Thank you, Rebecca. You  
9 know, we went through this some years ago. How do we check  
10 back and make sure the permits are completed when we have  
11 relied on other agencies to go ahead and do those  
12 approvals? In some cases it is the developer, in other  
13 cases it happens to be the City. Because we only had a few  
14 members in enforcement and the audit indicated that that  
15 was part of the problem too. But we have had these  
16 discussions over the years and Marie can remember us going,  
17 starting with the audit and then looking at the way  
18 enforcement was handled.

19 It was a lot of work for the small group of staff we  
20 had. It was enough just to work on the stuff that came  
21 before us, let alone being able to look back and say, did  
22 that permit get completely completed, did everybody check  
23 things off? We even talked about in the case of a building  
24 maybe we are the last person that signs off for the  
25 occupancy permit. While we in the past have been relying

1 on other agencies, as I said earlier, to make sure that the  
2 work had been done. You know, pathways might be too small.  
3 In this case a bathroom never got opened. But who really  
4 suffered was the public itself for so long. And yes, we do  
5 rely on the community to let us know when things are not.  
6 We will get there. But, you know, as Matthew said, some of  
7 these older cases just been hanging around.

8 Yes, I know as a member of the Commission it is  
9 sometimes frustrating. Having spent all that time going  
10 through the audit and working on some new rules and some  
11 new procedures and more staff. Again, it was a small staff  
12 and it was a lot of work for them.

13 MR. TRUJILLO: If I may, on that note, we are  
14 currently looking at going through the process of a  
15 mission-based review on the regulatory or permit side,  
16 where we are looking at how and whether we should  
17 reconceptualize our permit conditions. And I am wondering  
18 if perhaps we are looking at, for example, incorporating  
19 more compliance into that thing too. So, I believe that  
20 that will be coming before the Commission for a briefing  
21 and input in the very near future.

22 CHAIR GILMORE: Okay. So, thank you, Rebecca, for  
23 that question because this kind of brings my set of  
24 comments full circle. Number one, it is not unusual, and  
25 as a matter of fact very common for public agencies to rely

1 on the public to be their eyes and ears because most public  
2 agencies just do not have the resources in terms of people  
3 to actually be out on the ground, you know, looking for  
4 violations or, you know, whatever. Whether it is us, the  
5 City of San Rafael, other cities, we rely on the public to  
6 be our eyes and ears, that's number one.

7       Number two, this gets back to what I asked about  
8 earlier in terms of software. We have had discussions  
9 about how hard it is to track our permits in terms of  
10 compliance. Not in terms of like, are they out of  
11 compliance, but what are the timelines that are set in  
12 these permits for compliance? So, like we issue a permit  
13 today and there are several milestones that have to be  
14 tracked. In the past, it has been hard to do that because  
15 staff has been doing it basically by hand or with a  
16 spreadsheet.

17       And that's part of my comment about, you know, what  
18 software or systems do we have in place to make it easier  
19 to track that kind of thing. And so I kind of feel like  
20 this came back full circle to what I had asked about, you  
21 know, in the beginning. And it is a problem because I have  
22 no idea if, for instance, the software that we would need  
23 exists, and if it does, how much it costs, or if it has to  
24 be created from scratch and how much that costs. But these  
25 are all issues that I think, you know, we at BCDC have to

1 grapple with and I am sure there are a lot of other public  
2 organizations and cities that are doing the same thing.

3       Okay, it occurs to me that I have not asked for -- oh,  
4 Rebecca.

5       COMMISSIONER EISEN: I just had a quick follow-up. I  
6 don't know if our permits already have this in them, but is  
7 it possible to have -- it sounds like the City of San  
8 Rafael itself may not have been aware that a part of its  
9 permit obligations had not been fulfilled or had lapsed.  
10 Is there some process in the permit where every, I don't  
11 know, five years or something, the permittee confirms or  
12 reaffirms that the permit conditions are still being met?  
13 Something like that. So that they would then have to check  
14 and make sure everything that they were supposed to have  
15 done is still being done. Matthew, it is just something to  
16 sort of stick in your thinking box because it sounds like  
17 you are already doing a lot of thinking about how to  
18 improve our processes. So, I don't know if that is  
19 something that would be useful, but I just wanted to get it  
20 out there while it was still in the top of my mind.

21       MR. TRUJILLO: I think that's a good, a great idea. I  
22 would just I guess assure you that in our permits already  
23 there is language to the effect that clarifies that it is  
24 the permittee's responsibility to maintain compliance  
25 throughout. But yes, I guess I share your concern, if I am

1 interpreting it correctly, that maybe it is not as robust  
2 as it could be, maybe we need to think about how to make  
3 that a bit more robust.

4 COMMISSIONER EISEN: Thank you.

5 MR. TRUJILLO: Mm-hmm.

6 CHAIR GILMORE: I see Shari Posner. I didn't know if  
7 you wanted to say something.

8 MS. POSNER: I was just going to say that this sounds  
9 like perhaps, and this is up to the Committee, but it  
10 sounds like maybe some sort of presentation from the permit  
11 compliance group, or a working group, or discussion might  
12 be in order because there are a lot of ideas here and  
13 something to consider as a future agenda item, maybe.

14 CHAIR GILMORE: I like that suggestion and if other  
15 members of the Committee, it kind of sounds like we are all  
16 asking the same sorts of questions, and so I am going to  
17 ask Matthew if you would agendize that for a future  
18 meeting.

19 MR. TRUJILLO: Yes, I will.

20 CHAIR GILMORE: Okay, thank you. All right. I'm  
21 sorry, did I ask for public comment? I don't think I did.

22 Are there any members of the public who would like to  
23 comment on this item?

24 MS. MALAN: I see no hands raised, Chair Gilmore.

25 CHAIR GILMORE: Okay, thank you. All right.

1 If there are no final questions or comments from the  
2 Committee Members, I will entertain a motion for approval  
3 to approve the Executive Director's Recommended Enforcement  
4 Decision regarding the proposed stipulated Cease and Desist  
5 Order (sic) today.

6 COMMISSIONER EISEN: So moved.

7 COMMISSIONER VASQUEZ: Second.

8 CHAIR GILMORE: Okay, we had a motion from  
9 Commissioner Eisen and a second from Commissioner Vasquez.

10 Matthew, could you please call the roll?

11 MR. TRUJILLO: I'm sorry, may I clarify? Did you say  
12 Cease and Desist Order? Because it's a Settlement  
13 Agreement.

14 CHAIR GILMORE: Oh, I'm sorry.

15 MR. TRUJILLO: Does that mean we have to redo it? I  
16 am not sure.

17 CHAIR GILMORE: Well, let's redo it just so we have a  
18 clear record. Okay. Can I have a motion to approve the  
19 recommended Settlement Agreement?

20 COMMISSIONER EISEN: So moved.

21 COMMISSIONER VASQUEZ: Second.

22 CHAIR GILMORE: Okay, so we have a motion from  
23 Commissioner Eisen and a second from Commissioner Vasquez.

24 Now, Matthew, will you please call the roll?

25 MR. TRUJILLO: Okay. Commissioner Eisen?



1 COMMISSIONER EISEN: Aye.

2 MR. TRUJILLO: Commissioner Vasquez?

3 COMMISSIONER VASQUEZ: Yes.

4 MR. TRUJILLO: Chair Gilmore?

5 CHAIR GILMORE: Yes.

6 The motion passes unanimously. Thank you very much,  
7 Committee Members.

8 And I will now -- and thank you to the city of San  
9 Rafael. We thank you for your attendance and your  
10 participation today.

11 So, Committee Members, I will now entertain a motion  
12 to adjourn.

13 COMMISSIONER EISEN: So moved.

14 COMMISSIONER VASQUEZ: Second.

15 CHAIR GILMORE: Okay, we have a motion and a second; a  
16 motion by Commissioner Eisen, a second by Commissioner  
17 Vasquez. Is there anybody who objects to this motion?  
18 Seeing no objections, we are adjourned. Thank you  
19 everyone. Have a nice day.

20 (Thereupon, the Enforcement Committee meeting was  
21 adjourned at 10:25 a.m.)

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CERTIFICATE OF REPORTER

I, JOHN COTA, an Electronic Reporter, do hereby certify that I am a disinterested person herein; that I recorded the foregoing San Francisco Bay Conservation and Development Commission Enforcement Committee meeting and that it was thereafter transcribed.

I further certify that I am not of counsel or attorney for any of the parties to said Committee meeting, or in any way interested in the outcome of said matter.

IN WITNESS WHEREOF, I have hereunto set my hand this 2nd day of April, 2024.

  
\_\_\_\_\_  
JOHN COTA

CERTIFICATE OF TRANSCRIBER

I, RAMONA COTA, a Certified Electronic Reporter and Transcriber, certify that the foregoing is a correct transcript, to the best of my ability, from the electronic recording of the proceedings in the above-entitled matter.

 \_\_\_\_\_ April 2, 2024 \_\_\_\_\_

RAMONA COTA, CERT\*\*478