

San Francisco Bay Conservation and Development Commission

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April 24, 2024

TO: Enforcement Committee Members

FROM: Matthew Trujillo, Enforcement Policy Manager (415-352-3633;
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SUBJECT: Draft Minutes of April 24, 2024 Enforcement Committee Meeting

1. Call to Order. The hybrid meeting was called to order by Chair Gilmore at 9:31 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, Vasquez and Chair Gilmore were present. Commissioner Ranchod joined after Roll Call. A quorum was achieved.

Staff in attendance included Compliance Officer John Creech, Principal Enforcement Analyst Adrienne Klein, Legal Secretary Margie Malan, Senior Staff Attorney Michael Ng, and Enforcement Policy Manager Matthew Trujillo.

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 stated no general comments were received in advance of the meeting.

Chair Gilmore then 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 April 11, 2024, Enforcement Committee Meeting.

MOTION: Commissioner Vasquez moved approval of the April 11, 2024, Meeting Minutes; Commissioner Belin seconded the motion.

The minutes were approved by affirmation.

5. Briefing to the Enforcement Committee on the Status of the City of Oakland's Compliance with Commission Order CCD 2020.001.00. Chair Gilmore called on Compliance Officer John Creech to present the item.

Joe DeVries, Deputy City Administrator for Oakland, and Officer Albino of the Oakland Police Department were identified.

Mr. Creech noted the following via a PowerPoint presentation:

- A brief overview of the Park location and the Cease and 2020 Desist Order was discussed.
- Milestones and successes were discussed.
- Oakland is out of compliance with the Order, The Chair the City of Oakland personnel discussed salient issues.
- Chair Gilmore highlighted the lack of enforcement to keep the Park cleared of encampments.
- Legislative restrictions and a lack of funds are contributing factors.

Public Comment

Michael Gorman emphasized the following:

- Mr. Gorman spoke representing children enrolled in the Encinal Yacht Club Junior Sailing Program.
- Garbage and human waste continue to be put into the waters of the Oakland Estuary.
- He is a daily witness to a multitude of illegal activities taking place in the area.
- The public is being harmed and threatened by this situation.
- Mr. Gorman urged BCDC and the pertinent authorities to remedy this problem.

Chris McKay with the Embarcadero Neighborhood Association noted the following:

- The lack of enforcement by the City of Oakland continues to be one of the fundamental causes of the Park not utilized by the public because of the homeless encampments still existing in the Park.
 - Criminal activity has been increasing.
 - It seems like available funding is not being effectively utilized to address this situation.
 - Public tolerance of this has been stretched to the limit.

VH, a resident at Union Point Marina spoke:

- This resident did not self-identify for fear of retaliation by people involved in the current situation.
- Gratitude for what has been accomplished was acknowledged, however, enforcement is needed to prevent further deterioration.

- An unsafe situation for residents currently exists.
- The reopening of the public restroom has significantly contributed to the re-establishment of the encampments. The non-encampment public does not use these bathrooms.

6. Briefing on Oakland Alameda Estuary and Encampment Issue. Chair Gilmore called for Item 6.

- Lieutenant Josh Crossly of the city of Alameda Police Department and Officer Kaleo Albino of the Oakland Police Department Marine Unit introduced themselves.

Mr. Creech then introduced this item:

Lieutenant Crossly noted the following:

- There is currently approximately \$32,000 left in our 2022 Save Grant and \$200,000 in our 2023 Save Grant.
- We are requesting \$150,000 for our 2024 Save Grant.
- There are currently no reported anchor-outs on our end of the Estuary.
- We are in the process of removing 4 sunken vessels.
- We currently patrol about 3 to 4 days a month and I would prefer this to be 3 to 4 days per week. Budget restraints preclude this from happening.

Officer Albino spoke:

- We share the public's concerns regarding the current situation.
- We have abated or removed approximately 30 vessels from the Estuary.
- We have implemented policies pertaining to our Nuisance Vessel Ordinance and our Abandoned Vessel Ordinance.
- I have three officers on loan from our department and this is a huge help.
- We plan to remove 40 abandoned vessels out of the Oakland Marinas within the next couple of months.
- I will ask for a new loan of officers once our new chief is in place.
- We still have \$167,000 left in our 2023 Save Grant.
- We are awaiting hopefully for a multi-million-dollar grant from NOAA.

Brock de Lappe commented:

- I want to acknowledge the fantastic Estuary clean-up activities that have made the Estuary cleaner than it has been in a decade.
- After this clean-up, if there is not ongoing enforcement – the problem will reoccur.
- This cycle is disastrous and an inefficient use of funds.
- Officer Albino needs additional help to achieve his stated objectives.
- Continued funding for the Marine Patrol Unit is essential.

VH commented:

- Public comments should be made at the beginning of an agenda item and not at the end.
- The clean-up activities need to continue.

Chris McKay spoke:

- I want to acknowledge Officer's Kaleo's fabulous work.
- Kudos to Brock de Lappe for keeping this in focus.
- We are very appreciative of all involved.

7. Adjournment. There being no further business, upon motion by Commissioner Belen, seconded by Commissioner Vasquez, the Enforcement Committee meeting was adjourned at 10:28 a.m.