

# San Francisco Bay Conservation and Development Commission

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January 24, 2024

**TO:** Enforcement Committee Members

**FROM:** Matthew Trujillo, Enforcement Policy Manager (415-352-3633;  
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**SUBJECT:** Draft Minutes of January 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, Ranchod, Vasquez, and Chair Gilmore were present. A quorum was achieved.

Staff in attendance included Senior Staff Attorney Michael Ng, Enforcement Policy Manager Matthew Trujillo, Principal Enforcement Analyst Adrienne Klein, Compliance Officer John Creech, Enforcement Analyst Rachel Cohen, 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. She noted that two general comments had been received in advance of the meeting and copies linked to the Enforcement Committee website.

Chris McKay commented:

- BCDC should enforce the agreement with the city and the port to keep encampments out of Union Point Park.
- The situation has rapidly deteriorated, and people have moved back into the park.
- The city has raised \$86 million for interventions dealing with

homeless encampments in parks.

- BCDC enforcement pressure on the city is effective and should be continued.

Brock de Lappe highlighted the following:

- Dwellers of a certain shoreside encampment in the park stole a work boat in the Alameda Marina.
- Allowing these types of activities fosters further criminal activity.
- After spending a huge amount of time and money to clear out the park – why is the closure area designation not being enforced?
- We encourage BCDC to ensure that the closure status of the park is maintained.

#### **4. Approval of Draft Minutes from the January 11, 2024 Meeting.**

**MOTION:** Commissioner Belin moved approval of the January 11, 2024 Meeting Minutes; Commissioner Ranchod seconded the motion.

**VOTE:** The motion carried with a vote of 4-0-0 with Commissioners Belin, Vasquez and Chair Gilmore voting, “YES”, no “NO” votes, and no “ABSTAIN” votes.

**5. Enforcement Report.** Mr. Trujillo updated the Commissioners on new activity since the January 11, 2024 meeting.

Mr. Trujillo reported that since January 11, 2024, 3 new cases were opened, 1 case has been resolved. As of February 24, 2024, there are 72 unresolved cases. This is a net change of +1 since the last report.

Beginning in March we anticipate bringing forward a series of formal enforcement hearings. More attention will be placed in 2024 on cases posing potential harm to our natural resources. This will entail a balancing of Enforcement resources.

No Committee members had comments or questions and no members of the public voiced any comments.

#### **6. Briefing from Cities of Oakland and Alameda on Continuing Alameda Estuary Clean-Up Efforts.**

Representatives from the cities of Alameda and Oakland introduced themselves: Lieutenant Joshua Crossley, city of Alameda, city of Oakland,

Officer Kaleo Albino, Marine Unit, city of Oakland, Joe DeVries, City Administrator's Office, city of Oakland, LaTonda Simmons, City Administrator's Office.

Compliance Officer John Creech introduced this item:

- The cities of Oakland and Alameda will present progress made and current status of events.
- Three past reports were briefly discussed with an anticipated report upcoming in April 2024 announced.
- The September 2023 Enforcement briefing was discussed.
- Anticipated enforcement efforts by both cities will be discussed today.
- Progress has been made and updates will continue.

Lieutenant Joshua Crossley, Alameda Police Department presented the following:

- Status of derelict vessels was discussed.
- Monetary resource expenditures and remaining funds were discussed.

Port Security Officer Kaleo Albino, Oakland Police Department Marine Unit noted the following:

- A 90-day Estuary Cleanup Update was given.
- A future 90-day plan was anticipated and discussed.
- Cleanup processes and procedures were explained.

Joe DeVries, City of Oakland Deputy Administrator highlighted the following:

- Long-term sustainability efforts along the Estuary were discussed.
- The city of Oakland is applying for NOAA grant funding to help in the cleanup.
- Citizen education and involvement was elaborated on.

LaTonda Simmons, City Administrator's Office discussed work and issues around homeless encampments:

- Resource issues and ongoing challenges pertaining to specific sites were discussed.
- Legal impediments to homeless cleanup efforts were listed and amplified for attendees.
- The ramifications of reduced and limited city resources were expounded upon.
- The city will utilize their established triage strategies to advance cleanup efforts.
- Intervening actions by the city are fluid and not a date certain.

Commissioner Belin made the following points:

- Congratulations to all involved is in order.
- How can progress be maintained?

LaTonda Simmons responded:

- Homelessness and enforcement are contingent upon policy and resources.
- The city is expanding pertinent policies and exploring additional resources to deal with the issues involved.
- Prioritization is being revamped based on public input and evolving developments.
- The city and county are coordinating efforts.
- *Martin vs. Boise* has a significant effect on enforcement procedures and strategies.

Joe DeVries added:

- Sustainability will be enhanced by existing and future partnerships.
- Pandemic era negative situations must be addressed via a public/private coordination of efforts.
- Behavioral changes must be attained to create a truly sustainable future for open spaces.
- Criminal elements in homeless encampments must be addressed.

Chair Gilmore requested staff to aggendize a specific time to expand conversations specific to Union Point Park. Enormous resources were expended to clean up Union Point Park and now the encampment problem has reestablished itself. Public frustration is significant regarding the backsliding of this situation. How can this be avoided in the future?

Ms. Simmons explained that a more in-depth conversation was needed because of the legal implications involved. *Martin vs. Boise* significantly inhibited a police department's ability to relocate homeless encampments.

The Oakland Police Department cannot be continuously policing these encampments and dismantling; it pushes the workflow into a different space and the police cannot be utilized in that way.

This is the lesson of *Martin vs. Boise*; it has limited every jurisdiction along the Ninth Circuit Court District area of utilizing police the way we once could.

We are not policing infrastructure. We are actually policing human behavior. New people who have returned to Union Point Park are not the people that were there before.

Joe DeVries added that law enforcement has informed him that people that are being arrested for armed robbery or even shootings are staying in jail less than a week on average. So pitching a tent in a park is viewed as a minor infraction by the police.

Chair Gilmore acknowledged and noted that the Committee is looking forward to a more in-depth discussion of the issues. We must be able to explain to the public how difficult it has become to enforce laws and avoid recurrences of past violations. Union Point Park can be used as an example of the difficulties involved.

Joe Devries stated that the existing venue and interactions between the city and the Committee has been a helpful way to spread public awareness of the challenges involved.

Chair Gilmore moved to Public Comment.

Brock de Lappe commented:

- The massive cleanup job done by Oakland Police Department is phenomenal and they deserve credit for this.
- Efforts to engage the press to give credit where credit is due are ongoing.

- What is absolutely crucial is that Officer Albino have an ongoing, capable, marine patrol unit to prevent a reoccurrence of past violations.
- NOAA funding will be essential in the removal of sunken vessels in the Estuary.
- What is the point of having “No Camping” signage if there is no enforcement? You don’t need shelter beds to be able to remove an RV in the parking lot.

VH commented:

- VH, a 23-year resident of Union Point Marina was thrilled with the cleanup of the anchor-outs.
- It is worrisome that the sunken and the half-sunken vessels on the shore have not been removed and a homeless encampment exists here.
- The city of Oakland has not maintained the closure of the areas around the Park as agreed upon.
- Criminal activity continues in these areas with the authorities seemingly unwilling or unable to stop it.
- We keep reporting and reporting this to the authorities with nothing happening to stop it.

BCDC Counsel Michael Ng commented:

- The issue of Union Point Park is distinct from the agenda item currently being discussed. The Park is its own enforcement and compliance issue that is currently the subject of a BCDC Cease and Desist Order.

**7. Adjournment.** Upon motion by Commissioner Vasquez, seconded by Commissioner Belin, the Enforcement Committee meeting was adjourned at 11:19 a.m.