



**San Francisco Public Utilities Commission  
 Citizens' Advisory Committee**

**MEETING MINUTES**

**Tuesday, January 17, 2023  
 5:30 p.m. – 7:00 p.m.**

**PARTICIPATE VIA ZOOM VIRTUAL CONFERENCE SOFTWARE**

**Meeting URL**

<https://sfwater.zoom.us/j/87884506582?pwd=ZzdiejJYTTU5Z21TSSs1Tm9nbTFDUT09>

**Phone Dial-in**

669.219.2599

Find your local number: <https://sfwater.zoom.us/u/kbwFEr2FCG>

**Meeting ID/Passcode**

878 8450 6582 / 116851

This meeting is being held by Teleconference Pursuant to the Governor's Executive Order N-29-20 and the Sixteenth Supplement to Mayoral Proclamation Declaring the Existence of a Local Emergency Dated February 25, 2020

During the Coronavirus Disease (COVID-19) emergency, the San Francisco Public Utilities Citizens Advisory Committee's (SFPUC CAC) regular meeting room, 525 Golden Gate Ave., 3rd Floor Tuolumne Conference Room, is closed. CAC Members and SFPUC staff will convene CAC meetings remotely by teleconference. Members of the public are encouraged to submit their public comment on agenda items in advance of the teleconference meeting by emailing comments to [cac@sfwater.org](mailto:cac@sfwater.org). Comments submitted no later than 12 PM Tuesday the day of the meeting will be read into the record by SFPUC CAC Staffing Team members during the teleconference meeting and will be treated as a substitute to providing public comment during the meeting. Persons who submit written public comment in advance on an agenda item or items will not be permitted to also provide public comment on the same agenda item(s) during the meeting.

**Mission:** The purpose of the SFPUC CAC is to provide recommendations to the SFPUC General Manager, the SFPUC Commission, and the Board of Supervisors regarding the agency's long-term strategic, financial, and capital improvement plans ([Admin. Code Article XV, Sections 5.140 - 5.142](#))

**Members:**

**Moisés García, Chair (D9)**

- VACANT (D1)
- Suki Kott (D2)
- Steven Kight (D3)
- Douglas Jacuzzi (D4)
- Emily Algire (D5)
- Barklee Sanders (D6)
- Joshua Ochoa (D7)
- Amy Nagengast (D8)

- VACANT (D10)
- Jennifer Clary (D11)
- Maika Pinkston (M-Environmental Org.)
- Nicole Sandkulla (M-Regional Water Customers)
- VACANT (M-Engineering/Financial)
- Eliahu Perszyk (M-Large Water User)
- Andrea Baker (B-Small Business)
- Michelle Pierce (B-Environ. Justice)

**London N. Breed**  
 Mayor

**Newsha Ajami**  
 President

**Sophie Maxwell**  
 Vice President

**Tim Paulson**  
 Commissioner

**Tony Rivera**  
 Commissioner

**Kate Stacy**  
 Commissioner

**Dennis J. Herrera**  
 General Manager

**OUR MISSION:** To provide our customers with high-quality, efficient and reliable water, power and sewer services in a manner that values environmental and community interests and sustains the resources entrusted to our care.



**D = District Supervisor appointed, M = Mayor appointed, B = Board President appointed**

Staff Liaisons: Mayara Ruski Augusto Sa, Lexus Moncrease and Jotti Aulakh  
Staff Email for Public Comment: [cac@sfgwater.org](mailto:cac@sfgwater.org)

## **ORDER OF BUSINESS**

### **1. Call to order and roll call at 5:32 pm**

Members present at roll call: (9) García, Kott, Algire\*\*\*, Nagengast, Clary, Pinkston, Sandkulla, Perszyk, and Baker

Members Absent: (5) Sanders\*, Jacuzzi\*\*, Ochoa, Kight, and Pierce

Staff/Presenters: Commissioner Tim Paulson, Carla Schultheis, Tim Ramirez, Amy Dawson, Charlene Nijmeh, and Monica Arellano

Members of the Public: Peter Drekmeier

\*Member Sanders joined at 5:39 pm. Quorum maintained.

\*\*Member Jacuzzi joined at 5:40 pm. Quorum maintained.

\*\*\*Member Algire left at 6:39 pm. Quorum maintained.

### **2. Approve [December 20, 2022](#), Minutes**

Motion was made (Clary) and seconded (Baker) to approve the December 20, 2022, Minutes.

AYES: (9) García, Kott, Algire, Nagengast, Clary, Pinkston, Sandkulla, Perszyk, and Baker

NOES: (0)

ABSENT: (5) Jacuzzi, Sanders, Ochoa, Kight, and Pierce

Public Comment: None

### **3. Report from the Chair**

- Welcome members, staff, and the public
- Ohlone Tribal Land Acknowledgement

Public Comment: None

### **4. SFPUC Communications**

- [FY2023-24 Budget and 10-Year Capital Plan Development Update](#)
- [Quarterly Budget Status Report](#)
- [Quarterly Audit & Performance Review Report](#)
- [Annual Policy and Government Affairs Update](#)
- [Annual Multi-Enterprise Climate Program Update](#)
- [Annual Surveillance Report for SFPUC Cameras and Drones](#)
- [Annual Real Estate Report](#)
- Water Enterprise
  - [Drought Conditions Update \(December 5, 2022\)](#)
  - [BAWSCA Update](#)

- [State of the Regional Water System Report](#)
- [Water Enterprise Environmental Stewardship Policy Report](#)
- [Annual Water System Improvement Report](#)
- [Annual Water Resources Division Report](#)
- [Annual Water Supply Development Report](#)
- [Alternative Water System Program Quarterly Report](#)
- [Water Enterprise Capital Improvement Program Quarterly Report](#)
- [Update on Lower Tuolumne River Pilot Habitat Restoration Projects](#)
- [Lower Tuolumne River Fall-Run Chinook Salmon](#)
- Wastewater Enterprise
  - [Wastewater Capital Programs Quarterly Report](#)
  - [Green Infrastructure Grant Program: Board of Supervisors Update](#)
  - [San Francisco Bay Summer 2022 Algal Bloom and SFPUC's Plans for Nutrient Reduction](#)
- Power Enterprise
  - [CleanPowerSF Quarterly Report](#)
  - [Quarterly Report to the Board of Supervisors on Connection to PG&E Grid and Related Disputes](#)
  - [Streetlight Program Update](#)

Public Comment:

- **Peter Drekmeier** commented that there was good news about water supply. Drekmeier added that between December 5<sup>th</sup> and January 3<sup>rd</sup>, the SFPUC captured 226,000-acre feet of water, and demand last year was 204,000-acre feet, which is more than a year's worth of water. He commented that Steve Ritchie gave an update at the meeting, which can be seen at SF Gov TV in the Public Utilities Commission section. Drekmeier noted that there is 100% average snowpack, which usually does not happen until April 1<sup>st</sup>, and that the Calaveras Reservoir filled to the point where it spilled 96,000-acre feet. He commented that it is the first time this has occurred since the rebuild was completed and that a great deal of water was added to the water bank. Drekmeier encouraged CAC members to look at the updated report. He added that what they have seen this year already is impressive and that even if it does not rain anymore, all the SFPUC's reservoirs are going to fill. Drekmeier noted that he received a chart from Spreck Rosekrans at Restore Hetch Hetchy, which says that the SFPUC's water rights so far this year are 470,000-acre feet. Drekmeier commented that demand last year was 204,000-acre feet and demand has been under 200 million gallons per day for the past eight years. He added that the SFPUC has amazing water rights and can afford to meet the Bay Delta Plan requirements with minimal risk of running out of water and without having to ration or develop alternative water supplies. Drekmeier noted that at current demand, there could be a repeat of the drought of record, which lasted six years from 1987 to 1992. He commented that it was good news but was not sure that Staff would agree with that because it does not support their narrative that there is not enough water even though they were never below four years' worth of water during the recent drought.

5. **Public Comment:** Members of the public may address the Committee on matters that are within the Committee's jurisdiction and are not on today's agenda.

Public Comment:

- **Peter Drekmeier** thanked the CAC for keeping the general public comment section near the top of the agenda because it is easier to comment on items that are not on the agenda. He noted that in December, the Commission changed their rules of order and moved general public comment to the end of the meeting, and there was discussion from the public on this at the January 10<sup>th</sup> meeting.

6. **Discussion and Possible Action:** [Resolution Making Findings to Allow Teleconferenced Meetings Under California Government Code Section 54953\(e\)](#), Moises Garcia, Full CAC Chair

Motion was made (Sandkulla) and seconded (Kott) to adopt the resolution.

The motion PASSED with the following votes:

AYES: (11) García, Kott, Jacuzzi, Algire, Sanders, Nagengast, Clary, Pinkston, Sandkulla, Perszyk, and Baker

NOES: (0)

ABSENT: (3) Ochoa, Kight, and Pierce

Public Comment: None

7. **Discussion: Commissioner Update - Commissioner Tim Paulson, SFPUC**

*Introduction*

- **Chair García** commented that Commissioner Paulson has over 40 years of experience in the labor movement. He noted that Commissioner Paulson began his career as a tilesetter for the Bricklayers, Tilesetters, and Allied Craftworkers Local 3 Union, served as the Organizing Political Director for SEIU's (Service Employees International Union) Justice for Janitors campaign, became the Political Director and Assistant Executive Officer of the San Mateo Labor Council, and served as the Executive Director of the San Francisco Labor Council. Chair García added that while at the San Francisco Labor Council, Commissioner Paulson oversaw the passage of the Healthcare Security Ordinance, the Retail Employee Rights Ordinance, and was instrumental in passing the \$15 minimum wage increase. He added that Commissioner Paulson also established the Community Benefits Agreement for the revitalization of Hunter's Point Shipyard. Lastly, Chair García noted that Commissioner Paulson served as Secretary Treasurer of the San Francisco Building and Construction Trades Council from which he retired in 2021.

*Presentation*

- **Commissioner Paulson** commented that with the mention of his work in Bayview, he was reminded of the infrastructure that the SFPUC was updating there as well as the new community center. He noted that he was appointed to the Committee by Mayor Breed and was reappointed by the Board of Supervisors for a full second term because of his experience representing 150 different labor organizations for 20 years. Commissioner Paulson explained that Commission seats are assigned based on expertise and his seat is Finance. He commented that he

came from the construction trade and had experience with things such as change orders, bids, hiring, and costs. Commissioner Paulson noted that he advocated in front of commissions for 30 years and as a commissioner he wants to make sure people in San Francisco receive the best product regarding infrastructure. He added that when it comes to capital planning and alternative water sources, the SFPUC has a good finance team that ensures that ratepayers have the best rates, that funding is available, and that the SFPUC's credit rates are compiled. Commissioner Paulson commented that much of this is on a ten-year plan, which is being revisited constantly. He noted that there is a robust team system with an attentive team looking into all options regarding alternative water. Commissioner Paulson provided an example of how he worked to get the buses running on Van Ness Avenue by bringing together different departments, and similarly, he brought up flooding on Marina Boulevard at the last Commission meeting and found out many departments are involved to address this issue.

#### *Discussion*

- **Member Algire** commented that Labor has expressed concerns about power municipalization and asked whether Commissioner Paulson thought their voices were being heard by the SFPUC.

**Commissioner Paulson** responded that the relationship between public power and Pacific Gas and Electric (PG&E), which has been the electricity supplier in San Francisco and California for so long, has been a hot topic. He commented that regarding labor issues, some things were clear because municipalization has been a major policy topic in San Francisco for a long time that was included in the ballot, but public power always lost. Commissioner Paulson noted that this was due to fears of socialism and well financed campaigns that defeated public power. He added that Labor has historically had many principles that often conflict with each other due to electrical workers that work for utilities such as PG&E. Commissioner Paulson commented that certain cities have public utilities and San Francisco has a hybrid system. He added that San Francisco wants to have control of their power as a public policy. Commissioner Paulson noted that there are folks that work for PG&E that have the best contracts with living wages and benefits. He commented that whenever there is a change of employer, it is a labor issue to make sure that workers are taken care of. Commissioner Paulson added that the Commission will be looking at this because there are certain unions that oppose municipal power if their workers are not taken care of, which is a major issue.

**Chair García** commented that the Power Subcommittee adopted a resolution to ask for a deepening of all the studies related to municipalization because it is a complex issue that requires them to be as thorough as possible.

- **Member Clary** commented that the CAC has been supportive of environmental justice, equity, and inclusion at the SFPUC regarding activities and staff. Clary asked Commissioner Paulson what he thought about racial equity at the SFPUC because even though there

is a racial justice plan, she has heard from people of color there that there are still some divides and problems.

**Commissioner Paulson** responded that there was a grand jury and that the Commission has passed a resolution that encourages being more proactive with diversity. He added that the reports he heard back from those in charge have been enlightening. He noted that the process has been deep, and he has not heard otherwise officially or through public comments. Commissioner Paulson commented that the other Commissioners have been pleased with the progress and have been demanding reports on the latest steps regarding training and mentoring. He added that while there are grievances, he is proud that the Commissioners have taken a position to ensure that the equity issues are addressed.

- **Member Clary** asked if there was a track to have more diversity in upper management and whether there was push back among white staff members against the justice, equity, and inclusion measures moving forward at the SFPUC.

**Commissioner Paulson** responded that Clary should bring it to his attention if there is something like that. He commented that any inequity should be brought to their attention, especially if the CAC is aware of it. Commissioner Paulson noted that the CAC is the official public input for the SFPUC and mentioned that commissions have moved the general public comment section to the end of the agenda to allow more time to discuss agenda items. He added that the SFPUC does not have many public comments except for those relating to the Tuolumne River and the salmon crisis. Commissioner Paulson commented that issues such as racial equity or storm drains are not mentioned through public comment, which are issues that the Commission wants to hear more about.

- **Member Clary** commented that the Commission moved general public comment to the end of their agenda to punish a group that has managed to organize to speak at public meetings.

**Commissioner Paulson** responded that he did not say that.

- **Member Clary** commented that general public comment should be at the beginning of the meeting to allow commenters to know when that agenda item is being heard.

**Commissioner Paulson** responded that the Commission chose to prioritize the agenda items and move the general public comment to the end of the meeting because there are not many public comments that come in anyways, so they were not excluding a public comment or disturbing democracy.

- **Member Nagengast** commented that regarding large capital projects, the SFPUC is spending more money on gray infrastructure rather than green infrastructure. Nagengast added that the SFPUC should prioritize green infrastructure. She noted that the SFPUC could simultaneously add things that benefit the community as a whole and

recognize the co-benefits. Nagengast asked how best to lead the SFPUC in a “gray second” approach.

**Commissioner Paulson** responded that San Francisco has a committee for every issue, and it is hard to reach a consensus, making governance difficult. He noted that the SFPUC is considering those questions and added that he is asking these questions as a steward.

- **Member Nagengast** commented that the new Islais Creek Watershed Approach is a great example of internal champions and stressed the importance of spreading those ideas. Nagengast added that she would publicly support this approach and encouraged being great stewards of the infrastructure.

**Chair García** provided the following link:

[https://www.sfpuc.org/sites/default/files/programs/IslaisCreekWS\\_CommunityConversations.pdf](https://www.sfpuc.org/sites/default/files/programs/IslaisCreekWS_CommunityConversations.pdf)

- **Member Sanders** commented that the Commissioner mentioned how the City invests a great deal of money to upgrade infrastructure, but that is not the case for Treasure Island. He noted that the City wants to redevelop Treasure Island, so they’re hesitant to provide upgrades for current residents. Sanders asked what the Commissioner thought of the City doing the bare minimum at Treasure Island as it continues to have several power outages every year. He added that an emergency needs to be declared, which is a resolution that the CAC is currently working on, and asked Commissioner Paulson what he would categorize as an emergency.

**Commissioner Paulson** responded that he has a call-in that he has not followed up on yet with Treasure Island, and he receives the alerts that notify him about power outages that can last up to eight hours. He noted that he too wonders why Treasure Island has so many outages and is aware that there is some revitalization being done to the island. He commented that even with sound infrastructure, there can still be issues caused by the weather. He noted that he would like to know more about this issue because it sounds like people are feeling excluded, and he would like to see a report in front of the Commission.

- **Member Sanders** commented that he has created a website, and he sat on the TIDA (Treasure Island Development Authority) board for two years before joining the CAC. He noted that Treasure Island was made into a development zone and faces obstacles regarding funding. Sanders added that both TIDA and the City must declare an emergency to create more funding options. He commented that there has never been a full system inspection on Treasure Island in 25 years, which is the most important thing that needs to be done. Sanders provided the following link to his website:  
[treasureislandsfpoweroutages.com](https://treasureislandsfpoweroutages.com).

**Commissioner Paulson** responded that there are many negotiations with redevelopment, and he is internally asking questions about Treasure Island.

- **Member Sandkulla** commented that an issue she sees with the SFPUC is their inability to implement their capital program and deliver projects and asked how the Commission could help change that. Sandkulla added she knows some of the issues are related to staffing/hiring issues and mentioned how the ten-year CIP (Capital Improvement Plan) will be reconsidered shortly.

**Commissioner Paulson** asked Sandkulla to let him know where there was a lag with the capital projects because things can take time with billion-dollar projects.

- **Member Sandkulla** commented that the last capital project was adopted two years ago, and there was recognition that the Commission had been unable to spend the money that was appropriated for the following year, which has occurred several times. She noted that the Capital Plan has been restructured and reprioritized because Staff is not meeting what is appropriated. She added that she has heard from general managers that this is due to not having enough staff and the inability to contract with a consultant. Sandkulla acknowledged that some of these issues stem from Covid, but now that Covid is over, the SFPUC needs to get past that to figure out how to meet the targets and spend the money that is appropriate for the adopted Capital Plan.

**Commissioner Paulson** responded that when it comes to development and capital projects at a global level and not just at the SFPUC, having the money to even do the projects in the first place is a victory.

Public Comment:

- **Peter Drekmeier** commented that he appreciates how Commissioner Paulson looks out for the workforce and supports a minimum wage. He then noted that he placed a Sunshine Ordinance Request for the internal communications that led to the revision of the rules of order during the Commission's December meeting, which he was denied based on attorney-client communications. Drekmeier added that he has a hearing with the Sunshine Ordinance Task Force next week on a similar case where he asked the SFPUC for data related to water rationing figures and was denied. He commented that this was related to the State Water Board issuing a water quality certification for the licensing process for the Don Pedro Dam on the Tuolumne River, which is owned and operated by the irrigation districts but is related to the SFPUC because they own and operate the water bank. Drekmeier noted that in their document, the SFPUC claimed that current demand was 238 MGD (Million Gallons per Day) when it was in the 190s, and the SFPUC said that if the water quality certification became part of the license, then rationing would be at 75 to 90%. He added that when Dennis Herrera was the City Attorney, he wrote an op-ed in the Chronicle the same day as Drekmeier that cited the 75% figure. Drekmeier continued that he was denied the data and calculations based on attorney-client communications and had a pre-hearing with the Sunshine Ordinance Task Force where the SFPUC representative was asked what business lawyers had with determining rationing projections. He commented that transparency has become a real problem at the SFPUC, which the CAC should be aware of.



**8. Presentation and Discussion: Overview of the Muwekma Ohlone and SFPUC Partnership:** Charlene Nijmeh, Muwekma Ohlone Chairwoman, Monica Arellano, Muwekma Ohlone Vice-Chairwoman, Carla Schultheis, Watershed and Environmental Improvement Program Coordinator, Natural Resources & Lands Management, Tim Ramirez, Division Manager, Natural Resources & Lands Management

*Presentation*

- **Presenter Nijmeh** began her presentation by greeting members in her native Chochenyo language. She commented that she is the Chairwoman of the Muwekma Ohlone tribe in the San Francisco Bay Area and is the daughter of the former Chairwoman, Rosemary Cambra. She is also the granddaughter of Dolores Sanchez who was born on the Snow Ranch Rio on December 25, 1911, and baptized at Mission San Jose in 1912. Presenter Nijmeh then shared a photo depicting her mother hitting an archaeologist with a shovel because the archaeologist was trying to remove her grandmother and the Muwekma elders from the site of their ancestors in downtown San Jose.

The reason her mother hit the archaeologist was because the archaeologist had told her mother and the elders that they did not belong on the land because the Ohlone people were extinct. Presenter Nijmeh's mother did not agree with his statement and her reaction caused her arrest, bankruptcy and the loss of her home. Presenter Nijmeh noted how this was a very traumatic event for her as a young girl because even though her mother tried to protect her people that day, she always regretted her actions and stressed that they should not resort to violence. Her mother explained that the struggle began before her and would not end with her, so they need to be ready to fight for their people by raising their voice. Presenter Nijmeh explained how her people were not violent and how colonizers were the ones who enslaved, raped, missionized, robbed them of land, and stole their children. She then provided a saying from a Lakota Sioux Chief: "They made us many promises, but they only kept one. They promised to take our land, and they did." She detailed how the Muwekma Ohlone have suffered many broken promises and still suffer today. Presenter Nijmeh's mother was the Chairwoman of the tribe for 40 years, and she fought hard to prove that her tribe was not extinct. She noted how the Ohlone lived on the land for over 10,000 years and are still there today fighting for the promises made to her people over 100 years ago.

Currently, they are fighting for their existence as a tribal community, and if their oppression is allowed to continue in 2023, then the words of truth and healing, social, racial, and historical justice mean nothing. Presenter Nijmeh then explained the tribal history of the Muwekma Ohlone, which to date is made up of all the known surviving American Indian lineages that are aboriginal to the San Francisco Bay Area. She noted how their members can trace their ethno-historic origins from the indigenous tribes who continuously occupied the San Francisco Bay Area for over 10,000 years. When the Spanish arrived in the late 1700s, the Muwekma were rounded up and forced into the three Bay Area Missions: Mission San Jose, Mission Santa Clara, and Mission San Francisco. Presenter Nijmeh added that there was nothing good about the Spanish mission system. They destroyed the villages,

enslaved the Ohlone people, stole their children, raped their women, and attempted to eradicate the tribe's culture, language, and spirit.

Throughout this, the Muwekma Ohlone were resilient and survived, but when Mexico declared its independence from Spain, they secularized the missions in 1834, and many of the mission Indians who were rounded up from outside the Ohlone speaking territories, left the area to return to their non-Ohlone villages. Presenter Nijmeh explained how her people had nothing to go back to because their villages were in the San Francisco Bay Area were destroyed because the Spaniards wanted the land for themselves. She noted that the Ohlone people were not going to leave their 10,000-year-old homeland and were taught that it was their duty to protect their ancestors and sacred sites.

Subsequently, they stayed and settled on other people's ranches in Pleasanton, Niles, San Lorenzo, Livermore, and Sunol and became their workforce/indentured servants. Again, they found a way to survive by staying together, and when the American period came with the Bear Flag rebellion beginning in 1846, the war between Mexico and America ended with the signing of the Treaty of Guadalupe Hidalgo in 1848.

Presenter Nijmeh detailed how in that treaty, the United States guaranteed U.S. citizenship to Mexican citizens in California and recognized their land titles. Alternatively, indigenous Californians became citizens under Mexican and Spanish law, their title to the State of California was clear and acknowledged by the United States, and to secure legal title to California, they negotiated 18 treaties with California Indians where 8.5 million acres of land was to go to the Indians. Presenter Nijmeh elaborated how the discovery of gold in California led to the treaties being buried in secrecy and a push to kill the Indians instead. The first Governor of California put legal bounties on their heads and said how a war of extermination will continue to be waged between the races until the Indian race becomes extinct. Once again, the Ohlone people survived the attempts to exterminate them by staying together, but due to California's genocidal policies, the Muwekma Ohlone people were left landless and destitute until reformers pushed Congress to do something. Congress was then forced to act, especially after the 18 unratified treaties were rediscovered in 1906 after which they passed legislation to commence buying land for landless tribal bands for their home sites, which became the Indian rancherias today.

The first thing they did was take a census of tribes who needed land, which was conducted by a special Indian agent, Charles E. Kelsey of San Jose from 1905 to 1906. In 1906, the Ohlone tribe was identified and included in that census as the Verona band because the Ohlone people were living near a railroad station southwest of Pleasanton called Verona adjacent to the mansion built by U.S. Senator George Hearst and his wife, which was not the correct name for their tribe. They were identified in the 1906 census, on Kelsey Indian maps in 1910 and 1913, with the Reno Agency in 1914 and 1923, and with the Sacramento Agency in 1927 on a list of landless tribes to receive land by Congress who formerly gave the Muwekma Ohlone people federal recognition as an American Indian tribe. Presenter Nijmeh clarified that federal recognition does not create tribes but recognizes social political

communities that predate the United States, which entitles tribes and other members to certain federal benefits while recognizing tribal sovereignty, including the protection and repatriation of the Muwekma Ohlone's ancestral remains. The right of sovereignty and self-determination was promised in perpetuity to tribal nations, and the government relationship can only be terminated by Congress. Once more, greed and disenfranchisement were in play when in 1927, the Sacramento Indian agent removed the Muwekma from the list of tribes to receive land without ever visiting them to see if they were in need.

Consequently, the Muwekma Ohlone never received the land that was promised to them because they did not want to give land to Indians in the San Francisco Bay Area. Presenter Nijmeh again brought up Chief Red Cloud's quote about how they promise to take the Indians' land, so they did. The Indian Agency then refused to buy the Ohlone land that was mandated by Congress and started to ignore them in the hopes that they would either assimilate or die off. The Indian Service Bureau was preparing to terminate many of the California Indian tribes, remove the federal government's responsibility, and turn the responsibility over to the State of California under the 1928 California Indian Jurisdictional Act, which the Muwekma Ohlone was enrolled under. Even though Muwekma members were registering with the Bureau of Indian Affairs and were approved by them under their federal jurisdiction, they still neglected to put them on the official list of recognized tribes in 1978. Before 1978, there was no official list of tribes, which circles back to the picture depicting Presenter Nijmeh's mother hitting the archaeologist with the shovel. This started their journey because Presenter Nijmeh's mother was told that she was not part of a recognized tribe, the Ohlone people were extinct, and their tribe was not on the official list. The Muwekma Ohlone now must prove who they are to the very same people that tried so hard to exterminate them.

The Muwekma Ohlone's efforts to restore their status was always about repatriation and protecting their ancestors. Currently, the University of California at Berkeley is holding up to 12,000 of the Muwekma Ohlone's ancestors and 250,000 burial objects that are 100% connected to the Muwekma Ohlone people, but because they are not federally recognized, they are unable to repatriate their ancestors back to the land and give them peace. Presenter Nijmeh noted that the Ohlone have successfully repatriated 550 ancestral remains from Stanford University in 1989, which was before the NAGPRA (Native American Graves Protection and Repatriation Act) policy was passed in 1994.

Federal recognition is also important because the gentrification of the Bay Area will push the next generations of Muwekma out as they cannot afford to live in their 10,000-year-old homeland. Presenter Nijmeh stressed that it is urgent to clarify their status. She added how part of that recognition effort includes being recognized by their local communities, agencies, institutions, and acknowledging their long and continued existence on these lands to ensure their survival as a distinct tribal community. Additionally, part of that acknowledgment includes inviting the Ohlone to the conversation and giving them a seat at the table. The relationships between sovereign tribal nations and the

institutions, agencies, and communities in aboriginal homelands is critical to coexisting on shared lands because they all have a part to play in the protection of their natural resources. The stewardship of Mother earth and the guarantee they make to future generations is that they will lead these lands in a better way and will work together to advance these common principles.

- **Presenter Arellano** introduced herself as the Vice Chairwoman for the Muwekma Ohlone Tribe of the San Francisco Bay Area and greeted the CAC in her native Chochenyo language. She noted that she was the daughter of Joel Cota Arellano, Sr., the granddaughter of Albert Marine Arellano, and the great granddaughter of Mercedes Marine. She added that she was from the Marine lineage whose native ancestors were baptized at Mission San Jose going back to the year 1814 when her great-great-great grandmother, Efrena Quennatole was missionized into Mission San Jose from her village on the north side of the Carquinez Strait. Her husband, Liberato Culpece from the Saklan and Jalquin tribes, was baptized at Mission San Francisco in 1801. Presenter Arellano then discussed the Ohlone Tribe's working relationship with the SFPUC.

On April 10, 2012, the Muwekma Ohlone Tribal Leadership was alerted by a friend, of a proposed development for an Ohlone related exhibit at the Oakland Museum and at the future Alameda Creek Watershed Center. He informed the tribe that the project manager for the new Sunol Visitors Center was Carla Schultheis, which begin the tribe's relationship with the exhibition, the interpretation of the Emeryville Shellmound at the Oakland Museum, and with the SFPUC.

The relationship with the SFPUC and the Muwekma Ohlone Tribe commenced in Sunol after the discovery of the ancestral remains of a middle aged Ohlone woman. She was encountered on October 2, 2014, during the excavation of a water pipeline replacement as part of the Sunol Fire Suppression System Project. The Muwekma Ohlone Tribe's former Chairwoman, Rosemary Cambra, was named the most likely descendant tribal representative for this project. On October 10, 2014, a team of Muwekma tribal representatives, field archaeologists, URS (United Research Services) AECOM's (Architecture, Engineering, Construction, Operations, and Management) field crew, Muwekma Ohlone Tribal Chairwoman Rosemary Cambra, Tribal Administrator Norma Sanchez, Tribal Archaeologist and Ethnohistorian Alan Leventhal, and SFPUC Commission representatives met to review the discovery of the ancestral remains and discuss the excavation, exposure, and documentation of the individual burial.

After locating the rest of the ancestral remains, the Muwekma Ohlone Language Committee, including Presenter Arellano, decided to formally name the site "Place of the Woman Sleeping Under the Pipe Site", which was based on the position of the ancestral woman under the old water pipe and named the person "Sleeping Under the Pipe Woman." A final report was submitted in October 2017 to the SFPUC on the recovery of "Sleeping Under the Pipe Woman" and a portion of a second burial of a child.

Concurrently in May 2014, discussions were held about the construction of the Alameda Creek Watershed Center at which the tribal leadership were invited to give a presentation on the history and heritage of the Muwekma Ohlone tribe that included the residents in the area at the Alisal, Sunol, Livermore, and Niles rancherias during the mid-1900s and early twentieth century. It was noted that the Alisal rancheria was located a couple miles north of the town of Sunol and that the tribe was formally federally recognized in 1906 after the rediscovery of the 18 unratified California Indian treaties of 1851 and 1852 by Charles E. Kelsey from San Jose when he was named Special Indian Agent for California Indians in 1905.

Kelsey identified families on his special Indian census from 1905 to 1906 residing in Niles, Pleasanton, and Alisal. Afterwards, on formal Bureau of Indian Affairs correspondence, the tribe was formally named the Verona band of Alameda County. In their tribal presentation, they pointed out that U.S. Senator George Hearst and his wife Phoebe Apperson Hearst had purchased a portion of the Alisal rancheria in the 1880s where they built their mansion on the land called Hacienda del Pozo de Verona.

In the early 20<sup>th</sup> century, Phoebe Hearst funded the anthropology department at Berkeley where she invited renowned anthropologist, Alfred L. Kroeber, C. Hart Merriam, Edward Gifford, and James Mason to interview the elders of the tribe about the languages that they were speaking at the rancherias. Between 1925 and 1930, the Smithsonian Institution Bureau of American Ethnology's anthropology linguist, John Peabody Harrington, also spent time interviewing knowledgeable speakers. These scholars recorded the linguistic term Muwekma, which means "the people" in the Chochenyo Ohlone language, hence the name of the Muwekma Ohlone Tribe.

As plans ensued for the construction of the Alameda Creek Watershed Center, it became clear that the area selected for the project was within a sensitive zone that contained a partially documented ancestral heritage site identified as C8ALA565H. The SFPUC administrators and personnel were concerned and proposed that the project be a joint effort with the Muwekma Ohlone Tribe so that the tribe would have full oversight on the project as the cultural resources were excavated. As a result of this joint effort, the tribal leadership was able to select the cultural resources management firm, Far Western Anthropological Research Group, which proved to be a successful and fruitful partnership.

Once again, the tribe's Leadership and Language Committee named the site "Place of the Water Around House Site", acknowledging the history of the Sunol Water Temple. As a result of the successful Cultural Resource Mitigation Program, a major study was produced on the archaeological interpretation, biology, and ethnic history of the Muwekma people who were buried at the site, which was published at the Center for Archaeological Research at Davis in 2020. The tribe also worked collaboratively with museum professionals on the development of interpretive displays at the Watershed Center, which has expanded to the exterior grounds to include public arts from artists such as Walter Kitundu, whose piece pays tribute to the history and

creation story of the Muwekma Ohlone people. An important PBS (Public Broadcasting Service) style educational film titled "Time Has Many Voices" was produced about the history and discoveries at the site. This film has been viewed via PBS and the tribe's website by many educational entities throughout the United States.

Lastly, DNA studies have been conducted that successfully connected the modern Muwekma Ohlone tribal members to the ancestors that were recovered at the site. Currently, the Muwekma Ohlone people are looking for land to reinter their ancestors recovered from the site. They look forward to collaborating with the docents and other educators who will be teaching the curriculum on the Muwekma Ohlone Indians at the Alameda Creek Watershed Center where a meeting room was named the Muwekma Ohlone Room. Presenter Arellano concluded her presentation by stating that they look forward to having their relationship and partnership grow with SFPUC.

### *Discussion*

- **Chair García** provided the following link: An American Genocide, <https://yalebooks.yale.edu/book/9780300230697/an-american-genocide/>.
- **Member Pinkston** commented that the land on Bayview Hill included shellmounds of the Muwekma Ohlone Tribe that were not recognized. She added that there was a land agreement where the Muwekma Ohlone gave the land to the African Americans so that they could have a place to live. Pinkston noted that she remembers hearing about this from Ms. Espanola Jackson, and she has discussed what took place with Mr. Francisco Da Costa. Pinkston asked who she could contact to confirm this history because if the land does consist of shellmounds, then it is holy land that should be respected.

**Presenter Nijmeh** responded that she does remember those stories because she knew Ms. Espanola Jackson, who was a strong ally and their tribal liaison in San Francisco. She noted that her mother, Rosemary Cambra, worked closely with Ms. Espanola Jackson on these issues along with Francisco Da Costa. Presenter Nijmeh commented that she can circle back with their tribal ethnohistorian, Alan Leventhal, and former Chairwoman Cambra to see what type of agreement was constructed with the group in Bayview and noted that many ancestors were uncovered there because it was a shellmound.

**Member Pinkston** commented that she was the single community advocate for the Bayview Hill. She noted that some people are not willing to discuss what may have taken place, but her main concern is respecting the holy land.

- **Member Perszyk** asked how the CAC could help support the Muwekma Ohlone's mission and advance their relationship with the SFPUC.

**Presenter Nijmeh** responded that the CAC could help by ensuring that the Muwekma Ohlone has a seat at the table. She commented that the Muwekma Ohlone were still fighting for their status clarification, so a

letter of support to local legislators and federal representatives would be helpful. Presenter Nijmeh added that the tribe feels they have been silenced and ignored so having a relationship with a public agency helps to amplify their voice. She noted that they are also in need of land to repatriate their ancestors because there are 12,000 ancestors at UC Berkeley alone, which is just one county. Presenter Nijmeh responded that is also helpful to continue inviting the Muwekma Ohlone to presentations so that they can continue to share their story.

- **Presenter Arellano** commented that they have a website and social media to keep the public informed on what they are doing. She added that it was hard work having to prove who they are everyday so having public support and their voices amplified helps them receive government attention. She then shared an image with the Muwekma Ohlone seal and the QR code that leads to their website.
- **Member Jacuzzi** commented it is important to remember that they are all existing on indigenous land.
- **Chair García** asked for an update on federal recognition.

**Presenter Nijmeh** responded that she just spent ten days in Washington D.C. and met with the five delegations in the Bay Area, who have a problem with supporting the recognition of the Muwekma Ohlone because of a gaming issue. Presenter Nijmeh added that she stressed to them in their meeting that gaming does not have anything to do with their sovereignty. Presenter Nijmeh noted that by not providing the Muwekma with gaming rights, the Bay Area delegations are asking them to be less than a tribe in California, which is dangerous. She stressed that their current administration does not want to do gaming and is focused on green programs, but she cannot take away the rights of her children. Presenter Nijmeh added that they are still working on it and trying to get them over that wall.

- **Member García** commented that House Speaker Pelosi is their representative, so the CAC can play a role there. He noted that it is a political fight that the CAC can choose to be a part of to support the Muwekma Ohlone in regaining their sovereignty. He asked whether Presenter Nijmeh had any success with the U.S. Senators.

**Presenter Nijmeh** responded that she is going back to D.C. in February. She commented that she met with House Speaker Pelosi who was very supportive in advancing the issue of recognition. Presenter Nijmeh added that they have been ignored for 40 years.

Public Comment: None

## 9. Staff Report

- Reminder that the District 1, District 10, and Engineering/Finance seats are vacant
- The CAC will return to in-person meetings starting March 1<sup>st</sup>

Public Comment: None

## **10. Future Agenda Items and Resolutions**

- [CAC Advance Calendar](#)

Public Comment: None

## **11. Announcements/Comments Please visit [www.sfpuc.org/cac](http://www.sfpuc.org/cac) for confirmation of the next scheduled meeting, agenda, and materials.**

Public Comment: None

## **12. Adjournment**

Motion was made (García) and seconded (Nagengast) to adjourn the meeting.

Meeting was adjourned at 7:34 pm.