

Date: Nov. 9, 2010

Item No. 2

File No. 10052

**SUNSHINE ORDINANCE TASK FORCE**  
**COMPLAINT COMMITTEE**  
**AGENDA PACKET CONTENTS LIST\***

- Kai Wilson v North of Market/Tenderloin CBD**
- 
- 
- 
- 
- 
- 
- 
- 
- 
- 

Completed by: Chris Rustom

Date: Nov. 10, 2010

**\*This list reflects the explanatory documents provided**

~ Late Agenda Items (documents received too late for distribution to the Task Force Members)

\*\* The document this form replaces exceeds 25 pages and will therefore not be copied for the packet. The original document is in the file kept by the Administrator, and may be viewed in its entirety by the Task Force, or any member of the public upon request at City Hall, Room 244.



RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

2010 OCT -5 PM 2:23

BY AK

SUNSHINE ORDINANCE TASK FORCE

1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102

Tel. (415) 554-7724; Fax (415) 554-7854

http://www.sfgov.org/sunshine

SUNSHINE ORDINANCE COMPLAINT

Complaint against which Department or Commission North of Market / Tenderloin Community Benefits District

Name of individual contacted at Department or Commission Elaine Zamora, District Manager All 2010-2011 Board of Directors for CBD.

Alleged violation public records access  
 Alleged violation of public meeting. Date of meeting July 19, 2010; unknown date of meeting when my performance was discussed.

Sunshine Ordinance Section \_\_\_\_\_  
(If known, please cite specific provision(s) being violated)

Please describe alleged violation. Use additional paper if needed. Please attach any relevant documentation supporting your complaint.

Did not provide information requested about illegal removal from Board of Directors after an FDR was emailed in early August 2010. Also, discussed performance of a Board member in closed session, which violates Brown Act

Do you want a public hearing before the Sunshine Ordinance Task Force?  yes  no  
Do you also want a pre-hearing conference before the Complaint Committee?  yes  no

(Optional)<sup>1</sup>  
Name Kai Wilson Address \_\_\_\_\_

Telephone No. 773 [REDACTED] E-Mail Address [REDACTED]@hotmail.com

Date \_\_\_\_\_ Signature [Signature]

I request confidentiality of my personal information.  yes  no

<sup>1</sup> NOTICE: PERSONAL INFORMATION THAT YOU PROVIDE MAY BE SUBJECT TO DISCLOSURE UNDER THE CALIFORNIA PUBLIC RECORDS ACT AND THE SUNSHINE ORDINANCE, EXCEPT WHEN CONFIDENTIALITY IS SPECIFICALLY REQUESTED. YOU MAY LIST YOUR BUSINESS/OFFICE ADDRESS, TELEPHONE NUMBER AND E-MAIL ADDRESS IN LIEU OF YOUR HOME ADDRESS OR OTHER PERSONAL CONTACT INFORMATION. Complainants can be anonymous as long as the complainant provides a reliable means of contact with the SOTF (Phone number, fax number, or e-mail address).



Kai Wilson  
<[REDACTED]@hotmail.com>  
10/05/2010 04:59 PM

To <soff@sfgov.org>  
cc  
bcc

Subject Attn: Chris FW: Regarding My Letter of Constructive  
Resignation From the North of Market/ Tenderloin  
Community Benefit District

Hello-

My name is Kai Wilson and below you will find the email that I sent to the individuals stated on my Sunshine Ordinance complaint. You will also find attached documents that accompanied the below email. Chris asked me to forward this information.

Please respond letting me know that you have received this because I have sent email messages to this email address previously and received no response.

Also, I would like a prehearing. Please leave that marked 'Yes' on my submission of complaint.

Best,

Kai Wilson

---

From: [REDACTED]@hotmail.com  
To: nomtlcbd@att.net; dinanomtlcbd@att.net; ebyrd@hospitalityhouse.org; tmoss@sftc.org; mtellingery@yahoo.com; pamelacoatestl@yahoo.com; paul@thclinic.org; phogarth@mac.com  
Subject: Regarding My Letter of Constructive Resignation From the North of Market/ Tenderloin Community Benefit District  
Date: Wed, 4 Aug 2010 13:00:46 -0700

Greetings-

\*Please read thoroughly and immediately. There are requests for information that are time sensitive and could result in various actions if each Board Member does not respond individually and within the time frame. It would also be best to read the attached documents as well. I have forwarded the email to all board members except Tony Davidson, whose information I do have. Also, Pam's email address is never accurate. As secretary of the board, I had four different emails for her, and less than two months ago I asked staff for her updated email address, and received no response. If someone could forward this correspondence on to them, that'd be stellar. \*

I regret to follow up to inform the North of Market/ Tenderloin Community Benefit District (CBD) staff and Board of Directors that I will be submitting my letter of forced or constructive resignation shortly; I have attached a preliminary letter. The letter will detail the inappropriate behavior of staff members Dina Hilliard and Elaine Zamora, and all Board Members except Tony Davidson, the new Board Member, and Elvis Byrd, who was not in attendance of the July 19, 2010, leading up to my forced or constructive resignation. I have not been well for months due to the retaliatory or unexplained behavior of these individuals, and have subsequently been forced to seek medical attention.

It will take me several weeks to compile a lengthy, detailed account of all email and other correspondences I have had with board members, staff members and Bay Area residents regarding my constructive resignation; and the extremely hostile, inappropriate or unjustified behavior of the

aforementioned parties.

All of the information and subsequent procedure may have the suggestion that I am considered a staff/personnel person since this is the precise reason that all Board Members and 2 staff persons, except myself, chose to address my dismissal in a closed session; and due to the fact that I was initially voted off the Board in a closed Executive Committee session, which according to the full Board discussion, can only be done in the matters of staff or personnel. I will further investigate my status as staff/personnel verses Board Member and this will be outlined in my full report.

I am making an immediate disclosure request regarding any and all correspondences between staff and current as well as immediately former board members (immediate past Board of Directors), regarding my removal from the CBD Board of Directors and any conversations regarding my term of service with the North of Market/ Tenderloin Community Benefit District. This includes emails, text messages, memos, letters, conversations of any fashion, etc. Please forward this information to the email address listed in the Preliminary Letter of Constructive Resignation beginning immediately, and of course within the supposed 10-day allotted time frame. (The address this information has been sent from.) This includes all Board and staff members because the California Public Records Act pertains to all of you, not solely staff members. Katerina Villanueva, City of San Francisco's Mayor's Office of Economic and Workforce Development office who works with all CBDs on behalf of the city has informed me of my right to access information regarding my dismissal after consulting with the city attorney's office.

I have also an email from Ms. Zamora stating that the Sunshine Ordinance also applies to the Community Benefit District regarding requests for information.

Attached is a preliminary letter regarding my constructive resignation. Due to health constraints, I will work on this as time permits, but wanted to inform the CBD of my intent within a reasonable time frame so requested documents are still in place and can begin being forwarded immediately. I think this information is vitally important, and will prove better for the organization as a whole in the long run. Despite the outcome of this situation, documentation has been and will continue to be my main focus, as this is the cornerstone of responsible, civil interactions.

While I am constructing the letter, I will still be attending community meetings, and worthwhile events at the CBD, as the CBD leaders consider this a public space or "community space." There should be no problem with my attendance. If I become too overwhelmed, I will remove myself, but as long as individuals are cordial, as they should have remained all along, I do not foresee problems arising when I visit the location to express my concerns regarding community concerns at large.

If the North of Market/ Tenderloin Community Benefit District staff and Board of Directors deem it inappropriate that I continue to attend meetings in that space, please send written documentation of this.

Per the Executive Committees' reason for voting unanimously to dismiss me (Executive Committee claimed that I had no right to engage community members regarding my concerns about the direction of the CBD and the behavior of staff and Board Members), I have only forwarded this particular email and attached documentation to current and immediately past former Board Members and the City of San Francisco liaisons, Katerina Villanueva and Lisa Pagan.

Please see attached.

Also, I have attached a partial list (what I can remember) of my personal contributions to the North of Market/ Tenderloin Community Benefit District. During the closed session of the Full Board meeting regarding my dismissal, Ms. Zamora stated that my claims that I contributed a lot to the CBD "belied" the facts, and I wanted to ensure Board Members that her statements were false and inaccurate.

In the future I sincerely hope that Board Members take their roles more seriously and understand that the Board of Directors, not solely staff members are suppose to be involved in the financial and directional aspects of an organization. I have witnessed repeatedly Board Members of the North of Market CBD vote on budgets, community recommendations and other important issues with little or no thought and time put into the situation.

I believe my dismissal from the Board was handled as such and Board Members of the North of Market/ Tenderloin Community Benefit District must understand that acting this recklessly is not only inappropriate for this type of organization, but it can also have overtones of legal consequences.

If you have any questions regarding forwarding the information, please email me here and call me at 773 [REDACTED]. Do not send correspondences to the address you have on file for me, as this is no longer a valid address for this type of correspondence.

I have attached all documents as PDFs.

Sincerely,



Kai Wilson Letter of Constructive Resignation\_Kai Wilson.pdf Contributions to the North of Market.pdf

August 4, 2010

North of Market/ Tenderloin Community Benefit District Board of Directors  
134 Golden Gate Avenue  
San Francisco, CA. 94102

Re: Preliminary Letter of Constructive Resignation

Dear North of Market/ Tenderloin Community Benefit District Board of Directors and Staff:

Please be advised that effective Monday July 19, 2010, I resign from my post as a Board Member of the North of Market/ Tenderloin Community Benefit District. I could no longer tolerate the inappropriate actions of staff members Elaine Zamora and Dina Hilliard, as well as all current Board Members, except Tony Davidson, the new Board Member, and Elvis Byrd, who was not in attendance at the July 19, 2010 Board meeting. I have several documents that I would like to present and therefore I have decided to produce a preliminary letter of resignation prior to my final letter of forced resignation, which will be provided shortly. I reported several times to the Former Board President Tomiquia Moss, and Former Vice-President/Current President Kevin Montreuil the problems staff members were causing me and I do not believe the issue was adequately addressed.

Nine days after the new CBD Board was seated, I was told that the Executive Committee voted me off of the Board of Directors unanimously in a closed session. My choices were to resign immediately or take up my complaint with the Full Board. Within the last year, the Full Board has voted in accordance with the Executive Committee's recommendation one hundred percent of the time. Executive Committee Chair and Board President Kevin Montreuil refused to directly answer a question regarding the Executive Committee verses the Organizational Committee, and upon my request for the question to be answered during a meeting, Ms. Elaine Zamora (staff member and Board Member) called me "irritant" and suggested, "why don't you just leave the Board then if you don't like it?" There is email proof that the question was asked four times previously via email, and staff as well as the Executive Committee refused to answer the question while I was still a Board Member.

My problems with staff and Board Members did not stem from lack of trying on my part. However, I was informed via email that I was unanimously voted of the CBD Board of Directors in a closed session by the Executive Committee.

My name was removed from the website as Committee Chair of the Public Right of Way Committee before I was asked to resign from the Board, and staff members as well as Board Members refused to answer my email correspondences while I was still a Board Member. In addition, I was unanimously voted off of the Board of Directors by the Executive Committee, which did so without general Board oversight, community oversight or any attempts to reconcile the issues they were claiming through a grievance process. These instances coupled with several other occurrences (which will be outlined in the formal letter of constructive resignation), have created a climate in which I was not able to sustain work on the North of Market/ Tenderloin Community Benefit District under the direction of Elaine Zamora, Dina Hilliard and the 2010-2011 Board of Directors.

As stated in the body of the email, I am making an immediate disclosure request, pursuant to the California Public Records Act and the Streets and Highway Code, requesting any and all emails, memos, letters, phone records, text messages, correspondences, etc. from staff members and current as well as immediate past Board Members, regarding my removal from the CBD and regarding my performance on the CBD Board of Directors in general.

I have checked with the City of San Francisco several times and although the North of Market/ Tenderloin Community Benefit District is a nonprofit organization, this organization also follows the code of the State Bid Act/ the Streets and Highway Code, which means that your nonprofit status does not supersede requests for information. The requested information is not classified and you are required by law to provide me with the above information; you will be reported accordingly if you do not.

The North of Market/ Tenderloin Community Benefit District has also violated the Brown Act twice, which clearly states that discussion of "the performance of any elected official, or member of the board" is not allowed in a closed session.

My health has been put in jeopardy as result of continued inappropriate behavior, as well as being asked to leave a community-run Board of Directors for asking staff members to clarify Board procedure questions. My complaints of issues have not been adequately addressed or given a proper grievance hearing. Several times simple clarifications of Board procedures were requested, and exclusionary tactics were used to interpret the bylaws in a variety of ways by Elaine Zamora, Dina Hilliard and Kevin Montreuil. I deserve to be treated equally and fairly as anyone else under similar circumstances.

To date, I have still not been offered a proper grievance hearing in front of the Board of Directors; I was voted off of the Board of Directors by the Executive Committee in a closed hearing before being offered these options. The one session I had to discuss this in front of the full Board of Directors consisted of current Board Members explaining to me why I was not a good fit for the Board, and that I was quite "a great worker, and we don't question contribution to the CBD, but that [my] talents would be useful elsewhere."

Please send all correspondences to [REDACTED]@hotmail.com. I am making the immediate disclosure request to all current Board of Directors, as well as staff members, which means that if you are a current Board or staff member with the North of Market/ Tenderloin Community Benefit District you must forward any and all correspondences sent or received regarding my removal from the Board of Directors as well as any correspondence you have received or sent regarding my performance during my term of service with the CBD. If you do not, I will report individual Board Members accordingly. I can expect everyone will handle this matter with the utmost honesty and grace.

If you do not have any correspondences regarding my dismissal, please simply forward an email stating this. All information should be forwarded to [REDACTED]@hotmail.com within the 10-day period allotted by the California Public Records Act. If you questions, please contact Katerina Villanueva at the City, Katerina.Villanueva@sfgov.org, as she is the person who facilitated this information from the city attorney. The aforementioned codes, acts and ordinances can also be googled at your convenience for clarification.

With regrets,

Kai Wilson

CC: North of Market/ Tenderloin Community Benefit District Board of Directors  
CC: Katerina Villanueva  
CC: file

## Contributions to the North of Market/ Tenderloin Community Benefit District

2009-2010

- Transcribed and Typed:

### **Public Right of Way Committee Agenda for 10 months-**

September 2009, October 2009, November 2009, January 2010, February 2010, March 2010, April 2010, May 2010, June 2010, July 2010 (Created agenda, however was voted off of Board of Directors before sending.)

### **Public Right of Way Committee Minutes for 10 months-**

August 2009, September 2009, October 2009, November 2009, January 2010, February 2010, March 2010, April 2010, May 2010, June 2010

### **Organizational Committee Minutes for 2 months**

July 2009, September 2009

### **Executive Committee Minutes for 3 months**

July 2009, September 2009, November 2009

### **Full Board Minutes – 6 months**

July 2009, September 2009, November 2009, January 2010, March 2010, May 2010

- Organized and Executed Board of Directors Mixer
- Increased Board transparency by requesting that the Board President ensure that staff members are including Board of Directors on all decisions, which did not happen previously.
- Chaired all Public Right of Way Committee Meetings from August 2009 until June 2010.
- Initiated a public event that would have been the only event funded this fiscal year spearheaded by a Board Member of the Community Benefit District.. (I was subsequently asked to leave the Board and will be applying for this grant that was going to be put on the CBD credit card by Elaine Zamora or Dina Hilliard.)
- Pushed for the Organizational Committee to restart, which is why I was asked to leave the Board of Directors.
- Written or responded to over 500 emails regarding CBD-related matters during my one-year term of service.





"North of Market Tenderloin"  
<nomtlcbd@att.net>

10/22/2010 10:06 AM

Please respond to  
<nomtlcbd@att.net>

To <sotf@sfgov.org>

cc "Kevin Montreuil" <kmontreuil@gmail.com>, "Dina Hilliard-CBD" <dinanomtlcbd@att.net>, "Lisa Pagan" <Lisa.Pagan@sfgov.org>

bcc

Subject Response to Sunshine Complaint Received: #10052\_Kai Wilson vs. North of Market/Tenderloin CBD

History:

This message has been forwarded.

**Mr./Ms. Chris Rustom,**

**This acknowledges receipt of the notice of Complaint Number 10052 and all supporting documents attached thereto.**

**I, and other representatives from the North of Market/Tenderloin Community Benefit District, will attend the November 9<sup>th</sup> Hearing at 3:30pm in San Francisco City Hall Room 406 to contest jurisdiction of the Sunshine Ordinance Task Force in this matter.**

**We are a private non-profit organization. North of Market/Tenderloin Community Benefit Corporation is our legal name as filed with the California Secretary of State.**

**In January 2006, the Board of Supervisors approved the resolution that authorizes the North of Market/Tenderloin Community Benefit Corporation as the Owner's Association who will administer the North of Market/Tenderloin Community Benefit District. Per Section 336614.5 of the California Streets and Highways Code, Part 7- The Property and Business Improvement District Law of 1994, "Owners' associations" means "a private entity and may not be considered a public entity for any purpose, nor may board members or staff be considered to be public officials for any purpose."**

**As the "Owner's Association" administering the Management District Plan for the North of Market/Tenderloin Community Benefit District, we are subject to the Ralph M. Brown Act and the California Public Records Act.**

**The San Francisco City Attorney provided a training on April 28, 2010, to all San Francisco CBD's and BID's where we were given notice that we are not subject to the City Sunshine Ordinance as we do not fit the definitions of a "passive body" or "policy body" (Article II, Section 67.3 (c) and (d) as none of our members, staff, or Directors are public officials, elected officials, or city employees). We also do not fit the definition of a "department" as defined in Section 67.20. We have a Management Agreement with the City and County of San Francisco and according to Section 12.2 of our agreement, we are only subject to Sunshine Ordinance Section 67.24(e).**

**The work of our organization is primarily (94%) funded by property owners within our district boundaries, which totaled \$877,980 in fiscal year ending June 2010. The remainder of our funds is from grants and private donations.**

**Our response to the charges filed by Kai Wilson is that we are not subject to the jurisdiction of the Sunshine Ordinance Task Force.**

**Please contact us with any questions.**

**Thank you for your consideration in this matter.**

**Elaine Zamora**  
**District Manager**  
**North of Market/Tenderloin Community Benefit Corporation**  
**134 Golden Gate Avenue, Suite A**  
**San Francisco, CA 94102**  
**(415) 292-4812**

---