

Date: May 26, 2009

Item No. 2
File No. 09014

SUNSHINE ORDINANCE TASK FORCE

AGENDA PACKET CONTENTS LIST*

- Dr. Ahimsa Sumchai v Board of Supervisors
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Completed by: Chris Rustom

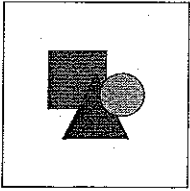
Date: May 15, 2009

***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.

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DENNIS J. HERRERA
City Attorney

ERNEST H. LLORENTE
Deputy City Attorney

DIRECT DIAL: (415) 554-4236
E-MAIL: ernest.llorente@sfgov.org

MEMORANDUM

April 20, 2009

*AHIMSA PORTER SUMCHAI v. SAN FRANCISCO BOARD OF SUPERVISORS
(09014)*

COMPLAINT

THE COMPLAINANT ALLEGES THE FOLLOWING FACTS:

Complainant, Dr. Ahimsa Porter Sumchai alleges that the Board of Supervisors cancelled their regularly scheduled meeting for the week of March 9 -13, 2009 and that six members of the Board went to Washington D.C. to meet with Senator Dianne Feinstein and House Speaker Nancy Pelosi.

COMPLAINANT FILES COMPLAINT:

On March 18, 2009, Dr. Sumchai filed a complaint with the Task Force alleging that the Board conducted a policy body meeting while in Washington D.C. without providing public notice of the meeting and without providing an opportunity for Public Comment in violation of the Public Records Act, Brown Act and the Sunshine Ordinance.

THE RESPONDENT AGENCY STATES THE FOLLOWING:

On March 24, 2009, Frank Darby, the Records and Information Manager of the Office of the Clerk of the Board of Supervisors. Sent an e-mail to the Task Force and stated that the BOS did not contest the Task Force's jurisdiction over the issues raised by the complaint but that factually, the BOS did not violate the state Public Records Act, the Brown Act or the Sunshine

Memorandum

Ordinance since the members of the Board that were a majority of the Board went to Washington D.C. to attend a conference.

APPLICABLE STATUTORY SECTION:

1. Sunshine Ordinance, Section 67.3 which defines "Meeting" and discusses the allowed participation at national conference.
2. Sunshine Ordinance Section 67.5 which require policy bodies to have public meetings.
3. Sunshine Ordinance Section 67.6 which define the conduct of business, time and place for meetings.
4. The State Brown Act Section 54952.2 which deals with the definition of "Meeting" and discusses allowed participation in conferences.

APPLICABLE CASE LAW:

none

ISSUES TO BE DETERMINED

1. FACTUAL ISSUES

A. Uncontested Facts:

- The BOS cancelled it regular meeting for the week of March 9-13, 2009
- Six members of the BOS traveled to Washington D.C.

B. Contested facts/ Facts in dispute:

The Task Force must determine what facts are true.

i. Relevant facts in dispute:

- Whether a majority of the Board of Supervisors conducted a meeting while in Washington D.C.?
- Whether a majority of the BOS met together and discussed business within the jurisdiction of the BOS?
- Whether a majority of the BOS went to Washington D.C. to attend a conference?

Memorandum

QUESTIONS THAT MIGHT ASSIST IN DETERMINING FACTS:

- What was the reasons why the members of the BOS went to Washington D.C.?
- What did the members of the BOS do as a body while in Washington D.C.?
- Did the members of the BOS attend a conference?
- Was the attendance of the conference the only business conducted by the members of the BOS?

LEGAL ISSUES/LEGAL DETERMINATIONS;

- **Were sections of the Sunshine Ordinance (Section 67.21), Brown Act, Public Records Act, and/or California Constitution Article I, Section three violated?**
- **Was there an exception to the Sunshine Ordinance, under State, Federal, or case law?**

CONCLUSION

THE TASK FORCE FINDS THE FOLLOWING FACTS TO BE TRUE:

THE TASK FORCE FINDS THAT THE ALLEGED VIOLATIONS TO BE **TRUE OR NOT TRUE.**

Memorandum**THE CALIFORNIA CONSTITUTION AS AMENDED BY PROPOSITION 59 IN 2004 PROVIDES FOR OPENNESS IN GOVERNMENT.**

Article I Section 3 provides:

- a) The people have the right to instruct their representative, petition government for redress of grievances, and assemble freely to consult for the common good.
- b)(1) The people have the right of access to information concerning the conduct of the people's business, and therefore, the meetings of public bodies and the writings of public officials and agencies shall be open to public scrutiny.
 - 2) A statute, court rule, or other authority, including those in effect on the effective date of this subdivision that limits the right of access shall be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.
 - 3) Nothing in this subdivision supersedes or modifies the right of privacy guaranteed by Section 1 or affects the construction of any statute, court rule, or other authority to the extent that it protects that right to privacy, including any statutory procedures governing discovery or disclosure of information concerning the official performance or professional qualifications of a peace officer.
 - 4) Nothing in this subdivision supersedes or modifies any provision of this Constitution, including the guarantees that person may not be deprived of life, liberty, or property without due process of law, or denied equal protection of the laws, as provided by Section 7.
 - 5) This subdivision does not repeal or nullify, expressly or by implication, any constitutional or statutory exception to the right of access to public records or meetings or public bodies that is in effect on the effective date of this subdivision, including, but not limited to, any statute protecting the confidentiality of law enforcement and prosecution records.
 - 6) Nothing in this subdivision repeals, nullifies, supersedes, or modifies protections for the confidentiality of proceedings and records of the Legislature, the Members of the Legislature, and its employees, committee, and caucuses provided by Section 7 of Article IV, state law, or legislative rules adopted in furtherance of those provisions: nor does it affect the scope of permitted discovery in judicial or administrative proceedings regarding deliberations of the Legislature, the Members of the Legislature, and its employees, committees, and caucuses.

Memorandum
ATTACHED STATUTORY SECTIONS FROM CHAPTER 67 OF THE SAN
FRANCISCO ADMINISTRATIVE CODE (THE SUNSHINE ORDINANCE)
UNLESS OTHERWISE SPECIFIED

Section 67.1 addresses Findings and Purpose

The Board of Supervisors and the People of the City and County of San Francisco find and declare:

- (a) Government's duty is to serve the public, reaching its decisions in full view of the public.
- (b) Elected officials, commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. The people do not cede to these entities the right to decide what the people should know about the operations of local government.
- (c) Although California has a long tradition of laws designed to protect the public's access to the workings of government, every generation of governmental leaders includes officials who feel more comfortable conducting public business away from the scrutiny of those who elect and employ them. New approaches to government constantly offer public officials additional ways to hide the making of public policy from the public. As government evolves, so must the laws designed to ensure that the process remains visible.
- (d) The right of the people to know what their government and those acting on behalf of their government are doing is fundamental to democracy, and with very few exceptions, that right supersedes any other policy interest government officials may use to prevent public access to information. Only in rare and unusual circumstances does the public benefit from allowing the business of government to be conducted in secret, and those circumstances should be carefully and narrowly defined to prevent public officials from abusing their authority.
- (e) Public officials who attempt to conduct the public's business in secret should be held accountable for their actions. Only a strong Open Government and Sunshine Ordinance, enforced by a strong Sunshine Ordinance Task Force can protect the public's interest in open government.
- (f) The people of San Francisco enact these amendments to assure that the people of the City remain in control of the government they have created.
- (g) Private entities and individuals and employees and officials of the City and County of San Francisco have rights to privacy that must be respected. However, when a person or entity is before a policy body or passive meeting body, that person, and the public, has the right to an open and public process.

Memorandum

Section 67.3 (b)(1) defines "Meeting" as follows:

- 1) A congregation of a majority of the members of a policy body at the same time and place.

Section 67.3(b)(4) (B) states the "Meeting" shall not include any of the following:

- B) The attendance of a majority of the members of a policy body at a regional, statewide or national conference, or at a meeting organized to address a topic of local community concern and open to the public, provided that a majority of the members refrains from using the occasion to collectively discuss the topic of the gathering or any other business within the subject matter jurisdiction of the City.

Section 67.5 states that meetings to be open and public and that the Brown Act applies. It states:

All meetings of any policy body shall be open and public, and governed by the provisions of the Ralph M. Brown Act (Government Code Sections 54950 et seq.) and of this article. In case of inconsistent requirements under the Brown Act and this article, the requirements which would result in greater or more expedited public access shall apply.

State Brown Act Section 54952.2 defines "Meeting" as follows:

- a) As used in this chapter, "meeting" includes any congregation of a majority of the members of a legislative body at the same time and place to hear, discuss, or deliberate upon any item that is within the subject matter jurisdiction of the legislative body or the local agency to which it pertains.

State Brown Act Section 54952(c) states that nothing in this section shall impose the requirements of this chapter upon any of the following:

- 2) The attendance of a majority of the members of a legislative body at a conference or similar gathering open to the public that involves a discuss of issues of general interest to the public or to public agencies of the type represented by the legislative body, provided that a majority of the members do not discuss among themselves, other than as part of the scheduled program, business of a specified nature that is within the subject matter jurisdiction of the local agency. Nothing in this paragraph is intended to allow memgers of the public free admission to a conference or similar gathering at which the organizers have required other participants or registrants to pay fees or charges as a condition of attendance.



RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2009 MAR 18 AM 9:21

BY le

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 Board of Supervisors

Name of individual contacted at Department or Commission Angela Calvilla - Clerk

Alleged violation public records access
 Alleged violation of public meeting. Date of meeting Week of March 9-13

Sunshine Ordinance Section Public Records, Brown Act and Sunshine Violations
(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.

Six member majority of BOS including Supervisors Chiu, Chu, Maro
Campas, Duffy and Maxwell abruptly canceled scheduled meetings of BOS
to travel to Washington, D.C. to meet with Federal Elected Officials Feinstein &
Pelosi. No public notice, agenda or public comment opportunity.

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)¹
Name Abhimsa Porter Sunmchai Address 236 West Portal # 1523, S.F. 94127
Telephone No. (415) 835-4763 E-Mail Address asunmchai@sfbayview.com
abhimsa_sunmchai@uast.edu
Date 3/12/09

I request confidentiality of my personal information. yes no

¹ 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).

Board of
Supervisors/BOS/SFGOV
03/24/2009 11:53 AM

To SOTF/SOTF/SFGOV@SFGOV
cc David Chiu/BOS/SFGOV@SFGOV, Angela
Calvillo/BOS/SFGOV@SFGOV, Frank
Darby/BOS/SFGOV@SFGOV
bcc
Subject COB/BOS Response: #09014_Dr. Ahimsa Sumchai vs
COB/BOS

History: This message has been forwarded.

This e-mail is in response to the complaint filed against the President and Clerk of the Board of Supervisors by Dr. Ahimsa Porter Sumchai.

The complaint alleges a violation of the Public Records Act, Brown Act and Sunshine Ordinance by a majority of the Board who attended a conference in Washington D.C. However, attendance to a conference by a majority of the Board is not a violation of the California Public Records Act, the Brown Act or the Sunshine Ordinance.

This office does not question the Task Force's jurisdiction to address the issues raised in the complaint. We reserve the right to supplement this letter with a further response or responses prior to the April 28, 2009, full Task Force meeting.

Frank Darby
Records & Information Manager
Office of the Clerk of the Board of Supervisors
City Hall, Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94605
(415) 554-5184



"Dr. Ahimsa Sumchai"
<asumchai@live.com>
03/26/2009 01:43 PM

To Jon Lau <jon.lau@sfgov.org>, Board Supervisors
<board_of_supervisors@ci.sf.ca.us>, Sophie Maxwell
<sophie.maxwell@sfgov.org>, Sunshine Task Force

cc

bcc

Subject Response from office of Supervisor Sophie Maxwell

Please add to SOTF and Ethics Complaints

AHIMSA PORTER SUMCHAI, M.D.

> Subject: public records request
> To: asumchai@live.com
> From: Jon.Lau@sfgov.org
> Date: Thu, 19 Mar 2009 17:27:31 -0700

>

>

> FAX on letterhead to follow:

>

>

> March 19, 2009

>

> Ahimsa Porter Sumchai, M.D.

>

>

>

> Dear Ms. Sumchai:

>

> I am writing in response to your public records request of March 19,
> 2009. The office of Supervisor Maxwell received your request via e-mail
> today.

>

> In your request you ask for documentation related to the recent
> CityTrip and American Public Transportation Association events held
> recently in Washington, D.C.

>

> Please be advised that we are hereby invoking an extension of not more
> than 24 days from March 19, 2009 to respond to your request pursuant to the
> California Public Records Act. Under the Public Records Act, the deadline
> can be extended for up to 24 days due to "the need to search for, collect
> and appropriately examine a voluminous amount of separate and distinct
> records which are demanded in a single request" and "the need for
> consultation, which shall be conducted with all practicable speed, with
> another agency having substantial interest in the determination of the
> request or among two or more components of the agency having substantial
> subject matter interest therein." (See Cal. Government Code 6253(c)(2) and

- > (3).
- >
- >
- > (See attached file: sunshine request sumchai.doc)
- >
- >

-
- >
 - > Jonathan O. Lau
 - > Legislative Assistant,
 - > Office of Supervisor Sophie Maxwell
 - > City Hall
 - > 1 Dr. Carlton B. Goodlett Place, Room 244
 - > San Francisco, CA 94102-4689
 - >
 - > e.mail: jon.lau@sfgov.org
 - > ph: 415-554-7672
 - > fax: 415-554-7674

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sunshine request sumchai.doc



"Dr. Ahimsa Sumchai"
<asumchai@live.com>

03/26/2009 01:44 PM

To Sunshine Task Force <soft@sfgov.org>, Ethics Commission
<ethics.commission@sfgov.org>, Catherine Argumedo
<catherine.argumedo@sfgov.org>, John St.Croix

cc

bcc

Subject Was this approved by the BOS? gift letter to the City for DC
trip

Please add to SOTF and Ethics Complaint

AHIMSA PORTER SUMCHAI, M.D.

> Subject: Re: Was this approved by the BOS? gift letter to the City for DC trip
> To: asumchai@live.com
> CC: angela.calvillo@sfgov.org; asumchai@sfbayview.com; asumchai@live.com;
board_of_supervisors@ci.sf.ca.us; david.chiu@sfgov.org; ethics.commission@sfgov.org;
rblack@sfchamber.com; soft@sfgov.org
> From: David.Noyola@sfgov.org
> Date: Mon, 23 Mar 2009 14:52:57 -0700
>
> Dr. Sumchai,
> It is my understanding the Chamber initially intended to give the gift to
> the City, and ultimately decided to limit the gift to individual officers
> and city staff. These individual gifts from the Chamber foundation to each
> Supervisor will be reported on each's Form 700 at the next filing.
>
> Please let me know if you have any further questions.
>
> best,
> david
>
> David Noyola
> Office of Supervisor David Chiu
> City Hall, Room 264
> San Francisco, CA 94102
> tel. 415/554-7451 fax. 415/554-7454
>
>
>
> "Dr. Ahimsa
> Sumchai"
> <asumchai@live.co To
> m> David Noyola
> <david.noyola@sfgov.org>,
> 03/21/2009 03:05 <rblack@sfchamber.com>, David Chiu
> PM <david.chiu@sfgov.org>, Board

> > 03/04/2009 10:30 cc
> > AM
> > Subject
> > gift letter to the City for DC trip
> >
> >
> >
> >
> >
> >
> >
> >
> >
> > David,
> >
> > Attached is a copy of the gift letter for the DC trip. I apologize this
> is
> > coming late but with all the additions in the last 24 hours, we had to
> > figure out the content.
> >
> > Hopefully we can get something introduced to be heard by the board to
> > accept the amount at the next meeting. I will bring you the original this
> > morning.
> >
> > Rob Black
> > Vice President, Public Policy
> > San Francisco Chamber of Commerce
> > 235 Montgomery St., 12th Floor
> > San Francisco, CA 94104-2803
> > 415-352-8844 Direct, 415-392-0485 Fax
> > rblack@sfchamber.com
> >
> > (See attached file: Gift Letter for DC trip.pdf)
>
> Internet Explorer 8 – Now Available. Faster, safer, easier. Download FREE
> now!

Express your personality in color! Preview and select themes for Hotmail®. [See how.](#)



pic23238.gif

Board of
Supervisors/BOS/SFGOV

04/30/2009 11:59 AM

To "Dr. Ahimsa Sumchai" <asumchai@live.com>

cc Angela Calvillo/BOS/SFGOV@SFGOV, Frank
Darby/BOS/SFGOV@SFGOV, sotf@sfgov.org, Board of
Supervisors/BOS/SFGOV@SFGOV

bcc

Subject COB Response: 4/29/09 IDR re: 09014_Dr. Ahimsa Sumchai
v COB/BOS

Dr. Sumchai,

The following is in response to your Immediate Disclosure Request.

Response:

Q1 Response - Attached are notices of meeting cancellations for the full Board of Supervisors and their committees that are responsive to your request. The notices were posted on Thursday, March 5, 2009, at approximately 2:00 p.m. The cancellation notice for the full Board was posted on the web site, bulletin board (outside room 244), main library, and newspaper. The cancellation notices for the two Committees were posted on the web site, bulletin board, and main library.



BOS March 9-11 Cancellations.pdf

Q2 Response - No hearings were held before the Board to discuss the "budget of the Sunshine Ordinance Task Force and its employees and commissioners" therefore, there are no records responsive to your request.

Q3 Response - There are no records responsive to your request.

Complete a Board of Supervisors Customer Satisfaction form by clicking the link below.

http://www.sfgov.org/site/bdsupvrs_form.asp?id=18548

"Dr. Ahimsa Sumchai" <asumchai@live.com>



"Dr. Ahimsa Sumchai"
<asumchai@live.com>

04/29/2009 12:42 PM

To Sunshine Task Force <sotf@sfgov.org>, Ahimsa Sumchai
<asumchai@sfbayview.com>,
<board.of.supervisors@sfgov.org>, angela Calvillo
<angela.calvillo@sfgov.org>, David Chiu
<david.chiu@sfgov.org>, Frank Darby
<frank.darby@sfgov.org>, Parkside Listserve
<home@prosf.org>, Mary Ratcliff <editor@sfbayview.com>,
Bruce Brugman <bruce@sfbg.com>, "Tim Redmond"
<tredmond@sfbg.com>, Mesha
<communityfirstcoalition@yahoo.com>, Board
Supervisors <board_of_supervisors@ci.sf.ca.us>

cc

Subject Immediate Disclosure Request - SOTF Hearing Reminder:
##09014_Dr. Ahimsa Sumchai v COB/BOS

I am requesting an immediate disclosure from both the Clerk of the Board of Supervisors and Mr. Frank Darby- SOTF administrator of the following information:

1. Please provide me within 48 hours all notices of cancellation for the full meeting of the BOS and its committees held from March 9th through March 11th due to the absence of the six member majority who traveled to Washington, D.C. Please provide documentation of the exact date and time the notices of cancellation were issued in compliance with the 72 hour meeting notification rules.
2. Please provide me with documentation of all BOS hearings held during the month of March and April in which the budget of the Sunshine Ordinance Task Force and it's employees and commissioners was placed on agenda.
3. Please provide me with documentation of Mr. Darby's schedule of all meetings with members of the BOS and it's legislative aids in which the topic of the SOTF budget and the SOTF complaint #09014 were discussed.

AHIMSA PORTER SUMCHAI, M.D.

BOARD of SUPERVISORS



City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 544-5227

Notice of Canceled Meeting
BOARD OF SUPERVISORS
March 10, 2009 – 2:00 p.m.

NOTICE IS HEREBY GIVEN that the regularly scheduled meeting of the San Francisco Board of Supervisors for March 10, 2009, at 2:00 p.m. has been **canceled**.

The next regular meeting will be held on Tuesday, March 17, 2009, at 2:00 p.m. in the Legislative Chambers, Second Floor, 1 Dr. Carlton B. Goodlett Place, Room 250, San Francisco.

Angela Calvillo, Clerk of the Board

BOARD of SUPERVISORS



City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 544-5227

NOTICE OF CANCELLED MEETING

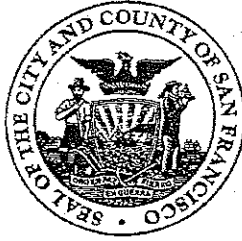
CITY OPERATIONS AND NEIGHBORHOOD SERVICES

SAN FRANCISCO BOARD OF SUPERVISORS

NOTICE IS HEREBY GIVEN that the regularly scheduled meeting of the City Operations and Neighborhood Services Committee for Monday, March 9, 2009, at 10:30 a.m., at 1 Dr. Carlton B. Goodlett Place, in Room 263, City Hall, San Francisco, California, has been **cancelled**.

Angela Calvillo, Clerk of the Board

BOARD of SUPERVISORS



City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

NOTICE OF CANCELLED MEETING

LAND USE & ECONOMIC DEVELOPMENT COMMITTEE

SAN FRANCISCO BOARD OF SUPERVISORS

NOTICE IS HEREBY GIVEN that the meeting of the Land Use & Economic Development Committee scheduled for March 9, 2009 at 1:00 p.m., at 1 Dr. Carlton B. Goodlett Place, Room 263, City Hall, San Francisco, California, has been **cancelled**.

Angela Calvillo, Clerk of the Board

MEETINGS

"Regularly scheduled, special or cancelled meetings are listed below."

Monday, March 9, 2009

City Operations & Neighborhood Services
Committee

Room

Cancelled

Time

Land Use & Economic Development
Committee

Cancelled

Tuesday, March 10, 2009

Transportation Authority - Finance Committee

263

11:00 a.m.

Board of Supervisors

Cancelled

Wednesday, March 11, 2009

Budget & Finance Committee

Chamber

11:00 a.m.

Thursday, March 12, 2009

Government Audit & Oversight Committee

Cancelled

Friday, March 13, 2009

SUNSHINE ORDINANCE TASK FORCE COMPLAINT #09014

Dr. Ahimsa Porter Sumchai v BOS

To: Members and Chair - Sunshine Ordinance Task Force
Members and Chair - San Francisco Ethics Commission
Members and President - San Francisco Board of Supervisors
City Attorney Dennis Herrera

Dear Elected and Appointed City Officials:

The following documentation is being submitted to substantiate charges of violation of Chapter 67 of the San Francisco Administrative code as well as Ethics Commission and Brown Act California Codes Government sections violations stemming from the six member majority of the San Francisco Board of Supervisors who traveled on March 8, 2009 through March 11, 2009 to Washington, D.C. to attend "meetings" pertaining directly to San Francisco City Government affairs.

These "meetings" are well documented to have occurred without publication of notice or agenda and without public comment or input. Indeed, in an email dated 3/23/09 at 2:55pm, David Noyola assistant to BOS president David Chiu documents that **the full Board of Supervisors never voted to accept the "gift" from the San Francisco Chamber Foundation of the costs of "all meals, ground transportation, airfare and hotel accomodations" for the six member BOS majority including Board President Chiu and Supervisors Chu, Mar, Campos, Dufty and Maxwell.**

Chapter 67 of the San Francisco Administrative Code stipulates that "Government's duty is to serve the public, reaching its decisions in full view of the public." Additionally, California Codes Government Code Section 54956 of the Brown Act defines a special meeting of a legislative body or a "majority of the members of the legislative body" and requires that "notice shall be delivered personally or by mail and shall be received at least 24 hours before the time of the meeting."

Additionally, in 1993 San Francisco voters passed Proposition K establishing the duties and responsibilities of the Ethics Commission. The Ethics Commission commits itself to, "actively enforce all ethics laws and rules, including campaign finance and open government laws."

Sunshine Ordinance section 67.3(b) clearly stipulates that a "meeting" shall not include any of the following: **(B) The attendance of a majority of the members of a policy body at a regional, statewide or national conference. Or at a meeting organized to address a topic of local community concern open to the public, provided that the majority of the members refrains from using the occasion to collectively discuss the topic of the gathering or any other business within the subject matter jurisdiction of the City.**

I am prepared to demonstrate through documents and communication obtained under the Sunshine Act and through newspapers articles published widely in the local media that "meetings" both on and off agenda, occurred during the Washington, D.C. trip attended by the six member BOS majority that were not open to the public, were not legally noticed under open government laws, in which numerous city business initiatives were discussed with the deliberate intent that these initiatives be introduced, supported and implemented by the San Francisco Board of Supervisors without public comment or input.

These topics included, but were not limited to, meetings "with labor and business leaders and Department of Labor staff on SF's labor and workforce development needs" as documented in an email from Supervisor Eric Mar to Gordon Mar on Monday, March 9, 2009 at 12:23pm.

In a Sunday, March 15, 2009 OpEd in the SF Examiner, Steve Falk, President and CEO of the San Francisco Chamber of Commerce documents in a newspaper with the broadest San Francisco circulation, "In meetings with Feinstein, Boxer, Pelosi and Congresswoman Jackie Speier, San Francisco's supervisors discussed not only economic stimulus but...the conveyance of Treasure Island etc."

In documentation titled, Mayor's Office of Government Affairs Washington, D.C. Chamber Trip 2009 briefing materials, the Mayor documents that, "The City and County of San Francisco/TIDA is poised to immediately begin construction of San Francisco's newest neighborhood in the First Quarter of 2010." The Treasure Island project is identified as one of San Francisco most important priorities for 2009 in a white paper developed by the San Francisco Chamber and distributed to all six supervisors.

In a memorandum to the members of the Board of Supervisors from the office of the Mayor dated March 6, 2009, Nancy Kirshner Rodriguez, Deputy Chief of Staff for Government Affairs identifies the Hunters Point & Treasure Island Remediation and Transfer and "the redevelopment of these sites are critical to the economic development of the city."

The briefing materials include a letter from United States Senator Dianne Feinstein to Barack H. Obama, President of the United States "requesting his assistance in a no-cost economic development conveyance of Naval Station Treasure Island to the City and County of San Francisco this year." Senator Feinstein identifies that "the transfer of Treasure Island is one of my top priorities this year."

This matter is highly significant from an ethical standpoint as Senator Feinstein is married to Richard Blum board chairman of the commercial real estate firm CB Richard Ellis Group. As of December 2006, according to SEC filings and www.fedspending.org, CB Richard Ellis is the Blum controlled international real estate firm involved in redeveloping military bases turned over to the private sector. Lennar developers has been assisted in its development activities at Hunters Point Shipyard by CBRE Consulting, a subsidiary of CB Richard Ellis - a global real estate firm headed by Senator Dianne Feinstein's husband, Richard Blum.

Indeed, my principal contention is that the six member majority of the BOS received gifts from the San Francisco Chamber of Commerce to travel to Washington, D.C. on short notice to meet in closed session with Senator's Feinstein and Speaker Pelosi in a veiled attempt to secure majority BOS vote to expedite the conveyance of the naval bases at Treasure Island and Hunters Point. I further contend that Senator Feinstein and Speaker Pelosi have engaged in violations of Federal Elections Commission and Ethics laws violations in their activities at Hunters Point Shipyard and Treasure Island.

Both Supervisor Mar and Supervisor Carmen Chu document in email correspondence that additional "meetings" were organized once the six member majority reached Washington, D.C. These communications are enclosed.

In a message to Carol Piasente, Vice President/Communications and Events for the San Francisco Chamber of Commerce from Supervisor Chu dated 3/18/09 at 4:36pm requesting the final agenda for the City Trip activities, Piasente responds, "In can send you the final agenda we printed, but as you know there were several meetings scheduled "on the spot." I don't have a final list of all of those."

In addition to what can clearly be defined as "special meetings" called without public notice or input, the six member BOS majority appears to have shared accommodations in Washington, D.C. for up to four days at the Hyatt Regency Washington on Capitol Hill offering the opportunity for additional "closed door" meetings regarding San Francisco city business. y

Please note that despite my request for documentation of all written and electronic communications, travel, meals, lodgings, gifts and transportation made under IDR to all six supervisors and to the clerk of the BOS in an email dated Thursday, March 19, 2009 at 14:48, Supervisors Maxwell and Campos failed to respond to this reasonable request. This failure to respond to an IDR in a timely manner is, in itself, a violation of open government laws.

Only Supervisor's Chu, Mar and Chiu provided full documentation of travel expenses, lodgings and communications. I wish to publicly thank them.

In the matter of gifts, please note that in addition to the \$4,500 cost of delegate registration including airfare, ground travel, meals, tips, accommodations and conference registration for each of the six supervisors gifted by the chamber, the invitation to CityTrip 2009 documents sponsorship opportunities. A \$10,000 presenting sponsor was given "opportunity to include a gift item in delegate bag (item provided by your company). In an email to Cassandra regarding Supervisor Eric Mar, Carol Piasente documents that, "we will deliver to the Supervisor tomorrow his CityTrip travel bag and a binder with background information, etc. None of the six supervisors itemized the contents of the CityTrip travel bag.

Supervisor Maxwell cited, erroneously, in two separate communications dated April 1, 2009 and March 19, 2009, the invoking of a "24 day extension under the provision of the California Government Code." Supervisor Maxwell's office failed to produce documents submitted by the other five Supervisors -Chiu, Mar, Chu, Campos and Dufty. Indeed, Supervisor Maxwell produced flimsy documentation and failed to include basic information found in the packet of the other five supervisors. Specifically all documentation of the agenda and itinerary of CityTrip 2009 were excluded by the office of Supervisor Maxwell!

In further documentation of "meetings" in which city business was specifically discussed without public notice, comment, input or agenda Carol Piasente of the SF Chamber circulated an email titled, City Trip-

What We Learned and Who We Met, to the six member BOS majority on 3/18/09 at 4:32pm that included, "summary notes from the wrap-up session, along with flagged follow-up items."

This communication refers to a "Wrap Up Discussion" held on Wednesday, March 11, 2009 at 1pm conducted by Steve Falk, President & CEO of the San Francisco Chamber and attended, presumably by BOS members and other "delegates".

In this session the SF Chamber - hosts to the six member BOS majority - outlined a list of legislative and policy priorities for the Board of Supervisors including matters not on the agenda of either CityTrip 2009 or the agenda of the San Francisco County Transportation Authority meetings. These recommendations include A local BOS ordinance allowing for the establishment of A San Francisco Downtown Community Benefit. Indeed, the six member BOS delegate packet included the CBD "proposal for discussion".

The CityTrip "overview" documents that "there was agreement that in these competitive times, it would be useful to explore working with the Los Angeles Chamber, and other chambers to pull together a summit meeting with the full California delegation or legislators...to come up with a regional economic development strategy."

Additional documentation in the SF Chamber overview identifies that Spur suggests "including a small fee on every business license issued by the city to fund economic development activities" and that the Chamber will be involved in a recommendation related to this issue...presumably to the Board of Supervisors.

On page 3 of the SF Chamber overview it is stated that "Delegates emphasized the importance of business and convention travel to the San Francisco economy and urged legislators to "tone down" the criticism of business travel." Additional recommendations to the BOS the SF Chamber expects to implement include, "a debriefing for San Francisco's community court staff and judges."

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 544-5227

May 19, 2009

Honorable Task Force Members
Sunshine Ordinance Task Force
City Hall, Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Re: Complaint No. 09014 Dr. Ahimsa Sumchai vs COB/BOS

Dear Task Force Members:

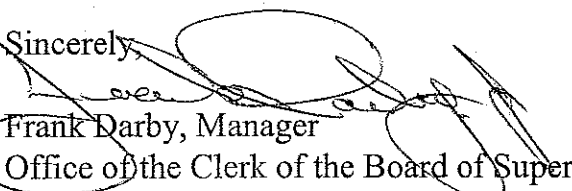
During the April 28, 2009, meeting of the full Task Force you continued the above titled complaint to the May 26, 2009, meeting to allow the complainant, Dr. Sumchai, to submit documentation proving her allegations that the Board of Supervisors violated the Public Records Act, Brown Act and Sunshine Ordinance when a majority of the Members attended a conference in Washington D.C. On May 18, 2009, this Office received documents submitted by Dr. Sumchai, and in response we submit the following documents for your consideration

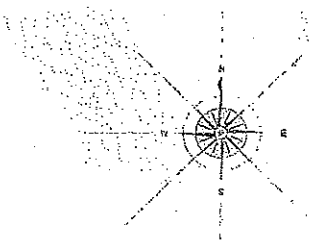
EXHIBIT	DESCRIPTION
A	March 8-11, 2009, City Trip 2009 Agenda
B	March 18, 2009, E-mail from Carol Piasente
C	March 11, 2009 Minutes of BOS Budget & Finance (pg. 1)

Dr. Sumchai's allegation that the six members of the Board of Supervisors met in closed session "in a veiled attempt to secure majority BOS vote" is without merit.

Attendance by a majority of the members of the Board of Supervisors to a conference in Washington D.C. is not a violation of the California Public Records Act, Brown Act, or the Sunshine Ordinance. Therefore, we request that the Task Force dismiss the complaint or issue a finding of no violation.

Sincerely,


Frank Darby, Manager
Office of the Clerk of the Board of Supervisors



City Trip 2009

citybusinesslabor

Sunday, March 8 -- Wednesday, March 11



Sunday, Mar. 8

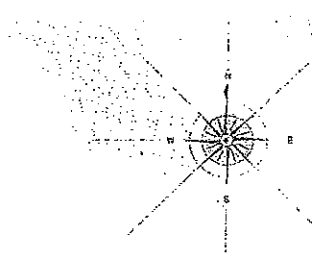
6:30 am	Arrival & check-in at SFO	SFO/International Terminal
8 am	Fly SFO to Washington Dulles	Virgin America Flt #78
4:05 pm	Arrival at Dulles	
4:30-5:30 pm	Bus to hotel & check-in	Hyatt Regency Washington Capitol Hill
5:30-6 pm	Check into rooms	
6-7:30 pm	<u>Welcome Reception</u> Hosted by San Francisco Chamber of Commerce	Congressional Rm. A
7:30 pm	Free evening	

Exhibit A-1



SAN FRANCISCO
CHAMBER OF COMMERCE
Where smart business starts.

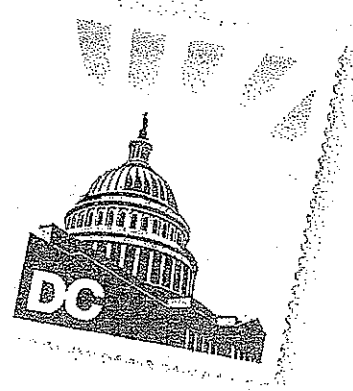




CityTrip 2009

citybusinesslabor

Sunday, March 8 -- Wednesday, March 11



Monday, Mar. 9

8-8:30 am Breakfast Hyatt Regency
Capitol Hill,
Concord/Lexington Rm.

8:30-9 am Travel to University Club Bus

9-10:30 am Welcome to CityTrip University Club
1135 16th St. NW
*Wade Rose, 2009 Chamber Chair, and Vice President/External
& Government Relations, Catholic Healthcare West*

Marketing Greater Washington
Sponsored by Degenkolb

*Matt Erskine, Executive Director, Greater Washington
Initiative, an affiliate of the Greater Washington Board of
Trade*

10:30-11:30 am Infrastructure & Transportation:
What's in the Works? University Club

*Mortimer L. Downey III, Senior Advisor, Parsons Brinckerhoff,
and advisor to the Obama Transition Team on Transportation*

*Jeff Morales, Senior Vice President, PB Americas Inc, and
Director of Strategic Initiatives and Government Relations,
Americas*

*Jane F. Kavinoky, Director of Transportation Infrastructure,
US Chamber of Commerce*

11:30 am -1 pm Introduction to an Agenda for San Francisco: The Government
Affairs Point of View University Club

*Martin Gold, Partner, Covington & Burling's Washington
Office; Co-chair, Legislative Practice Group*

*Eve O'Toole, Leader, Intergovernmental Affairs Practice,
MARC Associates/Holland & Knight, representing city of San
Francisco*

*Mark Kadesh, Kadesh & Associates, representing California
High-Speed Rail Authority*

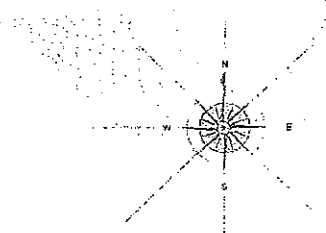
LUNCH will be served during presentation.

A-2
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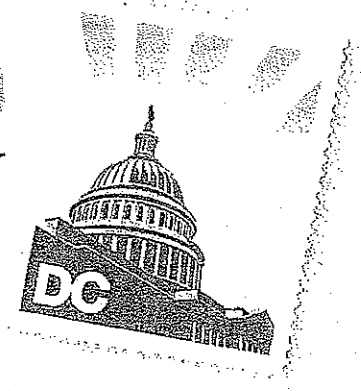




City Trip 2009

citybusinesslabor

Sunday, March 8 - Wednesday, March 11



Monday, Mar. 9, cont'd.

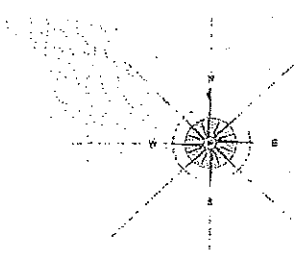
1-1:30 pm	Travel to District of Columbia Courthouse	Bus
1:30-3 pm	<u>A Safe, Clean Downtown: DC Community Courts and Downtown DC Business Improvement District</u> Sponsored by Norcal Waste Systems Inc. <i>Judge Ann O'Regan Keary, Presiding Judge, Criminal Division, Superior Court of the District of Columbia</i> <i>Magistrate Judge Michael J. McCarthy, Presiding Judge, DC Misdemeanor and Traffic Community Court, Superior Court of the District of Columbia</i> <i>Michael Francis, DC Community Court Coordinator</i> <i>Dan Cipullo, Director, Criminal Division, Superior Court of the District of Columbia</i> <i>Frank Russo, Deputy Executive Director, Downtown DC BID</i> <i>Chet Grey, Director/Homeless Services, Downtown DC BID</i> <i>Hiram Brewton, Director/Environmental Services, Downtown DC BID</i>	District of Columbia Courthouse, Moultrie Building, Misdemeanor & Traffic Community Court, Superior Court Courtroom 115, 500 Indiana NW
3-4 pm optional	Sit in on community court session.	
3-4:30 pm	BREAK	
4:30-5 pm	Walk to the Newseum	
5-6 pm	Tour of the Newseum	Newseum
6-6:45 pm	Reception	
6:45-9 pm	<u>Dinner & Speaker</u> Sponsored by Catholic Healthcare West <i>Bruce Cain, Director, UC Washington Center</i>	
9 pm	Return to hotel	

A-3
7



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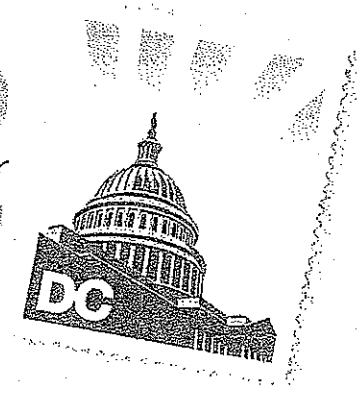




CityTrip 2009

citybusinesslabor

Sunday, March 8 - Wednesday, March 11



**Tuesday,
Mar. 10**
8-8:30 am

Capitol Hill Legislative Day

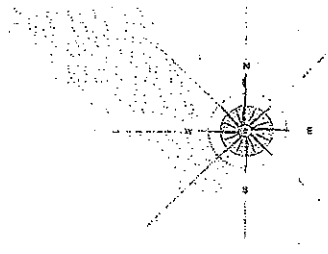
8-8:30 am	Breakfast	Hyatt Regency Capitol Hill, Concord/Lexington Rm.
8:30-9 am	Meet to organize legislative teams	
9-9:30 am	Walk to Capitol Hill meetings	
9:30-10 am	<u>Educational Reform in the DC School District</u> <i>Chancellor Michelle Rhee (to be confirmed)</i> (Limited to 20 attendees)	Office of the Chancellor 825 N. Capitol St.
9:30-10:30 am	OPEN: Congressional & Obama Administration meetings (Content to be decided)	Capitol Hill
10:30-11:30 am	<u>Briefing with Speaker of the House Nancy Pelosi</u> Hosted by AT&T	Speaker's Dining Room, H122, in the Capitol
11:30 am-12 pm	<u>California Delegation News Availability</u> <i>Featuring members of the California legislative delegation, SF Chamber CityTrip delegates and members of the Southern California delegation</i>	Cannon House Office Building, Caucus Room
12-2 pm	<u>California Bipartisan Congressional Delegation Luncheon</u> <i>Featuring members of the California legislative delegation</i>	Cannon House Office Building, Caucus Room
2-2:30	Break & Walk to Russell Office Building	
2:30-3 pm	<u>Briefing with Senator Barbara Boxer</u> (in conjunction with Southern California Delegation)	Russell Building, Rm. 325
3-5 pm	BREAK	
5-5:30 pm	Travel to Chinese Embassy	Bus

A-4
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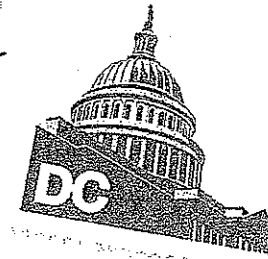




City Trip 2009

citybusinesslabor

Sunday, March 8 - Wednesday, March 11



**Tuesday,
Mar. 10, cont'd.**
5:30-7 pm

Chinese Embassy Reception
Sponsored by AT&T and Catholic Healthcare West to
celebrate ChinaSF

Chinese Embassy
2300 Connecticut Ave NW

Senator Dianne Feinstein

Ambassador Zhou Wenzhong (To be confirmed)

7-7:30 pm

Travel to Charlie Palmer Steak House

7:30-9 pm

Dinner

Charlie Palmer's Steak
House, 101 Constitution
Ave. NW

9 pm

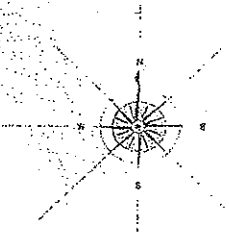
Return to hotel

A-5



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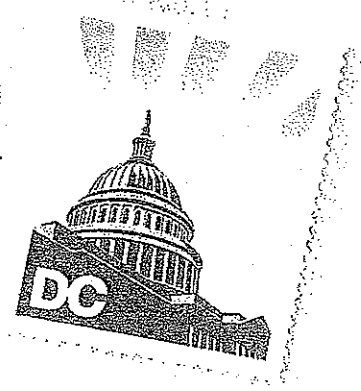




City Trip 2009

citybusinesslabor

Sunday, March 8 - Wednesday, March 11



Wednesday, Mar. 11

7 am

CHECK OUT PRIOR TO BUS DEPARTURE

7:30 am

Board Bus to travel to Capitol Hill

8:15-9:30 am

Constituents Breakfast Briefing

Capitol Hill
Hart Senate Office Building,
Rm 902

Senator Dianne Feinstein

9:30-11 am

OPEN: Congressional & Obama Administration meetings
(Content to be decided)

Capitol Hill

11:00 -11:30 am

Travel

11:30 am-1 pm

Lunch

AFL-CIO Headquarters
Building,
815 16th Street, Suite 600

Briefing with Labor Officials:
Economic Stimulus Package

**Hosted by the San Francisco Building and
Construction Trades Council**

*Sean McGarvey, Secretary-Treasurer of the Building
and Construction Trades Department, AFL-CIO*

1-2 pm

Wrap Up Discussion: What We've Learned

Steve Falk, President & CEO, SF Chamber

*Wade Rose, Vice President/External &
Government Relations, Catholic Healthcare
West; Chair, SF Chamber*

2-3 pm

Travel by bus to Washington Dulles

5:15-8:25 pm

Flight to SFO via Virgin America

A-6
/ /



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"Carol Piasente"
<cpiasente@SFChamber.com>
03/18/2009 04:32 PM

To
cc
bcc Carmen Chu/BOS/SFGOV
Subject CityTrip - What We Learned & Who We Met

History: This message has been replied to.

Dear CityTrip Delegates:

We hope you agree that our CityTrip to DC was a worthwhile experience!

Attached please find summary notes from the wrap-up session, along with flagged follow-up items, and a list of who we met with in DC. Please let me know if you have questions or additions. We hope to keep communications with the CityTrip delegation open so that we can continue the work we started on our visit.

<<What We Learned - Outcomes & Follow Up.doc>> <<Who We Met With.doc>>

Carol Piasente

Vice President/Communications & Events

415-352-8839

Fax 415-392-0485



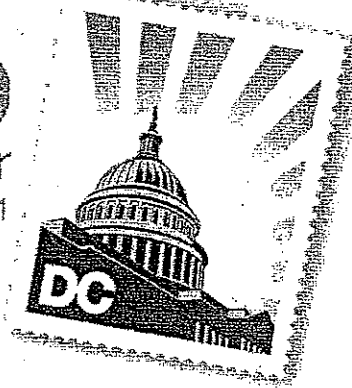
cpiasente@sfcchamber.com What We Learned - Outcomes & Follow Up.doc Who We Met With.doc

Exhibit B-1

City Trip 2009

citybusinesslabor

Sunday, March 8 - Wednesday, March 11



Who We Met With

Legislators & Their Staff

- Senator Dianne Feinstein
- Senator Barbara Boxer
- Speaker of the House Nancy Pelosi
- Congresswoman Jackie Speier
- Congresswoman Grace Napolitano
- Congressman Dan Lungren
- Laura Levison, Legislative Director for Speaker Nancy Pelosi

Obama Administration

- Skila Harris, Economic Recovery Advisor, US Department of Energy
- Jared Bernstein, Vice President Biden's Chief Economic Advisor
- Mortimer Downey, Senior Advisor, Parsons Brinkerhoff, and advisor to the Obama Transition Team on Transportation

Organized Labor

- Sean McGarvey, Secretary-Treasurer, Building & Construction Trades Department, AFL-CIO
- Mike Monroe, Director of Government Affairs, Building & Construction Trades Department, AFL-CIO
- Bob Pleasure, Director of Education, Building & Construction Trades Department, AFL-CIO

Economic Development & ChinaSF

- Matt Erskine, Executive Director, Greater Washington Initiative, an affiliate of the Greater Washington Board of Trade
- Li Liansheng, Counselor, Embassy of the People's Republic of China in the USA
- Xie Feng, Minister & Deputy Chief of Mission, Embassy of the People's Republic of China in the USA
- Liu Dong, Third Secretary (Commercial), Embassy of the People's Republic of China in the USA
- Qi Zhang, Third Secretary (Commercial), Embassy of the People's Republic of China in the USA
- Zhang Ping, Minister Counselor (Congressional Affairs), Embassy of the People's Republic of China in the USA

Legislative & Public Affairs

- Jeff Morales, Senior Vice President, PB Americas Inc., and Director of Strategic Initiatives and Government relations, Americas

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H



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- Janet Kavinsky, Director of Transportation Infrastructure, US Chamber of Commerce
- Martin Gold, Partner, Covington & Burling's Washington Office, and Co-chair, Legislative Practices Group
- Eve O'Toole, Leader, Intergovernmental Affairs Practice, MARC Associates/Holland & Knight, and San Francisco city lobbyist
- Mark Kadesh, Kadesh & Associates, representing California High-Speed Rail Authority
- Bruce Cain, Director, UC Washington Center

Washington, DC Leadership

- DC Schools Chancellor Michelle Rhee
- Judge Ann O'Regan Keary, Presiding Judge, Criminal Division, Superior Court of DC
- Magistrate Judge Michael McCarthy, Presiding Judge, DC Misdemeanor and Traffic Community Court, Superior Court of DC
- Michael Francis, DC Community Court Coordinator
- Dan Cipullo, Director/Criminal Division, Superior Court of DC
- Frank Russo, Deputy Executive Director, Downtown DC Business Improvement District
- Chat Grey, Director/Homeless Services, Downtown DC BID
- Hiram Brewton, Director/Environmental Services, Downtown DC BID

B-3
H

CityTrip 2009

citybusinesslabor

Sunday, March 8 - Wednesday, March 11



CARMEN
CAN NOT
BE HERE
WED
FOR WRAP UP
SESSION
LEFT TIMES
FOR SF

What We Learned: Outcomes & Follow Up

Overview

This was the most impactful CityTrip the Chamber has led because we were in a position to engage with the legislative and administration leadership at a time when decisions are being made regarding stimulus plans and funding. (Supervisor Eric Mar said that the trip exceeded his expectations and that in the future he will encourage his colleagues on the Board of Supervisors to attend.)

It was important that we were able to present a unified front together with the Mayor's office representatives, six members of the Board of Supervisors, labor, two of the city's universities, and business and community leaders. Over and over, the people we met with - from the city's own lobbyist to Senators Feinstein and Boxer, Speaker Pelosi and Congresswoman Jackie Speier - emphasized the importance of a unified voice at a time when competition for funding is so fierce. Delegates gave the Chamber's CityTrip delegation an A+ for diversity!

We learned we could have been even more effective if we had come together in advance to agree on specific "asks." A suggestion for future trips: Create Board-member-led issue teams to research the topics and develop specific proposals to lobby for.

- Follow up: There was agreement that in these competitive times, it would be useful to explore working with the Los Angeles Chamber, and other chambers, to pull together a summit meeting with the full California delegation of legislators to try to forge more unity. Historically, and unfortunately, the California delegation, while the largest in Congress, is often the least effective because it is so fragmented.
- Follow up: Delegates saw value in an annual DC legislative trip, and discussed the pros and cons of making the delegation statewide or regional as opposed to a San Francisco group. Pros included the power in numbers; cons included a loss of coherence and "bonding" that's possible with our smaller group.
- Follow up: If the Chamber decides to do an annual DC legislative trip in addition to a "best practices" CityTrip, we may want to restructure CityTrips to focus on single issues - such as housing or transportation or Business Improvement Districts - and to organize smaller, more issue-focused delegations.

Economic Development & China SF

B-4
11



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- Follow up: Delegates suggested we should come up with a regional economic development strategy, patterned on what we learned about the Greater Washington Initiative. It was suggested we need to find ways to work more closely with the Bay Area Council's economic development arm and the Silicon Valley's council of local economic development groups. Outcomes could include a coordinated marketing strategy and more timely and productive research.
- Follow up: We should take advantage of the federal economic stimulus funding to leverage a united front message with Oakland and San Jose to have a positive impact on funding for the Bay Area.
- Follow up: It was reported that SPUR is working on an analysis of economic development activities and process in San Francisco, along with a look at staffing and resources necessary to do marketing, outreach and sales. One suggestion may be to include a small fee on every business license issued by the city to fund economic development activities. Chamber will be involved in a recommendation related to this issue.

Delegates, including Michael Cohen, director, Mayor's Office on Economic & Workforce Development, and Dennis Conaghan, executive director, SF Center for Economic Development, discussed the opportunities for trade and commerce created by ChinaSF with commercial officials at the Chinese Embassy.

Infrastructure and Transportation

- Follow up: Again, in relation to infrastructure and transportation dollars, the message is: To be effective, come in with a unified voice. There is a need to explain and market what's needed for high-speed rail to California legislators as the competition for these funds is intense. Even though we have a good story to tell - Californians passed the high-speed rail bond, we are well-prepared, the project is ready to go - we have not adequately communicated those facts to the decision-makers in Washington.

Senator Dianne Feinstein committed to help close a \$50 million funding gap on the high-profile Doyle Drive project.

A Safe, Clean Downtown and Community Courts

Delegates were impressed with the array of services offered on site to offenders brought into the DC Community Courts. Services include an on-site mental health clinic, addiction counselors, homeless services and workforce assistance. An important take-away: The DC Community Courts give law-enforcement officers resources to get people help.

- Follow up: It was suggested the Chamber organize with supervisors and delegates a debriefing for San Francisco's community court staff and judges.

B.S.
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- Follow up: Strong agreement that the SF Chamber needs to continue our advocacy for these services as part of the city's community court.

There was interest in DC's rolling system of drug-free zones to curb street behavior; the zones seem to be effective as a deterrent to street crime.

Educational Reform

Delegates were impressed with Chancellor Michelle Rhee's description of the very strong support DC Mayor Fenty gives to the public schools. He is a strong advocate who has protected schools funding in the city budget and who is a vocal advocate for school improvement.

As a result of the city taking over the school district, and there being no elected school board, the school district is able to move quickly to implement new improvements. The Chancellor was candid that the school district has had dismal achievement and that she is trying a wide variety of new things to make improvements and that not all of these new pilot programs will be effective. She did, however, express an urgency to make advancements.

- Follow up: San Francisco delegates agreed there needs to be more unified and vocal support from the coalition represented on CityTrip - business, labor and city government - on school issues.

Restrictions on Business Travel

Delegates emphasized the importance of business and convention travel to the San Francisco economy, and urged legislators to "tone down" the criticism of business travel and to keep in mind the economic contribution of travel and tourism while they negotiate proposed restrictions on recipients of federal emergency funds. The message: Don't put a damper on legitimate business travel because of the extravagant spending by some.

Department of Labor

San Francisco delegates met with the Department of Labor to learn how the stimulus-package funding could support the city's workforce. We learned that much of the discretionary money will go to green jobs and other high-growth sectors, such as health care. Other priorities are to increase workforce safety, help small businesses get technical assistance to comply with labor standards and support for veterans' employment. Our delegation promoted the work being done to set up a weatherization academy at City College of San Francisco and how Bank on San Francisco is decreasing predatory lending to low-wage San Franciscans. We also learned that Secretary of Labor Hilda Solis will be visiting San Francisco on March 17. Representatives from the Mayor's Office and the supervisors on delegation also met with Dept. of Labor senior staff to prepare for the Secretary's SF visit.

Ocean Beach

B-6
H

Supervisors Carmen Chu and Eric Mar lead a discussion with Speaker Pelosi's senior staff on a "visioning" process that is underway for Ocean Beach. Because the beach is federal property, a joint effort between the National Park Service, Recreation & Park Dept. and the Dept. of Public Works is underway to deal with issues ranging from beach erosion to pedestrian access and parking.

Water

San Francisco delegates joined Southern California delegates for a briefing with an array of California legislators from Central and Southern California to discuss the state's water crisis, and to lobby in favor of major spending on infrastructure improvements to the Sacramento Delta water system, including distribution and conservation of water, and flood control.

Middle Class Task Force

We met with Jared Bernstein, Economic Advisor to Vice President Biden and the chair of the newly formed Middle-Class Task Force.

The goal of the four-person office: "A strong middle class equals a strong America. We can't have one without the other. This Task Force will be an important vehicle to assess new and existing policies across the board and determine if they are helping or hurting the middle class. It is our charge to get the middle class - the backbone of this country - up and running again." - Vice President Joe Biden

We expressed concerns about how the middle class is defined, particularly given the high cost of living, salaries, etc. in the Bay Area.

- Follow up: We will continue to send input and suggestions to Bernstein and suggested a public meeting of the Task Force should take place in or near San Francisco.

Health Care

- Follow up: The new Secretary for Health and Human Services has announced that the Obama Administration plans to hold a series of health-care forums around the country. San Francisco should begin now to attract one of those sessions to San Francisco.

Department of Energy

Obama Administration's investment in a new energy policy is expected to go beyond the one-time stimulus package; work has already begun on 2010 budget to institutionalize much of what is in the stimulus package in future DOE spending priorities.

The following is a brief summary of funding areas:

- Energy Efficiency for Homes and Businesses: \$5 billion with a goal of weatherizing 1 million homes. For businesses, the money will be used for green construction, co-generation and green retro-fitting of buildings and appliances. Current level of funding for weatherization is \$46 million annually administered

B-7
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through set funding formulas that distribute money to the state level. The stimulus package has \$2.1 billion in money for weatherization, a huge increase in from the previous year's budget. This money will flow to the state level using the current existing formula structure, some of which will fund weatherization training centers for workforce training purposes.

- **Greening of Federal Buildings:** \$4.5 billion will be spent to green federal buildings. Two percent of all energy used in the United States is consumed by the federal government. The administration hopes to reduce the federal energy bill by 25 percent through the program.
- **Renewable Energy:** \$2.5 billion in loans and grants to accelerate renewable energy projects.
- **Smart Grid:** \$4.5 billion will flow to the development of a "smart" electrical grid with more than 3,000 miles of new transmission lines. The smart grid will allow operators to more efficiently administer the grid and find problems before they happen, and allow consumers to understand the real time pricing and pollution impacts of their behavior.
- **Clean Fossil Fuel Technology:** \$3.4 billion is for research and development in clean fossil fuel technologies like carbon sequestration and capture, gasification and clean coal.
- **Bio-fuels Development:** \$800 million will flow to bio-fuels development, primarily in advancing research and development of cellulosic fuels.
- **Science and Research:** \$1.6 billion for research in high-energy physics and bio-medical research.
- **Battery Research:** \$2 billion for advance vehicle battery technology.
- **Advanced Research Energy Grants:** \$400 million in venture capital type investment grants in high risk emerging technology.

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March 11, 2009

City and County of San Francisco

City Hall

*1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689*



MEETING MINUTES

Wednesday, March 11, 2009

11:00 AM

**Legislative Chamber, City Hall, Room 250
Regular Meeting**

Budget and Finance Committee

Members: John Avalos, Ross Mirkarimi, Carmen Chu, David Campos, Bevan Dufty

Clerk: Gail Johnson (415) 554-4445

Members Present: John Avalos, Ross Mirkarimi, Carmen Chu.

Members Excused: *David Campos, Bevan Dufty.*

Members Absent: *None.*

Meeting Convened

Exhibit C
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SUNSHINE ORDINANCE TASK FORCE

Support Documents Replacement Form

The documents this form replaces exceeds 75 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.

File #09014 – **Dr Ahimsa Sumchai vs. COB/BOS**

FROM: Dr Ahimsa Sumchai

482 pages on the Supervisors' trip to Washington, DC

This list reflects the explanatory documents provided.

Completed by: Frank Darby

Date: May 15, 2009

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