

Don't Vote for London Breed for Mayor! June 2018 Election Recommendations

by Patrick Monette-Shaw

With 15 local, regional, and state propositions — and 20 elected officials contests — on San Francisco's municipal and California's primary June 5 election ballots, San Franciscans face a minefield determining how to cast their votes.

This article focuses on a handful of mayoral and Superior Court Judge candidates, and local ballot measures. Take my clip-'n-save cheat sheet to your polling place.

Recommendations for Mayor

I recommend Jane Kim as your first ranked-choice vote for mayor and Angela Alioto as your second ranked-choice. Whatever you do, don't vote for London Breed!

Ranked Choice #1 for Mayor: Jane Kim

Jane Kim has been terrific as District 6 Supervisor. She is a smart, ethical, and a principled lawyer.

Among her many accomplishments as District Supervisor, she:

- Spearheaded creation of the City's *Housing Balance Report* to uncover just how much of the housing being built in San Francisco is market-rate vs. affordable housing. This data is crucial towards focusing the City's housing development on affordable housing.
- Negotiated many development agreements for housing projects in District 6 and throughout the City to increase the number of affordable housing units built under various development agreements.
- Negotiated a deal to increase the affordable housing component to 40% in the San Francisco Giant's Mission Rock development project. The Mission Rock development will include approximately 1,500 total housing units.
- Strongly opposed a proposed Board of Supervisors resolution on April 3, 2018 merely "urging" State Senator Scott Wiener to *amend* SB 827. The *Mission Local* [reported](#) April 4 that Kim said:

"This is not the right way to build housing," added District 6 Supervisor Jane Kim, a mayoral candidate. "This is a giveaway to landlords and developers without asking anything in return for our city and community."
- She helped pass CEQA reforms to give San Franciscans greater input into development decisions, and she authored the ballot measure increasing San Francisco's minimum wage to \$15/hour to help close the income gap, which voters passed overwhelmingly in November 2014.
- Before becoming D-6 Supervisor, Kim was elected to the Board of Education where she was voted unanimously as president. She led the initiative to have City College of San Francisco offer free classes to all, the first community college in the nation to do so.



Whatever You Do, Don't Vote for London Breed for Mayor! Like former Mayor Ed Lee, Breed would be a puppet mayor for Ron Conway. If Breed is elected, she would likely serve for 10 years (two years of Ed Lee's remaining term, plus two four-year re-elections).

" I recommend Jane Kim as your first ranked-choice vote and Angela Alioto as your second ranked-choice for mayor. Don't vote for London Breed! "

" Jane Kim spearheaded creation of the City's *Housing Balance Report* to uncover how much of the housing being built in San Francisco is market-rate vs. affordable housing. "

Ranked Choice #2 for Mayor: Angela Alioto

Among the many pieces of legislation Ms. Alioto authored and passed during her tenure on the Board of Supervisors and as Board President, one of her most notable achievements was finding a creative solution to sue Big Tobacco companies. She prevailed in winning a lawsuit, resulting in the Tobacco Settlement Revenue account that is slated to bring in well over \$1 *billion* to San Francisco, only \$100 million of which was used to rebuild Laguna Honda Hospital.

I strongly believe it is time to turn over the levers of politics to a new generation. Millennials, and younger people, must be brought into politics as quickly as possible, or the Democratic party will be in serious trouble by not bringing fresh blood into positions of leadership and elected office before the year 2020.

Ms. Alioto's campaign [web site](#) does not have (as of April 29) a prominent link on her home page to another page listing endorsements. None of the other sections of Alioto's campaign web site have a link to view her endorsers.

I deeply respect Ms. Alioto and value her many accomplishments, such as authoring San Francisco's sanctuary city law and passing the City's first medical marijuana law. Clearly, Alioto is a great civil rights attorney. But my first-choice recommendation is for Jane Kim! Then vote for Angela.

Don't Vote for Mark Leno

Leno's time has come ... and gone.

Tellingly, the first campaign mailer this author received from Leno's campaign screamed "identity politics," urging voters to elect him simply because he would become the City's first gay mayor. As a gay man myself, I was repulsed. Being "gay," "lesbian," or "heterosexual" is not an applicable qualification I consider for anyone running for elected office in San Francisco. I long ago stopped casting votes based on identity politics. Have you ever heard a candidate state, "Elect me because I'm heterosexual"? Sexual orientation is *not* a credential voters should use in selecting elected officials.

Leno has been missing in action, and out of elected office since November 2016. It's time to turn over the levers of politics to a new generation.

Don't Vote for London Breed

Almost 140 years ago, Article XX, Section 3 of California's state constitution became law in 1879, requiring that all state and local government employees, including elected officials, are required to take an oath of office "*before they enter upon the duties of their respective offices ...*" It applies to every county, city, and city and county, among other agencies, and was last amended in November 1952.

City Attorney Dennis Herrera should have *required* Breed be sworn in as mayor before she served one minute, or one day, as mayor!

Ms. Breed has been playing fast and loose regarding whether she is the current acting mayor. Breed served as acting mayor following Mayor Ed Lee's death on December 12, 2017 until January 23, 2018 when the full Board of Supervisors voted to appoint Mark Farrell the acting mayor through June 2018 instead of Breed. Breed served as acting mayor for just 42 days, or six weeks, despite having never been sworn in as mayor, acting mayor, "successor" mayor, or otherwise. As others have noted, using the title of a position held for only a few short weeks is grossly misleading to voters, whether in ballot materials, election materials, or mailers.

" I deeply respect Ms. Alioto and value her many accomplishments. "

" Being 'gay,' 'lesbian,' or 'heterosexual' is not an applicable qualification I consider for anyone running for elected office. "

Have you ever heard a candidate state, 'Elect me because I'm heterosexual'? "

" California's state constitution requires local government employees to take an oath of office '*before* they enter upon the duties of their respective offices'. "

City Attorney Dennis Herrera should have required that Breed be sworn in as mayor before she served one minute as mayor. "

" We take an oath. That's the whole point'. "

**— U.S. DOJ Deputy Attorney General, Rod Rosenstein
Rachel Maddow Show Infographic, May 1, 2018**

Had she been sworn in as mayor following Lee's untimely death, she would have had to resign from her Board of Supervisors seat and as Board president. Clearly, Breed wanted to have it both ways, but legally couldn't. She tried to game the system having it both ways by trying to run as the incumbent mayor without taking the mayoral oath of office.

Breed avoided being sworn in as successor mayor so she could try to be mayor *and* simultaneously hold on to her seat as District 5 Supervisor and President of the Board of Supervisors. Like President Trump, Breed is not above the law and she should have known the state constitution required her to take the mayor's oath of office, which she never did. Why should we elect someone as mayor on June 5 who had tried gaming the system as being above the law and the state constitution as if the rules don't apply to her?

When Breed first filed campaign documents with the Department of Elections on January 9 (almost 30 days after Lee died), she listed her ballot designation — and designation presumably for the voter guide — as “President of the Board of Supervisors.” But two days later, Breed's campaign manager, Maggie Muir, [appears](#) to have crossed out the first designation and wrote in “Acting Mayor/ Supervisor” as Breed's new ballot designation.

On February 27 — after the Board of Supervisors ousted Breed as acting mayor and installed Farrell instead on January 23 — mayoral candidate Mark Leno [reportedly](#) filed a San Francisco Superior Court action seeking to compel Breed to do what she had refused to do on her own: Remove the inaccurate title “acting mayor” from her ballot designation. Leno's writ noted that since Breed wasn't performing any mayoral duties, her ballot designation was factually inaccurate and may have mislead voters in violation of the California Elections Code. I would add — although Leno didn't — Breed was being intellectually dishonest by not mentioning she was “acting mayor” for just 42 days.

Six days after Leno filed his legal challenge about Breed's ballot designation on February 27, the *Mission Local* web site [reported](#) on March 5:

“A ‘Stipulation and [Proposed] Order Replacing Ballot Designation’ was filed in Superior Court on March 5 that Breed, Leno and Elections [Department head] John Arntz ‘agreed to resolve this dispute without the need for further legal proceedings,’ and ‘agreed to an alternative [Breed] ballot designation,’ as ‘President, Board of Supervisors,’ that resolves the issues herein.”

It took the [stipulation](#) to force Breed to change her ballot designation back to what she initially submitted on January 9. The stipulation provides, in part, that Breed is barred from using “Acting Mayor” in her ballot designation, *and* in any “*ballot materials*” published in connection with the June 5, 2018 mayoral election.”

Despite Leno's legal challenge victory, this author received a campaign mailer from Breed's campaign on March 21, 2018 that includes a [graphic](#) from the front page of *San Francisco Chronicle* newspaper on December 13 with a headline reading “*Breed finds herself S.F.'s acting mayor.*” The caption next to the campaign mailer's graphic is titled “*Leading Our City as Acting Mayor.*” Unfortunately, the campaign mailer makes no mention that she was Acting Mayor for just 42 days, again potentially misleading voters. The mailer also didn't report that she was never sworn in as “acting” or “successor” mayor. More intellectual dishonesty from Breed.

While the *Stipulation* says Breed is prohibited from using “Acting Mayor” in *ballot materials*, Breed is once again gaming the system by using “Acting Mayor” in her *campaign materials* and [prominently](#) on her campaign web site. It's not clear whether the prohibition of claiming she is Acting Mayor in “ballot

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“ Breed avoided ever being sworn in as successor mayor, so she could try to be mayor and simultaneously hold on to her seat as District 5 Supervisor and President of the Board of Supervisors.”

“ Like President Trump, Breed is *not* above the law. She should have known the state constitution required her to take the mayor's oath of office. She never did.”

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“ A mailer from Breed's campaign received on March 21 included a graphic with a headline reading ‘Breed finds herself S.F.'s acting mayor.’ The mailer didn't report that Breed was never sworn in as mayor.”

materials” is synonymous with “campaign materials.” What *is* clear is that she wants, and will continue, to mislead voters. It’s intellectual dishonesty.

Multiple “Red Flags” About Breed

There are several red flags involving Ms. Breed. Here’s a sampling:

- **Support of Wiener’s SB 827 Upzoning of Entire City, Despite Being a “Charter City”:** State Senator Scott Wiener’s SB 827 is widely opposed by San Franciscans all over the City. On February 3, Supervisor Aaron Peskin introduced a new motion to revise a proposed Board Resolution by changing the Resolution from “urging amendments” to SB 827 to flat out “opposing” SB 827. The Board of Supervisors voted 7-to-4 on February 3 to adopt Peskin’s amendment to officially oppose (not amend) SB 827. Breed was one of three supervisors who voted *against* opposing SB 827. Breed is clearly cozying up to Wiener, even though she must know many of her District 5 constituents strongly opposed SB 827, and opposed handing the State control over local municipal affairs and our local land use regulations.
- **Lack of Endorsements on Campaign Mailers:** Only recently did Breed’s campaign move the link to her endorsements that had been buried on the “About” page on her campaign web site. The link is now available on her home page. At least now web site visitors won’t have to dig around to find the link to her endorsers.
- Almost comically, as of April 29 her endorsers include just four of San Francisco’s current sitting supervisors (Cohen, Safai, Stefani, and Tang). On January 23, on the first motion to confirm her appointment as Successor Mayor through June 2018, Breed lost in a 4-to-5 vote against her (only three of the four who voted for her have endorsed her; Supervisor Sheehy has not endorsed her). On a subsequent motion introduced by Supervisor Yee to appoint Supervisor Mark Farrell as Successor Mayor through June, Breed lost again 6-to-3, with Sheehy switching his initial vote for Breed to Mark Farrell instead.
- In an apparent fit of pique, Board President Breed retaliated against her “colleagues” six working days later for not naming her as Successor Mayor by revising assignments to several Board sub-committees on January 31. Breed removed Supervisor Peskin from the Land Use and Transportation Committee, even though it was Supervisor Yee who introduced the nomination for Farrell to become Successor Mayor. Breed also removed Supervisor Sandra Lee Fewer from the Public Safety and Neighborhood Services Committee, and removed Supervisor Yee from the Rules Committee.

The majority of Breed’s Board “colleagues” — six of the other ten — couldn’t bring themselves to endorse Breed for mayor and didn’t elect her as Successor Mayor. Doesn’t that speak volumes?

Predictably, Breed’s endorsers include California Senator Scott Wiener. The pair appear in lockstep in order to get Wiener’s SB 827 bill passed, with the help of the YIMBY organization’s hacks. Oh, wait! Did I forget to mention that as of April 8, 2018 Breed’s endorsements buried on her web site also included “YIMBY Action” as an endorser? What is she thinking?

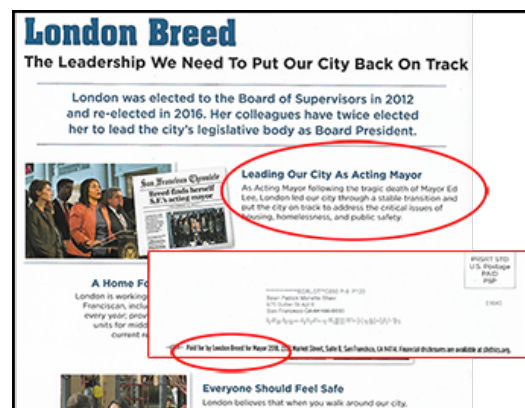
Then there’s the oddity that on the first Breed mailer this author received in U.S. Mail on March 21 contained no section whatsoever listing endorsements. That’s also highly unheard of. What are she and her campaign consultants hiding? Is Breed purposefully trying to obscure that Ron Conway is funding her, if not endorsing her?

If that’s what she is up to, it’s no wonder the list of endorsements on her web site lists not one member of Conway’s family, although collectively the Conway clan have donated six separate \$500 contributions totaling \$3,000 to her official mayoral campaign.

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“ Breed was one of three city supervisors who voted *against* opposing SB 827. Breed is clearly cozying up to State Senator Scott Wiener. ”

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London Breed Campaign Mailer, March 21, 2018

“ Is Breed purposefully trying to obscure that Ron Conway is funding her, if not endorsing her? Collectively, the Conway clan have donated six separate \$500 contributions, totaling \$3,000 to her official mayoral campaign. ”

- **Breed Has Stalled *Whistleblower Protection Ordinance (WPO)* Amendments:** San Francisco’s 2014–2015 Civil Grand Jury released its [report](#), “*Whistleblower Protection Ordinance Is in Need of Change*,” dated May 2015 on June 8, 2015. The Grand Jury suggested the WPO should be expanded to include not just “in-house” whistleblower disclosures to City agencies, but also permit reporting “out-of-house” whistleblower disclosures to state and federal agencies, and the media.

It took the Ethics Commission ten months after the Civil Grand Jury report to submit the Ethics Commission’s recommended amendments to the Board of Supervisors

The Ethics Commission’s Executive Director, LeeAnn Pelham, recommended to Ethics Commissioners on March 28, 2016 that the WPO amendments should be expanded to allow whistleblowers to disclose reports to City agencies other than the complainants’ own City department, and more importantly to provide anti-retaliation protections to complainants who make disclosures to County, state or federal agencies, including oral complaints.

“ The Ethics Commission subsequently forwarded proposed WPO amendments to the Board of Supervisors on April 11, 2016. For over two years, Breed sat on them. Breed had to reintroduce the amendments in October 2017 to revive them. ”

Following its March 28 hearing, the Ethics Commission subsequently forwarded proposed WPO amendments to the Board of Supervisors on April 11, 2016, where they languished for now two years — fully three years *after* the Civil Grand Jury first issued its report in 2015.

Then London Breed stuck her fingers in the pie. For over two years, Breed sat on the proposed amendments while other City agencies studied and recommended additional amendments to those submitted by the Ethics Commission. During that two-year delay, the Ethics Commission’s initial proposed amendments were eventually watered down greatly. The period for the Board of Supervisors to consider the amendments languished and expired in October 2017. Breed was forced to reintroduce the amendments in October 2017 to revive them.

The current proposed WPO amendments still provides no retaliation protections for City employees who exercise First Amendment free speech rights in §4.115(a), as Superior Court Judge Claudia Wilken noted in a ruling in Dr. Derek Kerr’s wrongful termination lawsuit involving wrongful termination. Wilken had noted San Francisco’s Sunshine Ordinance §67.22(d) currently provides that City employees shall not be disciplined for expressing their personal opinions on any matter of public concern while not on duty. Sunshine Ordinance §67.22(e) goes further, saying “*public employees shall not be discouraged from or disciplined for disclosing any information that is public information or a public record to any journalist or any member of the public.*” It’s long past time that extant language in Sunshine Ordinance §67.22(d) and §67.22(e) be replicated, as is, into WPO §4.115(a), as Wilken had implied in her rulings.

“ Breed formally introduced the watered-down WPO amendments for the first time at the Board of Supervisors Rules Committee on April 11, 2018, subject to the Board’s ‘30-day Rule’ — meaning they won’t be taken up until mid-May. ”

There’s still no explicitly-stated anti-retaliation protections anywhere in §4.115(a) — in addition to *not* being in §4.100, Findings — that whistleblower complaints submitted to private lawyers, media outlets, law enforcement agencies, or to watchdog and whistleblower third-party private-sector agencies will be provided anti-retaliation protections. The Board of Supervisors must correct this glaring omission!

Breed’s now-proposed amendments stipulate whistleblower complainants may ask their City supervisor for help submitting their complaint to the Ethics Commission. That will likely “chill” City employees coming forward to file whistleblower complaints if they are first required to notify their Supervisor that they are planning to, or have filed, a whistleblower complaint. If an employee was worried about on-the-job retaliation for filing a whistleblower complaint, who can seriously believe they would first turn to their supervisor?

Essentially forced into having to advance the amendments, Breed introduced the watered-down WPO amendments for the first time at the Board of Supervisors Rules Committee on April 11, 2018, subject to the Board’s “30-day Rule” — meaning they won’t be taken up until mid-May, fully three years after the Grand Jury issued its report in 2015.

- **Transparency and Open Government — Sunshine Complaints Record:** Breed's opposition and clear hostility to transparency, public accountability, and open government are well known and well documented.

Breed has a long record of failing to comply with San Francisco's Sunshine Ordinance, suggesting she feels she is above public accountability laws. According to records from the Sunshine Ordinance Task Force (SOTF), SOTF has twice ruled that Breed failed at least two times to produce records of people she has blocked from Twitter or Facebook (*Josh Wolf vs. Breed*, [17-018](#), and *Michael Petrelis vs. Breed*, [17-094](#)). Breed also failed to make detailed mayoral calendars (while she served as Acting Mayor for 42 days) available to the public within three days after calendar entries were added (*Michael Petrelis vs. Breed*, [18-007](#)). In addition, Breed failed to provide all of her out-going (sent) e-mails on a variety of topics between March 1, 2015 and April 23, 2015 (*Michael Petrelis vs. Breed*, [15-029](#)).

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In addition to the four Sunshine complaints described above, an additional five Sunshine complaints have been filed against Breed since she was first sworn in as District 5 Supervisor in January 2013. No other City supervisor has had nine Sunshine complaints filed against them between January 2013 and March 2018. Breed thumbed her nose several times on these complaints, by not sending any members of her staff to SOTF complaint hearings, and she not attend the hearings herself. The *Mission Local* [reported](#) on May 2 that the SOTF referred Breed to District Attorney George Gascón on April 4 because Breed's failures appear to be quite serious for having flouted public records laws at least 10 times.

“ The SOTF referred Breed’s failures to D.A. George Gascón on April 4 for action. ”

- **Rejecting DCCC Ranked Choice Third Place Recommendation vs. Wiener's Dual Endorsement of Leno:**

According to a report on [48Hills.org](#), Breed threw a hissy-fit at the DCCC's endorsement meeting and withdrew her name from consideration for third-place ranked choice after the DCCC voted for Mark Leno as its first-ranked candidate, and Jane Kim as its second-ranked candidate. Breed apparently balked at being reduced to third fiddle, or a three-way.

“ Why would Breed turn down a third-ranked endorsement from the DCCC, but not from other organizations? ”

Why has she *not* had a fit over Wiener's having possibly issued a dual endorsement to Leno first, and Breed as an afterthought?

This is also somewhat comical because Breed's list of endorsements previously buried on her web site (as of April 8) shows that both SEIU Local 1021 and the Alice B. Toklas LGBT Democratic Club (controlled by Scott Wiener) slapped Breed with a number-two ranked choice endorsement. SEIU's [web site](#) clearly shows that Local 1021 awarded it's first-ranked choice to Jane Kim and third-ranked spot to Mark Leno.

“ If fully 31% of San Francisco’s homeless people come from jurisdictions outside of the City, then in fact the ‘Magnet Myth’ — which Breed asserted is a myth — clearly is *not* a myth, at all! And if 31% of San Francisco’s annual 7,500 homeless people come from other jurisdictions, that suggests 2,325 people are drawn here annually due to the ‘magnet’ of obtaining housing and supportive services. ”

Worse for Breed, *UNITE HERE Local 2* and *United Educators of San Francisco* both handed Breed a third-ranked choice endorsement. Third time's a charm, right? Why would Breed turn down a third-ranked endorsement from the DCCC, but not from other organizations?

- **Breed's Homelessness Misinformation:** Breed's March 19 [article](#) on *Medium.com*, “*A Bold Approach to Homelessness*,” asserts “69% of surveyed homeless residents were living in the City when they became homeless. *Only 10% came from outside the state.*”

Breed was being disingenuous and was relying on data from the Point-in-Time homeless survey [published](#) by San Francisco's Department of Homelessness and Supportive Housing in July 2017. Breed noted in her *Medium.com* article the issue of “*The Magnet Myth*,” the impression that San Francisco is a homelessness destination magnet. She asserts that San Francisco drawing people from all over the country to our generous homelessness benefits is just not accurate.

Breed does admit that 69% of homeless people surveyed reported they were living in the City when they became homeless. But she downplayed that **10% of the homeless came from outside the state**, and added that another 16% came from in surrounding Bay Area counties, and 5% came from other counties in California, totaling 31%, almost one-third.

San Francisco already spends \$260 million on the homeless and supportive services. That amount may not include the fact that the Mayor’s Office of Housing and Community Development has an internal rule that 20% to 30% of all new housing construction must be set aside for the homeless, and it’s not known whether the housing construction has been added into the \$260 million.

“Breed claimed ‘the City helps about 2,000 homeless people out of homelessness each year.’ She rounded up. Half of those people exiting homelessness do not receive housing, they receive one-way bus tickets out of town, exiting the City.”

However, if fully 31% of San Francisco’s homeless people come from jurisdictions outside of the City, then in fact the “Magnet Myth” — which Breed asserted is a *myth* — clearly is not a myth, at all! And if 31% of San Francisco’s annual 7,500 homeless people come from other jurisdictions, that suggests 2,325 people are drawn here annually due to the “magnet” of obtaining housing and supportive services that San Francisco generously funds that other jurisdictions don’t provide. And part of that *magnet* is these folks may know very well before coming here that they will receive 20% to 30% of all new affordable housing being built, so San Francisco may never have enough affordable housing.

San Francisco should consider exploring ways to disincentivize the magnet that draws homeless people to the City. That disincentive could go a long way towards solving the City’s homelessness crisis.

Breed claimed on *Medium.com* that San Francisco’s homeless services programs see over 20,000 different people each year. Does that figure include homeless people that the City has already housed?

Finally Breed claimed “the City helps about 2,000 homeless people out of homelessness each year.” She’s rounding up, inflating data by 12.4%, not a good sign for any politician. As Table 1 below shows, the City averages helping just 1,751 people out of homeless annually, not 2,000. And half of those people exiting homelessness do *not* receive housing, they receive one-way bus tickets out of town, exiting the City.

“Were the Supervisors painfully aware of Breed’s lack of legislative achievements?”

Table 1: The City’s Three Routes Exit Homelessness

	Homeward Bound (HB)		Total	Homeward Bound % of Total	PSH + RRH Housed	PSH + RRH % of Total
	PSH	RRH				
2013	835	72	831	47.8%	907	52.2%
2014	836	151	801	44.8%	987	55.2%
2015	691	139	873	51.3%	830	48.7%
2016	721	228	829	46.6%	949	53.4%
Total	3,083	590	3,334	47.6%	3,673	52.4%

Legend:
 PSH Permanent Supportive Housing
 RRH Rapid Re-Housing
 HB Homeward Bound (One-Way Bus Tickets Out of the City)

Source: San Francisco Department of Homelessness and Supportive Housing, July 2017

Only 52.4% of the 7,007 people helped out of homelessness received housing placement. The remaining 47.6% people (3,334) were given the one-way bus tickets. It’s not known how many of those handed bus tickets eventually made their back to San Francisco. Were some of those handed one-way out-of-town bus tickets long-term San Francisco residents?

- **Breed’s Lack of a Legislative Record:** On January 27, the *San Francisco Chronicle* [reported](#) that Breed’s critics note she lacks major legislative achievements. The *Chronicle* wrote:

“Breed’s critics tend to argue that her biography, while powerful, is all she has to offer. They say she’s an actress, someone who knows how to sell her story but lacks major legislative achievements. To them she is little more than an apparatchik of the establishment, the next in a line of candidates backed by former Mayor Willie Brown and rich donors like tech mogul Ron Conway.”

Could the reason that the Board of Supervisors decided to appoint Mark Farrell as “Successor Mayor” to replace Mayor Ed Lee be that the Supervisors were painfully aware of Breed’s lack of legislative achievements?

Breed's Mayoral Campaign Contributions

The *Westside Observer's* May issue published an excellent summary of Breed's preliminary campaign contributions reported to the Ethics Commission through April 27. The summary is eye-popping. The *Observer* notes:

“Although the *San Francisco Examiner* reported that an independent expenditure committee (“*It's Our Time, S.F. Women Supporting London Breed for Mayor 2018*”) claims it will not accept contributions from Ron Conway, it turns out Breed's own campaign — ***London Breed for Mayor 2018*** — has accepted donations from Conway's family members and employees at his venture capital firm, *SV Capital*.

Breed's 35-page request to the Ethics Commission for “*Public Funds By Candidates For Mayor*” dated March 21, 2018 itemizes 672 separate campaign contributions totaling \$168,201. Of those 672 donations, three of Conway's children or relatives each donated the \$500 maximum and at least two other employees of *SV Capital* did too. Those five contributions totaled \$2,500. The filing shows 257 (38%) of the 672 contributors each donated the maximum \$500, for a total of \$131,000, 78% of the \$168,201 total. The remaining 415 donors (62%) contributed just \$37,200 (22%) towards the total money raised.

Another campaign disclosure report dated April 26 shows that another Conway kid, his wife Gayle, and Conway himself each also donated the \$500 maximum directly to Breed's official campaign, pushing the Conway family donations to Breed to \$3,000. Between the Conway family and four of Conway's employees at *SV Angel*, they've donated a total of \$4,025 directly to Breed.

The *San Francisco Chronicle* [reported](#) March 3 that Ron Conway claimed “he has become too busy to meddle in local politics.” Conway wasn't too busy and had already meddled. Long before March 3 he and his family had already donated the \$4,025 to Breed by January 17. Do we really want San Francisco to be managed by a surrogate (Breed) of a billionaire (Conway) who has no time for us?

Another *SV Angel* employee donated \$1,000 to the independent expenditure committee *It's Our Time, SF Women Supporting London Breed for Mayor 2018*, and *Progress San Francisco* — a Political Action Committee (PAC) registered with the state that is heavily funded by Ron Conway — donated \$40,000 to the independent expenditure committee *San Francisco for London Breed Mayor 2018, Sponsored by the San Francisco Firefighters Local 798*.

Then there's Conway's wife, Gayle, who donated \$200,000 on April 25 to *San Franciscans Against Domestic Violence*, an independent expenditure committee established to formally oppose Jane Kim. All this spending by Conway, his family members, his employees, and *Progress San Francisco* totals \$245,025, almost ensuring that if Breed is elected, she'll be Conway's puppet mayor. And there are five weeks to go before the June 5 election, with potentially more donations to come from Conway's cabal.

You can bet that Conway will donate heavily to other independent expenditure committees set up purposely to defeat other candidates. As Larry Bush has [noted](#) in the *San Francisco Examiner* [on February 4, 2018], Conway has already donated more than \$1 million [across the years] to independent committees “to defeat people who were in his way. ... It is a record unmatched in recent San Francisco political history.”

“ One independent expenditure committee claimed it would not accept contributions from Ron Conway. It turns out Breed's own campaign has accepted donations from Conway's family members and employees at his venture capital firm. ”

“ Ron Conway claimed on March 3 'he has become too busy to meddle in local politics.' Conway wasn't too busy and had already meddled. ”

“ Conway's wife, Gayle, donated \$200,000 on April 25 to an independent expenditure committee established to formally oppose Jane Kim for mayor. ”

The Conway's animus towards Jane Kim is continuing punishment for Kim's and the three other supervisor's vote on the Ross Mirkarimi official misconduct charges wrongly filed by then-Mayor Ed Lee. Kim had correctly voted that the charges against Mirkarimi had not risen to the level of official misconduct. Kim wasn't asked whether Mirkarimi had been convicted of domestic violence, or if he had been convicted of "wife beating." Instead, Kim had been asked whether his conduct had risen to the level of "official misconduct."

"The Conway's animus towards Jane Kim is continuing punishment for her vote on the Ross Mirkarimi official misconduct charges filed by then-Mayor Ed Lee."

Kim's posed an astute line of questioning to Deputy City Attorney Sherri Kaiser during the Board of Supervisors October 8, 2012 hearing. Kim's questions destroyed Kaiser's prosecution and persecution of Mirkarimi on behalf of Kaiser's client, Mayor Ed Lee.

Kim simply asked "So, [official misconduct] would be a relationship test, + what the Mayor + what the Ethics Commission + what we [the Board of Supervisors] deemed as falling below the standard of decency, and that = on a case-by-case basis?" Kaiser responded, "I think it [official misconduct] is a discretionary decision," and added for good measure, "It's a judgment call." Kim's rejoinder to Kaiser's nonsense was "Does that open us up to the 'vagueness issue,' which may make that clause then unconstitutional?"

Ms. Kim had essentially backed Kaiser into a corner where Kaiser belonged wearing a dunce hat. Kim had no other ethical and legal choice than to vote as she did, since she received her law degree from the UC Berkeley School of Law.

Supervisors Scott Wiener and David Chiu — both of whom are Harvard Law School graduates — abandoned their oath as lawyers and did not faithfully uphold their duties as attorneys, opting to faithfully play politics pandering to the Mayor, instead. Indeed, Wiener and Chiu must have known Jane Kim's line of questioning was spot-on about the unconstitutionality problem, because Wiener sought unsuccessfully just before the vote to toss out the single charge against Mirkarimi that Kim had eviscerated. Wiener wanted to pull out of thin air a brand-new charge, depriving Mirkarimi of a chance to defend himself on a new charge. When the vote was taken, Wiener and Chiu voted *in favor of* the unconstitutional charge against Mirkarimi.

One lawyer noted back in 2012 that if Ed Lee had succeeded in convicting Mirkarimi of official misconduct, it would have handed a powerful new political weapon to all mayors, present and future to go after other elected officials, and to go after any and all City employees a mayor might not care for or like. Frankly, we owe a debt of gratitude to Jane Kim, David Campos, John Avalos, and Christina Olague for having stopped handing Ed Lee and any future Mayors that new political weapon. Thank God that they stopped Ed Lee! Wiener and Chiu were willing, and voted, to hand that new political weapon to the mayor.

Kim reached the correct legal and ethical conclusion that Mirkarimi's behavior had not risen to the level of official misconduct, however deplorable Mirkarimi's false imprisonment conviction may have been. The Conway's and others should stop punishing Kim for reaching the right conclusion and having identified the unconstitutional issue.

I would add to the *Westside Observer's* reporting through April 27, that on April 30, Ethics Commission campaign disclosures report that *Progress San Francisco* donated an additional \$50,000 to the *San Francisco Firefighters Local 798* independent expenditure committee. Ron Conway donated another \$5,000 way back on January 3, 2018 to another independent expenditure committee, the

"Official Misconduct" Definition In Ross Mirkarimi Case

Jane Kim to Sherri Kaiser: + So it would be a "relationship test," + what the Mayor, + what the Ethics Commission, + what we [the Board of Supervisors], = deemed as falling below the standard of decency, = on a case-by-case basis?

Sherri Kaiser: + I think it is a "discretionary decision," + "It's a judgment call."

Jane Kim to Sherri Kaiser: = "Does that open us up to the 'vagueness issue,' which may make that clause then unconstitutional?"

"Kim's questions utterly destroyed Deputy City Attorney Sherri Kaiser's prosecution and persecution of Mirkarimi."

"When the vote was taken, Scott Wiener and David Chiu voted in favor of the unconstitutional charge against Mirkarimi."

Edwin M. Lee Democratic Club Political Action Committee, which wasn't reported to the Ethics Commission until a new campaign disclosure document was filed on April 30.

That pushes Conway's, his family's, and *Progress San Francisco's* donations to at least \$300,275 to support Breed and oppose Jane Kim. It's highly unlikely those donations will *not* increase during the next 30 days before the June 5 election.

Comically, Conway revealed his true colors in another *San Francisco Chronicle* [article](#) published on April 27, 2018. Although he claimed to the *Chronicle* on March 3 that "he has become too busy to meddle in local politics," the *Chronicle* reported April 27 that as late as April 10 Conway sent an [e-mail](#) to his business and political associates that he was recommending a "number of political efforts, u can donate to ... *Progress [San Francisco] being the most (important)*" to help drum up donations for Breed. Which is it? Conway's "too busy," or he's *not* "too busy"? He can't be too busy and not too busy, simultaneously.

You've Been Warned About Breed's Red Flags

Although you've been warned about Breed's red flags, consider this additional information:

It has been reported elsewhere that Larry Bush — who in the 1990s played a big role in forming the Ethics Commission — has said Breed was the lone dissenter in a 2015 Board of Supervisors vote on legislation that required City supervisors to publicly disclose their appointment calendars.

"In general, her record on the board was that she did not support open government," Bush said.

Bush noted, too, that Breed has been "less-than-compliant" with city ethics rules around the election. He cited Breed's campaign [illegally posting campaign ads on Muni bus shelters](#) as one example.

"It goes on showing a lack of due diligence and care for the city's ethics rules," he said. *"It would be a warning sign were she to [become] mayor."*

You've been warned. Whatever you do, don't vote for London Breed for mayor!

Recommendations for Ballot Measures

My election recommendations "Cheat Sheet" at the end of this article provides a summary of recommendations. Some discussion is in order.

Regional Measure "3" Bay Area Traffic Relief Plan: This measure is sponsored by the Bay Area [Bridge] Toll Authority. Over a six-year period, bridge tolls in the Bay Area will increase by \$3 per bridge crossing, from \$5 to \$8 for each one-way trip. That's a 60% percent change increase. Assuming a round-trip per bridge increase of \$6 dollars per toll bridge for five working days per week for 50 weeks (minus a two-week vacation), drivers will face a \$1,500 annual increase in transportation expenses for each round-trip toll

" Had Ed Lee succeeded in convicting Mirkarimi of official misconduct, it would have handed a powerful new political weapon to all future mayors. "

" The Conway's and others should stop punishing Kim for reaching the right conclusion and having identified the unconstitutional issue. "

" That pushes Conway's, his family's, and Progress San Francisco's donations to at least \$300,275 to support Breed. "

" While Conway was 'too busy' on March 3 to help Breed out, Conway busily found time to e-mail his 'associates' on April 10 drumming up donations for Breed. "



Photo courtesy of Kevin Krejci

" Breed was the lone dissenter in a 2015 vote on legislation that required City supervisors to publicly disclose their appointment calendars. "

You've been warned: Don't vote for London Breed for mayor! She doesn't support open government! "

bridge crossed. It's not known how many drivers cross more than one toll bridge every day and whether their transportation expenses are even higher.

Background materials posted on the San Francisco Department of Elections web site shows Measure "3" includes \$4.5 billion in transportation capital improvements across the region. But a table included summarizing the "biggest investments" account for \$1.49 billion in public transit, bicycle, and pedestrian safety improvements, much of it for BART, Caltrain, and MUNI. Another \$1.48 billion will be allocated for "traffic bottleneck relief" on various transportation corridors, for a total of almost \$3 billion. To learn where the remaining \$1.5 billion will be allocated to, you need to read the full 22-page proposal.

The background materials don't indicate whether BART fares, MUNI fares, and ferry service fares will increase. Shouldn't public transit riders help fund the public transit improvements? It will be entirely funded from bridge tolls on the backs of drivers who may have no other alternative transportation options. **Vote No on Measure "3."**

Drivers face a \$1,500 annual increase in transportation expenses for each round-trip toll bridge crossed. Measure '3' will be entirely funded from bridge tolls on the backs of drivers who may have no other alternative transportation options."

Prop. "A" Public Utilities Revenue Bonds: This measure would authorize the San Francisco Public Utilities Commission (PUC) to issue revenue bonds for power facilities; the PUC is currently allowed to issue revenue bonds for water and clean water facilities. The Board of Supervisors would have to approve each revenue bond by a two-thirds vote, along with approval by the Mayor and the PUC Commission. My objection is any of the bonds issued would be subject to ongoing review and oversight by the PUC Revenue Bond Oversight Committee (RBOC). The RBOC has done a terrible job with oversight of existing PUC revenue bonds. **Vote No.**

RBOC has done a terrible job with oversight of existing PUC revenue bonds. Vote No on Prop. 'A!'"

Prop. "B" Prohibiting Appointed (City) Commissioners from Running for Office: Under this City Charter amendment, appointed members who file to run as candidates for state or local elective offices would be required to resign their seats as commissioners. Unfortunately, there is a carve-out whereby appointees to citizen advisory committees would be exempted and not required to resign from their appointed committees. Another carve-out would exempt both appointees to the boards of San Francisco's Employees' Retirement System (SFERS), the Health Services Board, and the Retiree Healthcare Trust Fund, along with exempting board members elected by city employees and retirees to these three boards. There are a total of 11 appointees (not elected commissioners) to the three boards chosen by the Mayor, the City Controller, the City Treasurer, and the Executive Director of SFERS; another two are members of the Board of Supervisors who are appointed. One of the two appointed by City supervisors is currently running for elected state office. These 11, and the 8 members elected by City employees and retirees, should not be exempted from having to resign if they choose to seek elected office, while all other commissioners on all of the other City boards and commissions would be required to resign.

The inequity of requiring some board commissioners resign, but exempting others, makes no sense — even if this is San Francisco. I'm personally voting against Prop. "B" because I don't know how commissioners on the three exempted boards can focus on their duties as Commissioners while being distracted for months on end while running campaigns for state or local elected office. With that said, **I'm issuing a "No Recommendation" on this measure.**

The inequity of requiring some board commissioners resign, but exempting others, makes no sense."

Prop's "C" and "D" Commercial Landlord Gross Receipts Measures:

Both Prop. "C" and Prop "D" would levy additional taxes on gross receipts of commercial property landlords, although some commercial properties for non-profits and other service providers would be exempt from the new taxes.

I'm recommending — very reluctantly — supporting Prop. "C" for Child Care and Education. Prop. "C," which seeks to raise \$146 million annually for child care and education from commercial property landlords. That compares to Prop. "D," which the City Controller estimates will generate half as much at approximately \$70 million. Prop. "D" would be less onerous on commercial property landlords.

Over a 12-year period through the year 2030, Prop. “D” will cost commercial property landlords *\$1 billion!*

Both measures carry the unfortunate subtitle of “*Mostly to Fund*” each measure. Instead of Prop. “D” funding housing and homelessness services *exclusively*, part of the “mostly” conundrum is that the legal text of Prop. “D” says the measure will set aside \$3 million — ostensibly to be deposited into the General Fund — *for any other public purposes* of the City.

“ Over a 12-year period, Prop. ‘D’ will cost commercial property landlords \$1 billion! ”

Worse, the legal text of Prop. “C” would only allocate 85% (\$122 million) of the \$146 million for child care and education funding, and the other 15% (\$22 million) will be deposited into the General Fund *for any other public purposes* of the City.

“ Why are both Prop. ‘C’ and Prop. ‘D’ attempting to fatten up revenue for the City to spend for ‘other public purposes’? ”

The legal text for both “C” and “D” provide no clarification, or restrictions, on what the “other public purposes” will include or exclude.

Why are both of these measures attempting to fatten up revenue for the City to spend on any “other public purposes”? Why are “other public purposes” being piggy-backed on revenue streams otherwise dedicated to specific purposes?

More concerning, Prop. “D” to raise additional funds for homeless housing and homeless services may not take into account California [Assembly Bill 3171](#) which would allocate \$1.5 billion from the state budget to help address the growing statewide homeless crisis if the bill is passed. AB 3171 would also require local jurisdictions to come up with local funds on a matching basis. Where is San Francisco going to come up with even more homeless housing matching funds on top of what the City is already spending, and how much will the local match increase cost? **I’m reluctantly recommending Yes on Prop. “C,” and emphatically recommending voting No on Prop. “D.”**

“ AB 3171 would require local jurisdictions to come up with local funds on a matching basis. Where is San Francisco going to come up with even more homeless housing matching funds? Vote ‘No’ on Prop. ‘D’. ”

Prop. “E” Prohibiting Tobacco Retailers from Selling Flavored Tobacco Products: The Board of Supervisors passed a measure in 2017 to ban the sale of flavored tobacco in the City. This is more “nanny-state” control of the citizenry. What’s next, banning chocolate-flavored milk? Banning the sale of chicken or baby back ribs, because the meat is “flavored” with sugar-infused barbecue sauce and cooked over potentially carcinogenic coals? Banning tartar sauce? Some of my multi-racial family members and former co-workers prefer brands of menthol cigarettes. Banning sale of menthol cigarettes can be seen as being discriminatory to minorities. The City Controller’s preliminary statement on the Department of Elections web site indicates the City may well lose sales tax revenue, with people travelling to the suburbs outside the City to buy the flavored tobacco products they prefer. I’m personally voting No on Prop. “E.” **But I’m issuing a “No Recommendation” on this measure.**

“ What’s next, banning chocolate-flavored milk? Banning the sale of chicken or baby back ribs, because the meat is ‘flavored’ with sugar-infused barbecue sauce cooked over potentially carcinogenic coals? I’m voting no, in part because it may be discriminatory to minorities. ”

Prop. “F” City-Funded Legal Services for Residential Tenants in Eviction Lawsuits: This is a no-brainer. The City should help protect all renters and tenants facing eviction lawsuits. The City Controller’s preliminary statement on the Department of Elections web site indicates the measure would increase the City’s costs somewhere between \$4.2 million and \$5.6 million, but is subject to decisions made when developing the City’s annual budget. **Vote Yes on Prop. “F.”**

Prop. “G” Parcel Tax for San Francisco Unified School District: The City Controller’s preliminary statement indicates the measure would generate \$50 million annually in new tax revenue from the parcel tax to be used principally for teacher salaries and training, and “other” SFUSD purposes. One of those “other” uses would permit the school district to use the revenue for public charter schools. Charter schools are already encroaching on, and competing for, space in public schools.

Teachers in San Francisco were forced to flee to the East Bay, given the City's housing crisis of unaffordable rent. If Regional Measure 3 passes, we'll unleash increased transportation costs of up to \$1,500 on teachers annually, assuming they only cross one toll bridge commuting round-trip to teach in San Francisco. Obviously, any salary increase will simply be consumed by increased transportation costs.

This measure could very well set a precedent that parcel taxes can be used to fund salaries of City employees. Who is next? The powerful SEIU nurses' union, Firefighters Local 798, or the powerful Police Officers Union being inspired by the precedent of a parcel tax for teachers? Who will be the next set of City employees saying "*If you can do this for teachers, why can't you do it for me? I need a raise!*" Shouldn't the City have to come up with salaries and pay raises from the General Fund? **Vote No on Prop. "G."**

Prop. "H" Policy for the Use of Tasers by San Francisco Police Officers: This Police Officers Association-sponsored measure is ironically titled "*The Safer Policing Ordinance.*" The POA deliberately placed this on the ballot to set police policies knowing it would take *another* ballot measure for voters to change it if the policy proves to be misguided. Current Police Chief William "Bill" Scott opposes Prop. "H." The POA is now busy vilifying Scott for his opposition to setting police policies at the ballot box.

Tasers can be just as deadly as bullets from a handgun, so tasers are not "safer." Police officers do *not* need both guns and tasers. **Vote No on Prop. "H."**

Prop. "I" Relocation of Professional Sports Teams: This is a mere "declaration of policy" that San Francisco will not entice professional sports teams located in other jurisdictions that have previously established themselves for 20 years with community support and fans to relocate to San Francisco. This may be just another useless non-binding ballot measure, so **"No Recommendation" on Prop. "I."**

Superior Court Judges

The *San Francisco Weekly* newspaper carried a great [article](#) on February 8 about the Superior Court judges contests on the June 5 ballot. The article reported that Public Defenders Phoenix Streets, Maria Elena Evangelista, Kwixuan Hart Maloof, and Niki Judith Solis are running for different seats on the Superior Court, shown on my clip-'n-save cheat sheet to take to the polls with you. I strongly urge you to support all four of them!

Don't Forget to Vote June 5!

Well, there's my recommendations. You have just four weeks to figure out how to vote for everything on June's jam-packed ballot. Good luck ... and *don't forget to vote!*

Monette-Shaw is a columnist for San Francisco's Westside Observer newspaper, and a member of the California First Amendment Coalition (FAC) and the ACLU. He operates stopLHHdownsize.com. Contact him at monette-shaw@westsideobserver.com.

"One of those 'other' uses in the parcel tax would permit the school district to use the revenue for public charter schools. Charter schools are already encroaching on space in public schools. Vote 'No'."

"Who will be the next set of City employees saying, 'I need a raise from a parcel tax'? Secretaries? Nurses? Cops? Shouldn't the City have to come up with salaries and pay raises from the General Fund? Vote 'No' on Prop. 'G.'"

"The POA deliberately placed this on the ballot to set police policies knowing it would take *another* ballot measure for voters to change it at the ballot box if the policy proves misguided. Current Police Chief William 'Bill' Scott opposes Prop. 'H.'"

"You have just four weeks to figure out how to vote for everything on June's jam-packed ballot. Good luck ... and *don't forget to vote!*"

Voter's Beware: Don't Be Suckered!

June Election Recommendations Clip-'n-Save

by Patrick Monette-Shaw

June 5, 2018 Election

Voting Recommendations Cheat Sheet

Regional Ballot Measures

Vote:

Regional Measure 3	Bay Area Traffic Relief Plan	No
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Local Ballot Measures

Prop. A	Public Utilities Revenue Bonds	No
Prop. B	Prohibiting Appointed (City) Commissioners from Running for Office	No Recommendation
Prop. C	Commercial Landlord Gross Receipts Tax Child Care and Education	Reluctant Yes
Prop. D	Commercial Landlord Gross Receipts Tax Housing & Homelessness Services	No, No, No!
Prop. E	Prohibiting Tobacco Retailers from Selling Flavored Tobacco Products	No Recommendation
Prop. F	City-Funded Legal Services for Residential Tenants in Eviction Lawsuits	Yes
Prop. G	Parcel Tax for San Francisco Unified School District	No
Prop. H	Policy for the Use of Tasers by San Francisco Police Officers	No
Prop. I	Relocation of Professional Sports Teams	No Recommendation

San Francisco Elected Officials

Vote For:

San Francisco Mayor	Jane Kim (Ranked Choice #1), Angela Alioto (Ranked Choice #2)	Not London Breed!
Board of Supervisors, District 8	Rafael Mandelman	

Superior Court Judges

Superior Court Judge, Seat 4	Phoenix Streets
Superior Court Judge, Seat 7	Maria Elena Evangelista
Superior Court Judge, Seat 9	Kwixuan Hart Maloof
Superior Court Judge, Seat 11	Niki Judith Solis

California Primary Election for November 6, 2018 General Election

Vote For:

U.S. Senate	Kevin de Leon	Not Dianne Feinstein!
U.S. Congress #12	No Recommendation	
U.S. Congress #14	Jackie Speier	
California Governor	Antonio Villaraigosa	Not Gavin Newsom!
Lieutenant Governor	Eleni Kounalakis	
Attorney General	Xavier Becerra	
CA Secretary of State	Alex Padilla	
State Treasurer	Fiona Ma	
State Controller	Betty Yee	
Insurance Commissioner	Ricardo Lara	
Superintendent of Public Instruction	No Recommendation	
Board of Equalization #2	Malia Cohen	
CA State Assembly #17	Alejandro Fernandez	
CA State Assembly #19	No Recommendation	