

March 2014

## *A Fight for the Soul of San Francisco*

# The Three-David Race for Assemblyperson

by Patrick Monette-Shaw

Don't for a moment believe David Chiu's claim that there's little difference in the "shades of blue [Democrats]" between he and David Campos. Nor should you believe observers who ludicrously claim that there's very little difference in the voting records of Chiu and Campos. There are vast differences between the two candidates, not just ideological differences between them.

I have followed with interest two recent guest editorials in San Francisco's *Bay Area Reporter (B.A.R.)* weekly newspaper concerning the upcoming election to replace term-out California Assemblyman Tom Ammiano. This is not a tale of two David's. It's a tale of three.

No, make that four David's: Republican candidate David Carlos Salaverry is also running for Ammiano's Assembly seat, but Salaverry has no hope of winning, given that there are 287,333 registered voters in Assembly District 7 and only 6.61 percent of them are registered Republicans. That leaves three Democrat David's.

There's one even-keeled David Campos. And then there is the mercurial and temperamental David Chiu, who appears to have an internal "good-David, bad-David" disorder of two David's living in a single body.

### A Tale of Two Guest Editorials

When I read the guest editorial by the co-chairs of the [Alice B. Toklas LGBT Democratic Club](#) in the *B.A.R.*'s April 10 issue in which they endorsed David Chiu, I had to laugh.

Predictably, this irrelevant club — which Supervisor Scott Wiener formerly co-chaired — endorsed not only a highly conservative candidate who dubs himself a "moderate" and straight, it did so based *solely* on Chiu's credential as a mere "ally." This is the emptiest of logic, typical of the Alice Club.

Gay Supervisor Scott Wiener's *not* endorsing gay candidate David Campos is a slap in the face. I venture a guess that Wiener's backing of a straight candidate over a gay candidate may make assassinated Supervisor Harvey Milk turn over in his grave. And I venture that the *B.A.R.* will also probably dig up tortured logic and disingenuous reasons to also back a straight candidate over a gay candidate, further making Milk shiver in his cold grave.

By endorsing the "straight ally" candidate in this race, the Toklas Club's editorial cited not one piece of LGBT-related legislation actually authored by Chiu, instead justifying its endorsement of Chiu as a "reward" for merely having "stood by" the LGBT community. The Toklas Club claimed Chiu is a "master of the legislative process," but they neglected to mention he's also a master of subverting the legislative process when he so chooses (see discussion of the Park Merced deal and curtailing public comment, below).

The Alice crowd doesn't seem to get it: Rewards are typically meant to reward actual leaders, not "stood by-ers."

A week later, the *B.A.R.*'s April 17 issue carried a second guest editorial co-authored by a [broad coalition of Latino's](#), many of whom are LGBT, in which they endorsed Campos for the Assembly seat.

Throughout their well-argued guest editorial, the co-authors presented a whole host of reasons of why retaining the



Which David will better represent us "us-es" as our next District 17 assemblyperson?

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Assembly seat with a gay or lesbian candidate who has a demonstrated track record in protecting the underrepresented, is crucial. They noted that Campos hasn't merely amassed a good voting record, which seems to be Chiu's sole qualification. Campos has instead led and championed many of the issues that directly impact the various constituencies within our LGBT communities. The amount of LGBT-related legislation Campos introduced — which Chiu merely “stood by” — is significant.

As one example, the co-authors noted Campos co-authored legislation creating the LGBT Aging Policy Task Force. If Chiu was such a legislative “leader,” why hadn't he co-authored that particular piece of legislation? It's not likely that Chiu will author legislation in the Assembly to create a similar LGBT Aging Policy Task Force at the state level. The co-authors also noted it is offensive and disingenuous to rationalize support for Chiu — as the Alice Club guest editorial did — out of a desire to build broad coalitions with the proper “consensus tone,” when such efforts are often done at the expense of underrepresented segments of our own LGBT communities.

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**“ Chiu has engaged in some potentially highly unethical behavior while Board President. Take Chiu's role in the Park Merced development deal. ”**

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Out of one side of Chiu's mouth, we hear his claims of being a “consensus builder” hell-bent on changing the “tone of local government.” But out of the other side of his mouth, Chiu has engaged in some potentially highly unethical behavior while Board President.

Take Chiu's role in the Park Merced development deal. On November 1, 2011 the Sunshine Task Force issued an Order of Determination finding that Supervisor Eric Mar, Chair of the Land Use Committee, Board president David Chiu, and Land Use Committee members Supervisor Scott Wiener and Supervisor Malia Cohen had collectively violated several sections of the Sunshine Ordinance by failing to provide the public with copies of 14 pages of amendments to the Park Merced Development Agreement until just minutes before voting on the amendments.

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The amendments had been provided to the Board of Supervisors by Chiu in connection with an agenda item. Chiu allowed the introduction of last-minute, substantive changes to the agenda without adequate public notice. The four Supervisors were also cited for failing to publish a meaningful agenda adequately describing the substance of the agenda item involving the 14 pages of Park Merced amendments to fully and honestly inform the public, beforehand, about the nature of the proposed development deal's amendments. Trained at Harvard, Chiu must have known the agenda description was both deficient and dishonest.

The Sunshine Task Force referred all four of these Supervisors to the Ethics Commission and to the District Attorney, citing willful failure (to comply with the Sunshine Ordinance) and official misconduct. That's when Chiu may have decided to “get even” by first eviscerating, and then delaying appointment of members to, the Task Force.

## **Abuse of Discretion**

Or take Chiu's all-too-frequent abuse of the Board of Supervisors' own Rules of Order. Board Rule 3.3 provides that “Committees shall consider only items which have been referred to them by the President, or by the Board, and which have been posted, published, and noticed.”

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**“ Since Chiu is the highest-lobbied Supervisor on the Board, could he have transferred this lobbyist legislation to the wrong subcommittee for potential benefit of the lobbyists? ”**

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As recently as February 20, 2014, Chiu submitted a “Presidential Action” memo to the Clerk of the Board of Supervisors transferring File Number 130374 dealing with lobbyist regulations from the Rules Committee to the Government Audit and Oversight Committee. The proposed changes to lobbying regulations should have been heard at the Rules subcommittee, which is charged under Board Rule 3.26 with hearing City Charter amendments and amendments to the Administrative Code (among other duties), but Chiu may have abused his discretion by transferring the proposed lobbying amendments to a more favorable Board subcommittee, the GAO committee, established in Board Rule 3.25.2 as a *financial* subcommittee to hold hearings involving other categories of topics.

Since Chiu is the highest-lobbied Supervisor on the Board, could he have transferred this lobbyist legislation to the wrong subcommittee for potential benefit of the lobbyists stuffing money into Chiu's campaign chest?

This is just one example of the many times that Chiu has transferred an unknown, but significant, amount of legislation from a given committee defined in Board Rules as authorized to hold hearings, to other subcommittees. Notably, he's done so several times on items involving Laguna Honda Hospital, since Board Rule 3.27 stipulates any matters dealing with public health, the elderly, and the disabled are to be heard by the Neighborhood Services and Safety Committee, a subcommittee which Supervisor Campos chairs.

Or take Chiu's treatment of members of the public who take time out of their schedules to attend hearings at City Hall. Chiu is well known among open-government and accountability activists for arbitrarily reducing the number of minutes each speaker is permitted to testify for, and for remotely turning off the microphone at the speaker's podium when he doesn't like the public testimony being presented. Chiu has gone so far as to have a well-behaved member of the public who was fully within his First Amendment, Free Speech rights escorted out of Board Chambers by a uniformed Sheriff — because Chiu didn't like the testimony being presented.

Chiu is notorious for moving the public comment period around during meetings of the full Board, making it next to impossible to estimate at what time during the full Board's Tuesday meetings public comment will be consistently heard (rather than having a consistent, time-specific period, as it does for other Board business), forcing members of the public to wait unreasonable amounts of time, often late into the night, before they are allowed to speak. Chiu's utter contempt of people presenting public comment is legendary.

In stark contrast, Campos always thanks members of the public for attending subcommittee hearings that Campos chairs. Campos "actively listens" to public testimony attentively, whereas Chiu frequently walks around Board Chambers during public testimony not actively listening to members of the public at all, all but ignoring their public testimony.

Or take Chiu's role in delaying appointments to the Sunshine Ordinance Task Force. Two years ago, Supervisor Scott Weiner single-handedly eviscerated the Task Force in May 2012 by refusing to permit the reappointment of Bruce Wolfe, the Task Force's then only disabled member. Wiener's meddling effectively shut the Task Force down for almost six months, because without replacement appointees, the Task Force lacked a quorum preventing it from meeting legally to conduct its business adjudicating disputes regarding public meetings and access to public records.

Chiu should have stepped in and promptly resolved the matter, particularly if he expects anyone to believe he's a "consensus builder." But Chiu didn't lift a finger to intervene, instead choosing to let the people's business before the Task Force go unaddressed for months on end.

Now two years later, three hold-over appointments from 2012 remain on the Task Force because the Board has refused to accept nominations from professional organizations identified in the Ordinance as responsible for nominating candidates. In addition, Chiu has permitted one of the Task Force seats to have remained vacant for now fully two years. The affect of the endless appointment delays has made it much more difficult for members of the public to have their complaints heard fairly by the Task Force in a timely manner. Perhaps that has been Chiu's ulterior motive: Building consensus by way of silencing complaints against City officials and departments.

Here we are just one week away from the end of the terms of office for the ten Sunshine Task Force members who have served since 2012, and Chiu has not calendared on the Rules Committee agenda any hearings on new applicants to the Task Force. Chiu is running the risk of yet again forcing the Task Force to disband until it has a sufficient number of members to constitute a quorum to conduct the people's business. This is no accident. It appears to be a purposeful strategy of Board President Chiu. It's more like sabotage, rather than consensus-building. Is that who you want representing us in Sacramento?

Notably, Chiu has taken no action to remove Task Force Member Todd David for excessive unexcused absences from Task Force meetings. Mr. David has missed six of the Task Force's last 13 meetings that were actually held and not

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cancelled — representing a staggering 46.2 percent absence rate. One of Todd’s six absences was an excused absence; one other was due to illness. Task Force members are only permitted three absences in any rolling 12-month period, including excused absences.

Mr. David was hand-picked by Supervisor Wiener and appointed to the Task Force in a highly unusual manner. David is hoping a non-profit organization he is involved with will be awarded approximately \$4 million to create a new park — the Noe Valley Town Square — an expenditure the media have reported Wiener and Mayor Ed Lee appear to support.

Mr. David is the [president of Residents for Noe Valley Town Square](#), a purported “public-private” partnership that is actually a 501(c)(3) nonprofit entity. Could it be that Chiu hasn’t removed Todd David from the Task Force due to the pending award to the Residents for Noe Valley Town Square?

All this time, Chiu has acted like Marie Antoinette, with a smug “Let them eat cake” attitude when it comes to appointments to the Sunshine Task Force, demonstrating utter disdain for members of the public seeking redress of complaints against their own government. Maybe this contempt is something Chiu learned at Harvard Law School, while Campos was learning empathy at Harvard Law School.

### The 1% vs. 99% Endorsers

Then there’s the matter of endorsements for the two — or three — David’s. Among endorsements for the two-Chiu David are Senator Diane Feinstein, Lieutenant Governor Gavin Newsom, former City Attorney Louise Renne, Supervisor Scott Wiener, the San Francisco Police Officers Association, and San Francisco Fire Fighters Local 798, among others. These are the usual suspects in conservative democratic circles, illuminating Chiu’s “moderation.” Chiu is their go-to boy.

Campos’ endorsements include Public Defender Jeff Adachi; Former Supervisor Bevan Dufty; Former Mayor Art Agnos; President of the San Francisco Police Commission Thomas Mazzucco; Vice President of the San Francisco Police Commission Julius Turman; Chair of the San Francisco Human Rights Commission and Health Commissioner Cecilia Chung; Assembly Member Phil Ting; SEIU Local 1021; Unite HERE Local 2; United Educators of San Francisco (UESF); the California Legislative Lesbian, Gay, Bisexual, and Transgender Caucus; the Bernal Heights Democratic Club; the Sierra Club; the Chinese Progressive Association Action Fund; and the Harvey Milk LGBT Democratic Club, among many others. Campos’ endorsements illustrate broad support for his progressive values. Campos’ support includes us “us-es.”

Supervisor Jane Kim’s dual endorsements of both David candidates suggests that she’s hedging her bets, knowing she’ll need to curry political favor in the future from whichever of the two David’s wins this Assemblyman election.

Surprisingly, Supervisor Bevan Dufty — who is now Mayor Ed Lee’s “homeless” czar and may face retribution from the Mayor for having endorsed Campos over Chiu — appears to have only endorsed David Campos, accordingly to the June voter guide. This is surprising, in part, because of Dufty’s eleventh-hour vote switcheroo in January 2011 handing Ed Lee his appointment to become Mayor. We’ll see whether the vindictive Mayor hands Dufty a pink slip for endorsing Campos, just as the Mayor reportedly refused to reappoint gay Health Commission president Jim Illig to the Health Commission, after Illig backed someone else other than Lee for mayor. That turned our “consensus mayor,” into the “vindictive mayor.”

Campos has had many legislative and advocacy victories too numerous to detail here. As chair of the Neighborhood Services and Safety Committee, [Campos successfully prevented](#) the Department of Public Health from privatizing the SFGH Renal (dialysis) Center, which had been unilaterally announced in a Request for Proposals to outsource the facility to a private entity who would have been required to move the dialysis center to Laguna Honda Hospital’s campus. Had

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DPH's plan succeeded in moving dialysis services to Laguna Honda, it would have placed an undue transportation burden on critically-ill dialysis patients who would have faced fragmentation of their care from a single campus to multiple locations, requiring even more transportation time shuttling between campuses for various primary- and secondary-healthcare services.

Campos stopped the dialysis privatization dead in its tracks following [compelling testimony](#). Chiu would likely have went along with DPH's privatization scheme, probably by employing the "sharing economy" and "collaborative consumption" lie (see below).

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Campos is also assisting in getting the Health Department to release data on out-of-county patient discharges over the past seven years, which has been fueled, in part by the hot housing market displacing the poor and elderly from residency in San Francisco, along with other San Franciscans facing the "housing affordability crisis" that Mayor Lee has been unable, or unwilling, to solve.

It's doubtful that David Chiu would have assisted with either of these public-health, public-interest issues.

Indeed, when Mayor Ed Lee struck a deal with CPMC to build its Van Ness Hospital, it was the combined leadership of Supervisors David Campos and John Avalos who successfully forced the Mayor into re-negotiating with CPMC to build its Cathedral Hill Hospital on Van Ness Avenue, and forced CPMC into committing that it would also rebuild St. Luke's Hospital in the Mission, which the Mayor appeared all too willing to allow CPMC to abandon.

Although Chiu is credited for eventually *assisting* negotiating a better deal for the City with CPMC, it was Campos — not Chiu — who *led* the charge in telling the Mayor "not so fast!" accepting CPMC's lousy deal. To the extent St. Luke's Hospital will continue serving residents of the Mission District, it will be due to Campos' leadership — not Chiu's — that forced the Mayor to bargain a better deal with CPMC.

## Two David's and *L'affaire Mirkarimi*

Campos and Chiu could not have been more different in their roles regarding the official misconduct charges Mayor Lee wrongly brought against Sheriff Ross Mirkarimi.

As previously reported, the Mayor relied on really [stupid legal strategies](#) against the Sheriff developed by Deputy City Attorney's Sherri Kaiser and Peter Keith, most probably with the concurrence of their boss, City Attorney Dennis Herrera. After the Ethics Commission threw out the six initial official misconduct charges Lee initially filed against Mirkarimi, the Ethics Commission subsequently rejected all five of the amended charges Kaiser and Keith then substituted on behalf of the Mayor.

In order to move the charges to the Board of Supervisors, the Ethics Commission hastily incorporated portions of the Mayor's amended counts four and five into a new hybrid charge just minutes before voting on August 19, 2012 depriving Mirkarimi and his lawyers of any opportunity to prepare a defense against an eleventh-hour new charge.

The final, single charge against Mirkarimi was so vague that even Ethics Commission president Ben Hur feared that such a broad definition of "official misconduct" would invite too much political mischief. Hur, also a Harvard Law School graduate, was the only Commissioner on the five-member Ethics Commission who voted against finding Mirkarimi guilty of official misconduct, on a 4-1 vote.

When the Ethics Commission then referred the case to the Board of Supervisors for final action, it was only then that Berkeley-educated Supervisor Jane Kim began astutely asking the right questions.

Kim, a civil rights attorney in her own right, is a graduate of Stanford University with a bachelor's degree in political science. She went on to obtain her law degree from the UC Berkeley School of Law.

During the Board's misconduct trial against the Sheriff, Supervisor Kim peppered Ms. Kaiser and Mr. Keith with a whole host of pointed, lawyerly-like questions concerning whether Kaiser's answers would then open up the City to the "vagueness issue," making a clause in the City Charter unconstitutional because any and all City employees — whether or not an elected official — would not be able to reasonably predict when their behavior would be official misconduct or not.

Honing in on the “standard of decency” clause added to the Charter in 1995, Kim noted that any standard of decency may change over time, depending on who is appointed to the Ethics Commission, who has been elected to the Board of Supervisors, and who is the elected Mayor, opening up the question of whether the definition is too vague for anyone to determine what is, or isn’t, official misconduct.

As deplorable as the bruise Mirkarimi inflicted on his wife may have been, the Board of Supervisors tried mightily — and deplorably — to usher through the “constitutionally vague” definition of official misconduct, which would have placed all 36,000 City employees at great risk of being unable to determine whether their on-the-job conduct may involve official misconduct, which would have led to increased bullying and intimidation on the job.

That was the end of Ms. Kaiser and the Mayor. When the Board of Supervisors voted, it mustered just seven votes against Mirkarimi, two votes shy of the nine votes required to sustain the single silly charge against Mirkarimi forwarded to the Board by the Ethics Commission, with Ethics Commissioner Ben Hur’s dissent. All of the ensuing drama barking up the wrong tree in the Mirkarimi affair cost taxpayers over \$1.3 million in City Attorney expenses mounting a fruitless witch hunt. Berkeley-trained lawyer Supervisor Jane Kim stopped the virtual speeding bullet unfairly aimed at Mirkarimi, while Harvard-trained lawyer David Chiu turned a blind eye to the unethical Kafkaesque trial.

Chiu voted to “convict” Mirkarimi. Campos did not, after Jane Kim raised compelling legal concerns that appear to have sunk in on Campos. Now, Chiu is trying to turn his unethical, misguided vote against Mirkarimi selectively against Campos, but not against Ms. Kim. Why Chiu would raise such quibbles against Campos, while simultaneously granting Kim a free pass on the Mirkarimi vote and handing her Chiu’s endorsement, will end up backfiring on him, if Chiu’s campaign advisors keep trying to make the Mirkarimi vote at the Board a wedge issue in the Assembly race.

Comically, when Harvard Law School graduate Scott Wiener sensed the Board of Supervisors would not reach the nine-vote threshold to find Mirkarimi guilty, Supervisor Wiener asked during the final hearing whether the Board could then reject the single charge creatively developed by the Ethics Commission and make up a new charge right on the spot, as if there was no need to have the Ethics Commission weigh in on a *new* last-minute charge developed by the Board of Supervisors. If the Board could have done that, why did the City bother involving the Ethics Commission at all? How comical can Wiener get?

Harvard Law School-trained lawyer David Campos sided with Berkeley School of Law-trained Jane Kim; both voted against the single charge leveled at Mirkarimi as too unconstitutionally-vague. Apparently, Chiu is quite comfortable maintaining constitutional vagueness. Is this what we want from elected Assembly members? I know I don’t.

For his part, David Chiu chose to side with the constitutionally-vague Mayor and Ms. Kaiser, and the unethical Ethics Commission. Perhaps Kim paid attention, awake, during a Berkeley lecture on constitutional vagueness, as Campos appears to have done while at Harvard. Commissioner Hur also appears to have been awake during the hypothetical Harvard lecture concerning constitutional vagueness.

This leaves many observers wondering whether David Chiu slept through that class, or just skipped attending the lecture, and never learned that constitutional *vagueness* is *not* what voters expect from Assembly candidates seeking election to represent them in Sacramento. Maybe Wiener slept through, or skipped, that class, too.

Thank goodness two of the four Harvard Law graduates — Campos and Hur — attended and didn’t sleep through the constitutional vagueness lecture, as Wiener and Chiu appear to have. I guess two out of four isn’t so bad, but it’s disturbing that Harvard cranks out half of its law school graduates having different legal understanding of the definition of “constitutional vagueness.”

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## Contrasting In-Their-Own-Words, Side-by-Side “Selfies”

Finally, the *San Francisco Bay Times* also ran front-page, side-by-side articles by the two David’s (three, really) in its April 17 issue. The two David’s were given an opportunity to present in their own words for *Bay Times* LGBT readers why they are running to become District 17’s Assemblyman.

Predictably, Chiu lamented that when he arrived at City Hall in 2008, it was not “as functional as it could be.” He went on to stress his street creds as being a change-agent altering the “tone” of local government by being a consensus builder. Chiu seems to be playing Scott Wiener’s and Ed Lee’s “consensus” card.

In his written “selfie” portrait, [Chiu](#) mentions not one piece of legislation he introduced on behalf of LGBT communities, instead just pointing to having supported legislation ostensibly introduced by others. In his conclusion, Chiu brazenly wrapped himself in the legacy of former Supervisor Harvey Milk, implying that Harvey’s ability to build consensus and coalitions has somehow rubbed off exclusively on Chiu. Unfortunately, there was a whole lot more to Milk that appears to have *not* rubbed off on Chiu, including Milk’s “You gotta’ give ’em hope” trademark philosophy. There’s no “give ’em hope” emanating from either side of the two-sided David Chiu.

Not only may Chiu have potentially slept through a class on constitutional vagueness while at Harvard, it appears he slept through hearing of Harvey Milk’s efforts to build coalitions that Milk termed “us-es.” Supervisor Milk meant “communities that value diversity and attempt to leave no one behind,” as the *Bay Times* reported on May Day, May 1, when it announced it was presenting a new *Bay Times* column authored by Supervisor Campos.

Rather than seeking to build coalitions of “us-es” as Campos is doing, Chiu is hell-bent on toning down the tone in City Hall (including tuning out, by toning down, public comments during Board meetings) in his “consensus building” efforts that always tunes out meaningful input from, and ends up adversely affecting, us “us-es.” Chiu doesn’t want coalitions of us-es. Coalitions of “us-es” have a way of interfering with Chiu’s consensus coalitions comprised of real estate speculators, the usual moneyed-interest political suspects, and “moderation.”

As recently as the last week of April, Chiu was ordered by Chinatown powerbroker Rose Pak — former Mayor “Slick” Willie Brown’s and Mayor Ed Lee’s go-to-gal — to gin up a vote on an appointment to the Police Commission (see Postscript, below). At stake was police oversight, which Pak and Company sought to curb, comfortable as she is curbing public oversight. Dutifully, Chiu — lapdog as he is to Rose — followed her orders. Is that who you want in the Assembly, Pak’s lap dog? Notably, Campos — not beholden to Pak as Chiu appears to be — did not succumb to Pak’s orders.

In stark contrast, David [Campos](#)’ written “selfie” clearly describes some of his initial legislative ideas for the LGBT community should he win the assembly race. Chiu mentioned not one legislative goal should he win the election.

Campos also detailed why it is critically important to maintain LGBT representation in the Assembly. First, our Assembly District 17 has the highest proportion of LGBT voters of any district in the state, which is more important now than ever, because LGBT representation in Sacramento is threatened by term limits that may shrink the LGBT caucus in the State legislature to just six members. Campos noted that across the past decade, of 114 bills of critical interest to the LGBT community, over 55 percent were authored and

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sponsored by members of the LGBT caucus in Sacramento. Electing a straight David Chiu would clearly affect the volume of legislation authored on behalf of LGBT constituencies.

Reading the two David's contrasting in-my-own-words articles, it's abundantly clear Chiu is seeking his next elected higher office for its own sake: As a career politician.

In contrast, Campos' April 17 article left readers with the clear impression he is a dedicated public servant seeking to focus on public service, not on his career plans.

This may explain why the *Bay Times* chose to add Campos as its newest columnist. Given his inaugural column, it appears Campos will be writing about substantive issues, not the fluff pieces the *Chronicle* cranks out in Sunday columns of "Willie's World."

## Chiu's Support of Airbnb and the So-Called "Sharing Economy"

San Francisco's leading gay newspaper, the *Bay Area Reporter*, carried a greatly condensed version of this article as my [guest opinion piece](#) on the three-David race on May 1. A chief concern of the first person to comment on-line about my opinion piece in the *B.A.R.* — Mr. Reid Pierre Condit — appeared to be singularly concerned about privacy issues in gay men's bathhouses, totally oblivious to which David may be worthy of replacing Ammiano in Sacramento. Sadly, Condit's comment was the typical "me, me, me," not "us."

Rather than being the slightest bit concerned about the bathhouse privacy issue, I'm greatly concerned about, and alarmed by, the two years Chiu dragged his feet on the Airbnb issue involving evictions to convert rental units into short-term hotels. On June 11, 2013, Chiu attended Mayor Lee's [press event](#), along with Airbnb's founder and chief technology officer, Nathan Blecharczyk, announcing the Mayor's support for the so-called "sharing economy." The sharing economy — also known as "collaborative consumption" — uses technology and social media to promote the use and re-use of so-called underutilized assets: Cars, bikes, tools, rooms, spaces, skills, and other goods, baby-sitting, and other needs. There you have it: Chiu and the Mayor think you are underutilizing your rent-controlled apartment.

According to lobbyist filings submitted to San Francisco's Ethics Commission, Chiu or his staff met with lobbyists on behalf of Airbnb, or Airbnb employees lobbying Chiu, at least 27 times between December 2011 and March 2014. No small wonder it took Chiu two years to propose really awful legislation to revise short-term rental laws already on the books that prohibit such use (also see Postscript, below).

Apparently, Chiu and the Mayor are tired of "conspicuous consumption," and prefer handing you "collaborative consumption" of your rental unit, even if it means that they'll help get you evicted since you are underutilizing your rental rooms, and there's a ton of wealthy people waiting to displace you and better utilize the space that you're hoarding by not "sharing" it with the filthy rich who want your spot. Make no mistake, Chiu's campaign donations from aggressive developers and real estate interests are designed to collaboratively "share" your right to be evicted.

The social media "collaborative consumption" psychobabble is designed to "share" you right out of town, as only twisted spinmeisters can deconstruct words. Mayor Lee's focus on the "sharing" economy may be but one reason observer's have coined a new nickname for him: "Mayor Antoinette," referring to Marie Antoinette's dictum "Let them eat cake!"

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**Chiu attended Mayor Lee's press event along with Airbnb's founder and chief technology officer, Nathan Blecharczyk, announcing the Mayor's support for the so-called 'sharing economy' — also known as 'collaborative consumption' — to promote the use and re-use of so-called underutilized assets, including rooms.**

**There you have it: Chiu and the Mayor think you are underutilizing your rent-controlled apartment."**

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Mr. Condit might better ask himself how many San Franciscans — LGBT or otherwise — were displaced out-of-county, while Chiu schmoozed Airbnb for two years trying to reach a compromise.

Hopefully, a proposed ballot measure that will more than likely be supported by Campos and opposed by Chiu will make it onto the November ballot. Unfortunately, it is being proposed too late for the June 3 primary, which might have presented voters with a better understanding of Chiu’s ugly “dark side” before electing him to any higher office.

On April 29, the *San Francisco Chronicle* [reported](#) that a trio of well-connected San Franciscans — longtime housing activist Calvin Welch, public relations professional Dale Carlson, and former San Francisco Planning Commissioner Doug Engmann — are backing a ballot initiative for the upcoming November election to severely curb Airbnb’s operations in the City, given the [legislation](#) David Chiu recently introduced after schmoozing with Airbnb for nearly two years trying to reach some sort of “compromise.”

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**“ A trio of well-connected San Franciscans are backing a ballot initiative for the upcoming November election to severely curb Airbnb’s operations in the City, given the legislation David Chiu recently introduced after schmoozing with Airbnb for nearly two years. ”**

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Mr. Welch says Chiu’s legislation amounts to “back-door rezoning of every residential neighborhood in San Francisco to allow short-term rentals.”

Chiu’s endless compromising will end up having the effect of worsening the affordable housing crisis and apartment evictions, because the short-term rental market is exploding, and a significant amount of housing is being converted into illegal “hotel” rooms, worsening the availability of affordable housing, and worsening displacement of long-time San Francisco renters. In the two years Chiu dragged his feet on this issue, how many San Franciscans were displaced out-of-county, while Chiu schmoozed trying to reach a compromise?

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**“ Welch says Chiu’s legislation amounts to ‘back-door rezoning of every residential neighborhood in San Francisco to allow short-term rentals’. ”**

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Reportedly, Chiu stated that “the issue is too complicated for ‘the blunt ballot-box approach.’ With ballot-box initiatives, ‘mistakes can rarely be fixed,’” Chiu claimed. This illustrates perfectly Chiu’s utter contempt for the intelligence of voters, who he apparently believes can’t think for themselves and apparently believes make ballot-box “mistakes,” and why voters desperately need his “consensus-building” leadership in the Assembly.

It’s the same contempt for members of the public (most of whom are voters) that Chiu all but sneers at during Board meetings, as only a truly arrogant President of the Board can. Given his contempt for voters, why is he asking for — and why would you give him — your vote?

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**“ Given Chiu’s contempt for voters, why is he asking for — and why would you give him — your vote? ”**

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Chiu’s endless meddling will only make the affordability crisis in San Francisco much worse. If that’s what you want, go ahead and vote for Chiu.

But don’t let the “privacy in bathhouses” — or the Bernal Heights Library mural fight — be your single reason to vote against Campos. There’s more at stake than bathhouses and murals, important as those issues may be to a handful of San Franciscans, unless of course their need for privacy in bathhouses is greater than their need for affordable housing. Both are pale reasons to vote for Chiu. And if Condit’s chief whine is that Campos and Ammiano haven’t commented on the bathhouse issue, I have to wonder whether Mr. Condit has expectations of Chiu becoming a cheerleader on this issue any time soon.

## Telling Distinctions Between the Two David’s

Despite Chiu’s false claim there are only “shades of blue” among San Francisco’s politicians who claim to be Democrats, there are a number of key distinctions in the “Tale of Two David’s.” Chiu’s “aura” screams Red with a capital “R,” as in Republican, not any shade of Blue. Consider these distinctions:

- **“Sharing Economy”:** In addition to the discussion about Chiu’s role with “sharing economy” kingpins Airbnb and an outfit called Bay Share, there’s more. The *San Francisco Examiner* [reported](#) April 28 that Board President David Chiu; along with so-called “angel” investor Ron Conway, a billionaire; Lyft director of community engagement, Emily Casto; and Airbnb CEO Brian Chesky have been selected as speakers for the “SHARE” conference next month in San Francisco to discuss possible future collaborations (read: “consensus building”) being sponsored by an outfit called Peers (reportedly an advocate for the sharing economy), and Social Capital Markets, a group that “aims the flow of capital toward social good.” You should expect that no good will come for renters, given Chiu’s involvement with these “sharing economy” miscreants.

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**“ Despite Chiu’s false claim there are only ‘shades of blue’ among San Francisco’s politicians who claim to be Democrats, there are a number of key distinctions in the ‘Tale of Two David’s.’ Chiu’s ‘aura’ screams Red with a capital ‘R,’ as in Republican. ”**

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- **Police Commission Appointments:** When it comes to the Mayor’s nominations for various oversight commissions in San Francisco, Chiu predictably supported the Mayor’s machinations involving the recent unseating of Angela Chan from the Police Commission with the replacement of Victor Hwang. This is yet more contentious politics, of which Chiu should be ashamed of, but isn’t.

Hwang’s chief credential appears to be that he was co-chair of Chinatown powerhouse Rose Pak’s and former Mayor “Slick” Willie Brown’s “Run Ed Run” campaign that convinced Ed Lee to break his promise not to seek election as mayor. After he broke his promise not to seek election to mayor, Mr. Mayor apparently has felt all along a need to pay back Hwang for having been co-chair of the Run Ed Run campaign.

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**“ Predictably, Chiu voted for Rose Pak’s nominee, Hwang, while Campos ethically supported incumbent Chan. ”**

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In contrast, Ms. Chan — a “voice as a strong woman of color on the Police Commission needed now more than ever,” according to Supervisor Eric Mar — lost her incumbency on the Commission in the Board of Supervisors 7-4 vote on Tuesday, April 29. Predictably, Chiu voted for Rose Pak’s nominee, Hwang, while Campos ethically supported incumbent Chan, by way of voting against Hwang. This single vote by Chiu illustrates why we shouldn’t advance him to the Assembly with our votes.

- **Playing into the Hands of Wealthy Interests:** As the *San Francisco Bay Guardian* [endorsement](#) of David Campos in its April 30 issue noted, Chiu’s focus on always trying to find compromises often plays right into the hands of wealthy interests. Send Chiu off to Sacramento at your own peril.
- **The Lobbyists:** As the *San Francisco Chronicle* claimed in its misguided [endorsement](#) of David Chiu on April 22, Campos noted during an hour-long debate before the *Chronicle’s* editorial board that Chiu has met with lobbyists more than twice as often as the next most lobbyist-pressured Supervisor. The *Chronicle* creatively, but unethically, withheld from its endorsement editorial that according to official records of lobbyist filings submitted to San Francisco’s Ethics Commission, Chiu or his staff have met with lobbyists 594 times since 2010, three times more than the 188 meetings held with Campos during the same time period.

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**“ Campos noted during an hour-long debate before the *Chronicle’s* editorial board that Chiu has met with lobbyists more than twice as often as the next most lobbyist-pressured Supervisor. ”**

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If you send Chiu to the Assembly, like voters and members of the public Chiu clearly despises (except when it’s time Chiu courts our votes, hoping voters won’t remember his utter disdain of us) be forewarned that there are many more registered lobbyists up and down the state whom Chiu will open his door to, and then have no time to meet with the very constituents who elected him that he clearly and absolutely disdains and disrespects at every turn.

- **The Sheriff Mirkarimi Affair:** As noted above, Berkeley-trained lawyer Jane Kim, a current member of San Francisco’s Board of Supervisor’s stopped the virtual speeding bullet unfairly aimed at Mirkarimi, while Harvard-trained lawyer David Chiu turned a blind eye to the unethical Kafkaesque trial. Chiu’s campaign advisors may be stupidly advising him to make Campos’ vote against wrongly finding that Mirkarimi had committed “official misconduct” a campaign wedge issue. I can’t wait for this to backfire on Chiu.

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**“ Chiu’s campaign advisors may be stupidly advising him to make Campos’ vote against wrongly finding that Mirkarimi had committed ‘official misconduct’ a campaign wedge issue. I can’t wait for this to backfire on Chiu. ”**

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How Chiu intends to explain his hatred of Campos' vote regarding Mirkarimi's fate, while Chiu is simultaneously actively endorsing Supervisor Jane Kim — who had vigorously raised compelling legal arguments during the Board's hearing on Mirkarimi — hasn't been explained. It will be nothing short of a miracle if Chiu can slam Campos for the same vote, and out of the other side of his mouth now endorse Supervisor Kim. It's another tale of the Two David Chiu's that some observers have taken to referring to as a "Tale of the Two-Chiu, Choo-Choo Train."

- **The June 3 "Prop B" Ballot Measure:** Proposition "B," titled "Voter Approval for Waterfront Development Height Increases," will require, if passed by voters with a 50%+1 majority, any construction project along the waterfront that will exceed height limits in effect as of January 1, 2014 to first obtain approval of the voters at the ballot box, including any properties currently under the Port Authority or properties the Port may acquire in the future. Any ballot question put before voters will be required to specify both the existing and proposed height limits of any given proposed project, and if the question put before voters doesn't include the existing and proposed heights, the ballot question will be automatically voided.

In essence, Prop. "B" just gives voters a voice on the issue of increasing waterfront height limits. Not only did Supervisor Campos join the official rebuttal to the official opponent's argument against Prop. "B" that appeared in the June voter guide, the official rebuttal argument was signed by six environment organizations, 10 neighborhood associations, four affordable housings coalitions, five democratic clubs, and 10 elected officials in addition to Campos. Campos separately joined a paid in the voter guide in favor of the measure, along with 16 other prominent Democrats and five Democratic Clubs. The Harvey Milk Club also supports Prop. B.

But the voter guide is devoid of any stance on measure "B" by both Supervisor Chiu and the Alice Democratic Club. Supervisor Wiener also cowardly chose not taking a position either way on Prop. "B," but the San Francisco Democratic Party under the thumb of Wiener signed a paid ad against Prop. "B," an ad paid for in large part by San Francisco's Police Officers Association through an outfit called the Alliance for Jobs and Sustainable Growth.

The Alliance for Jobs' co-chair is Bob Linscheid, president and CEO of the ultra-conservative, Republican-leaning San Francisco Chamber of Commerce. The Alliance's treasurer, Ken Cleveland, is Vice President of Public Policy at BOMA — the Building Owners and Managers Association. Linscheid and Cleveland, on behalf of their respective organizations, clearly don't want us "us-es" passing Prop. "B," if only because the Alliance for Jobs and Sustainable Growth, predictably, has endorsed David Chiu for Assemblyman, just as it had endorsed Scott Wiener's first campaign to become Supervisor.

Campos understands that the waterfront belongs to all of us, as in us "us-es." Chiu and Wiener believe no such thing, instead apparently believing that the waterfront belongs to the lobbyists and developers and their powerful allies in the Alliance for Jobs and Sustainable Growth.

- **Campos' "Relocation Assistance Ordinance":** While David Chiu dragged his feet for two years developing his legislation to permit speculators and outfits like Airbnb to cannibalize San Francisco's rent-controlled housing stock as part of the "sharing economy," in stark contrast Campos took just six months working with us "us-es" in the tenant rights movement to author Campos' "[Relocation Assistance Ordinance](#)," passed by the Board of Supervisors April 22.

The ordinance will require landlords who evict tenants using the Ellis Act to pay to the evicted tenant for two years the difference between the tenant's rental rate before eviction and the market rate for that unit. It will significantly increase the amount paid to evicted tenants by thousands of dollars each, and will allow the displaced tenants at least a fighting

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**“ Prop. 'B' just gives voters a voice on the issue of increasing waterfront height limits.”**

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**“ Linscheid and Cleveland, on behalf of their respective organizations, clearly don't want us 'us-es' passing Prop. 'B,' if only because the Alliance for Jobs and Sustainable Growth, predictably, has endorsed David Chiu for Assemblyman.”**

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**“ While David Chiu dragged his feet for two years developing legislation to permit speculators and outfits like Airbnb to cannibalize San Francisco's rent-controlled housing stock, in stark contrast Campos took just six months working with us 'us-es' in the tenant rights movement to author Campos' 'Relocation Assistance Ordinance.’”**

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chance to stay in San Francisco. Campos' ordinance is an immediate, local solution to assist San Franciscans who are being displaced out of county today.

Campos displayed active leadership and "stood up" developing this ordinance, while once again David Chiu sat on the sidelines and only "stood by" it. Although Chiu voted with Campos on this 9-2 Board of Supervisors vote (Supervisors Mark Farrell and Katy Tang who was appointed by the mayor cast the two "No" votes), we have Campos to thank for his leadership in quickly developing this legislation hoping to stem the tide of displacement and mitigate the impacts of evictions, not Chiu.

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**" We have Campos to thank for his leadership in quickly developing this legislation hoping to stem the tide of displacement and mitigate the impacts of evictions, not Chiu."**

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- **Proposed Appointment to San Francisco's Planning Commission:** San Franciscans concerned with land use planning are now quite concerned that Supervisor David Chiu may — by the end of the first full week in May just days from now — replace two current Planning Commission members with new appointees. Chiu is reportedly considering replacing current Planning Commissioners Bill Sugaya and Kathrin Moore with one of Chiu's backer's: *Michael Theriault*, the secretary-treasurer of San Francisco's Building Trades Council, the only labor union that has endorsed Chiu to become Assemblyman. Theriault is on the board of directors of SPUR, the San Francisco Planning and Urban Research Association, which some observers believe is a union-busting organization.

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**" San Franciscans concerned with land use planning are now quite concerned that Supervisor David Chiu may replace two current Planning Commission members with new appointees."**

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SPUR is a so-called non-profit organization "think tank" that claims it is a research, education, and advocacy organization focused on issues of planning and government. SPUR lobbies City officials incessantly, with invitations to forums and parties at SPUR's headquarters. And SPUR routinely takes out multiple paid arguments in City voter guides lobbying voters on all manner of ballot measures, usually against citizen's best interests.

SPUR took out a paid argument against Proposition "B" (discussed above) in the June voter guide. While you may not want SPUR to have a seat on the Planning Commission, Supervisor Chiu appears poised to do so, so when he gets to Sacramento, he'll have more sway over San Francisco's Planning Commission.

The Planning Commission consists of seven members — appointed by the Mayor and the President of the Board of Supervisors, currently David Chiu — who help plan for growth and development in San Francisco. Members of the Planning Commission advise the Mayor, Board of Supervisors and City departments on San Francisco's long-range goals, policies and programs on a broad array of issues related to land use, transportation, and current planning. The Commission has specific responsibility for the stewardship and maintenance of San Francisco's General Plan.

Current Planning Commissioner Sugaya is an architect specializing in historic preservation. Planning Commissioner Moore — a noted architect and urban planner — is arguably the most qualified member the Planning Commission has ever had. The pair are strong voices, albeit minority members, on the seven-member commission.

Why Chiu seeks to replace both of them is anyone's guess. But it is thought Chiu doesn't want "strong voices" representing us "users" on the Planning Commission. Chiu, instead, chose to nominate Planning Commissioners from the Trades Council and SPUR, who are not us "users," but who will do Chiu's bidding. A balanced Planning Commission is important to the city. The current Commission is already too heavily weighted to the advantage of developers. David Chiu seeks to weight the Planning Commission even more heavily to advantage of developers by proposing to appoint Theriault. Chiu will probably wait until after the June 3 election to appoint Theriault so he won't face voter backlash for appointing a SPUR board member to the Planning Commission, hoping voters will forget by the November general election.

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**" While you may not want SPUR to have a seat on the Planning Commission, Supervisor Chiu appears poised to do so. Chiu seeks to weight the Planning Commission even more heavily to advantage of developers by proposing to appoint Theriault. Chiu will wait until after the June 3 election to appoint Theriault so he won't face voter backlash for appointing a SPUR board member to the Planning Commission."**

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For many of these reasons, I have absolutely no trust in David Chiu, and plenty of trust in David Campos. On June 3, vote for David Campos to be our next Assemblyman. Not only will we then retain a seat held for over a decade by a member of the LGBT community, we'll have a far better legislator with Campos, who will back us "us-es." The race between the three David's is a no-brainer. Sending the two David's living in the one-David Chiu body to Sacramento, is a really, really bad idea, because you never know when Chiu's internal good-David / bad-David split will flare up.

The choice for various LGBT communities (and every other voter demographic) is crystal clear: Chiu is running to represent the 1%'ers, since he slept through Harvey Milk's call for creating communities of "us-er's." Campos is running to represent the rest of us 99%'ers. You know, us "us-er's."

You will not know which of the two David Chiu's you'll be sending off to Sacramento until he gets there.

Chiu actively ran as a "progressive" when he first sought office to the Board of Supervisors. As soon as he was elected, he quickly de-camped and became a "moderate." It wouldn't surprise me if we elect Chiu to the Assembly as a Democrat, and by the time he arrives in Sacramento he finally comes out of the closet as a Republican, revealing his true color: Red, not some fictitious rainbow shade of blue. Politicians have a long history of suddenly switching parties. Since Chiu has already switched "ideologies," it's conceivable he may also change his political party affiliation. Stranger things have happened.

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**“ It wouldn't surprise me if we elect Chiu to the Assembly as a Democrat, and by the time he arrives in Sacramento he finally comes out of the closet as a Republican. ”**

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When you vote in the June 3 primary election, mark your ballot for David Campos. He's the only David — of four — worthy of your vote.

*Monette-Shaw is an open-government accountability advocate, a patient advocate, a member of California's First Amendment Coalition, a columnist for the Westside Observer newspaper, and has operated stopLHHdownsize.com for a decade advocating for skilled nursing care for the elderly and disabled. He received a James Madison Freedom of Information Award (Advocacy category) from the Society of Professional Journalist's—Northern California Chapter for his reporting in the Observer about Laguna Honda Hospital.*

## Postscript

After a [condensed version](#) of this article appeared in the *Bay Area Reporter* newspaper on May 1, and after this expanded version was posted on-line at *FogCityJournal.com* on Monday, May 5, more news surfaced regarding why you don't want Chiu being sent off to represent you in Sacramento. Hence this postscript.

- **Appointment to San Francisco's Police Commission:** As the *San Francisco Bay Guardian* [reported](#) on May 7, the Board of Supervisors ousted Police Commissioner Angela Chan, a civil rights attorney employed by the Asian Law Caucus, who has a track record of trying to work with multi-racial coalitions. She was replaced by Victor Hwang, but didn't really need to be replaced, since there was a vacant seat on the Police Commission Mayor Lee could have simply appointed Hwang to. But Mayor Lee's go-to-gal, Rose Pak, wanted Angela Chan thrown off of the Police Commission. Pak she got her way. With Mayor Lee's apparent blessing and David Chiu's all-too-compliant help.

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**“ Mayor Lee's go-to-gal, Rose Pak, wanted Angela Chan thrown off of the Police Commission. Pak she got her way. With Mayor Lee's apparent blessing and David Chiu's all-too-compliant help. ”**

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As the *Guardian* reported, Pak reportedly cautioned Supervisors who could not be relied on the vote for Hwang that they "shouldn't be too vocal about their positions" on the vote. Throwing Chan off the Commission was pure political patronage, and Chiu was reportedly unwilling to even question the mayor's and Pak's refusal to retain Chan as Lee's other allies advocated for. But Lee and Chiu are beholden to whims of entrenched power brokers, such as cigar chomping Rose Pak.

Days before the *Guardian* report, its former editor, Tim Redmond, [reported](#) on the new San Francisco Progressive Media Center's web site 48Hills.org (a non-profit venture) on April 29 that a truly bizarre report had appeared in the

Chinese-language *World Journal* on April 23. In the *World Journal* article Portia Li, a longtime reporter for the paper, reported some Chinese community leaders opposed incumbent Police Commissioner Chan because of her work with Latinos and undocumented immigrants. According to a translation provide to 48hills.org, “Chinese community leaders also said Chan spends too much time working on Latino and undocumented immigrant issues rather than Chinese or Asian community [issues].”

This is rich: While Rose Pak almost single-handedly tossed Angela Chan off of the Police Commission for too-closely working with the Latino community, Pak has nonetheless endorsed Latino David Campos — a former Police Commissioner himself — in the Assembly race, in part because of Pak’s reported hatred of David Chiu. Let’s see: Pak hates Chiu, but Chiu as Pak’s lap dog tossed Chan off of the Police Commission. Does that make Pak bipolar, or are her numerous attempts meddling in City politics simply weird, even by San Francisco standards?

It’s abundantly clear — given Chiu’s record — that he’s totally against oversight bodies that voters expect to watch over the shoulder of corrupt City officials who prefer the restoration of secrecy at City Hall (Pak’s ultimate goal). In just recent memory, David Chiu has meddled with appointments to the Planning Commission, the Police Commission, and San Francisco’s Sunshine Ordinance Task Force. And he asks seriously for your vote to send him to the Assembly, where he will likely continue to thwart the will of voters who demand oversight of government bodies? Why would any voter elect a proven killer of citizen oversight like Chiu?

- **Bay Area Reporter Newspaper Endorses Chiu for Assembly District 17.** As I predicted before posting this Postscript, the *B.A.R.* newspaper [endorsed](#) Chiu over Campos in its May 8 editorial. No surprise there.

But there *was* a surprise in the twisted logic the *B.A.R.* used to arrive at its endorsement of Chiu. The *B.A.R.* creatively reports straight David Chiu wants to apply for membership on the Legislature’s LGBT caucus. What? Why would a gay caucus allow membership of a straight guy?

There’s more. While the *B.A.R.* claims it is “under no illusions that we live in a post-gay society,” it claims it doesn’t think being gay should be a “sole litmus test.” The *B.A.R.* claims “more and more politicians are arguing for us,” so apparently we don’t need our own authentic voices represented by someone who is actually LGBT.

Wait! What? Will the *B.A.R.* next argue that the Assembly doesn’t need actual African-American assembly members, because there are lots of Caucasian’s, Latino’s, and Chinese-American’s “arguing for” African-Americans?

Will the *B.A.R.* next argue we don’t need more Latino legislators in Sacramento, because there are plenty of Chinese-American legislators who are *not* spending too much time working on Latino and undocumented immigrant issues, rather than Chinese or Asian community issues, the ruse David Chiu may have helped Rose Pak’s and Willie Brown’s henchmen use to throw Police Commissioner Chan off of the island?

Will the *B.A.R.* next argue that District 10 in the Bayview Hunters point neighborhoods doesn’t need an African-American representing the Bayview, as current Supervisor Malia Cohen and former Supervisor Sophie Maxwell have served as, because a Chinese-American can adequately represent African American San Franciscans?

The *B.A.R.*’s rationale justifying its endorsement of Chiu over Campos, probably also has *B.A.R.* editor Cynthia Laird’s predecessor, Mike Salinas, rolling over in his cold grave along with Harvey Milk.

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**“It’s abundantly clear — given Chiu’s record — that he’s totally against oversight bodies that voters expect to watch over the shoulder of corrupt City officials who prefer the restoration of secrecy at City Hall (Pak’s ultimate goal).**

**In just recent memory, David Chiu has meddled with appointments to the Planning Commission, the Police Commission, and San Francisco’s Sunshine Ordinance Task Force.**

**Why would any voter elect a proven killer of citizen oversight like Chiu?”**

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**“Wait! What? Will the *B.A.R.* next argue that the Assembly doesn’t need actual African-American assembly members, because there are lots of Caucasian’s, Latino’s, and Chinese-American’s ‘arguing for’ African-Americans?”**

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Signs that the *B.A.R.'s* and City Hall's silliness are not slowing down, include a [guest column](#) by Bill Hemenger that the *B.A.R.* ran in its May 8 issue. Hemenger claims Campos needs to be held accountable for "hypocrisy," but Hemenger forgets to note that Chiu's own hypocrisy involving "accountability" issues are far more serious.

For his part, Hemenger wasted not one word describing any of the 97 ordinances Chiu managed to pass at the Board of Supervisors, and that many of the 97 were just awful, like Chiu's conversion of illegal in-law units Citywide to legal units. While Hemenger whines that Campos has a "pattern of ignoring neighborhood voices," Hemenger wastes not one word on the fact that Chiu did not approach the West of Twin Peaks Central Council — an umbrella group of 20 neighborhood associations — while Chiu was drafting the legislation. Chiu ignored the voices of thousands of Westside homeowners opposed to this legislation. The homeowners are considering suing or mounting a ballot measure to overturn Chiu's in-law unit legislation, which Hemenger conveniently elided from reporting.

Predictably, Hemenger falls on Chiu's sword by playing the "Mirkarimi vote" card, trashing Campos for his vote in the trumped up domestic violence charges brought against Mirkarimi by Mayor Lee. Hemenger doesn't seem to get it that the issue was *not* whether domestic violence against women had occurred. Instead, the issue was whether the behavior rose to the narrow definition of official misconduct in the City charter.

And Hemenger forgets that it was Supervisor Jane Kim who led the astute legal questioning during the Board's hearing on Mirkarimi's fate that backfired on the Mayor when the Board listened to Supervisor Kim's line of questions that demonstrated Mirkarimi's behavior — however disturbing — did

not rise to the level of official misconduct. And typically, Hemenger wastes not a word on how Chiu can go after Campos for his vote in the *l'affaire* Mirkarimi, while at the same time Chiu is endorsing Jane Kim for re-election to the Board of Supervisors even though she voted the same way that Campos had on Mirkarimi's fate. Hemenger may not understand that Chiu's hair splitting between Campos and Kim may well backfire on Chiu, since it's clear Hemenger doesn't get it that Campos and Kim understood their legal training at Harvard and UC Berkeley regarding "constitutional vagueness" that appears to have been lost on Harvard Law School graduate Chiu.

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**" Hemenger doesn't get it that Campos and Kim understood their legal training at Harvard and UC Berkeley regarding 'constitutional vagueness' that appears to have been lost on Harvard Law School graduate Chiu. "**

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Watch out, San Francisco voters. If you elect Chiu to the Assembly, he may become a nasty three-way sandwich, in bed with Rose Pak and Willie Brown. Or another nasty three-way sandwich in bed with lobbyists, Airbnb, and other real estate speculators. Both of Chiu's three-way backers are in bed with one another. Vote for Chiu, at your own peril.

- **Chiu's Really Awful Legislation on Rental Units.** Predictably, the [legislation](#) Chiu just unveiled to help out his lobbyist friends at Airbnb is just awful. His legislation appears to support the "sharing economy's" relentless drive to drive renter's right out of town, converting rental units by hotelization.

Chiu's short-term rental legislation states in the General Findings section that given the "rise of the sharing economy," there are "social benefits to residents of sharing resources," and his legislation will create a "pathway" for outfits like Airbnb to encourage renters to turn their apartments into short-term hotels. The legislation provides that renters will only be required to use their apartments as a primary residence for just 275 days per year — just 75 percent of a year. That means that the other 25 percent of a year, neighbors will see tourists coming and going to their short-term hotel rooms right across the hall from other apartments in the same building.

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**" Chiu's in-law unit legislation, and his short-term rental unit legislation, are both seen as back-door meddling with San Francisco's zoning laws. "**

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Again, there will be no CEQA environmental impact review before the legislation takes effect. Although the definitions section in the legislation contains a definition of "Conversion or Convert" — a change of use from a residential use to tourist or transients use, including renting a residential unit for tourist or transient use — there is nothing in the remaining legislation describing whether landlords can convert their residential rental units into tourist or transient use. And the legislation is Citywide, as opposed to being restricted to only neighborhoods with commercial zoning, as Calvin Welch's proposed November ballot measure will reportedly require.

Then there's concerns about both Chiu's recent legislation to make illegal "in-law units" in San Francisco suddenly legal, just as Supervisor Wiener recently managed to pull off similar legislation for the Castro District. Both Chiu's in-law legislation and his short-term rental legislation are Citywide, and both may end up worsening the housing stock in

San Francisco. Chiu's in-law unit legislation, and his short-term rental unit legislation, are both seen as back-door meddling with San Francisco's zoning laws. And like his in-law unit legislation, Chiu's short-term rental legislation also did not go through an environmental impact review under CEQA.

Hopefully, the ballot measure housing advocate Calvin Welch is hoping to place on the November ballot will be overturned by voters fed up with Chiu's repeated end runs around San Francisco's zoning and environmental impact laws. Welch's ballot measure seeks to restrict Chiu's short-term rental legislation to only neighborhoods with commercial zoning. If voters pass Welch's proposed ballot measure it will severely curb Airbnb's operations in the City as a real estate speculator.

If Chiu is all-too-willing to change zoning laws without the will of the voters, what will he do when he arrives in Sacramento? Why would you continue electing him to continue back-door zoning changes?

- **Chiu's Other Awful Legislation on In-Law Units:** As columnist Roger Ritter notes in the *Westside Observer's* May 2014 [issue](#), Chiu's in-law unit legislation "constituted a complete rezoning of the entire City, drastically altering the RH-1 and RH-1-D residential zones, and therefore merits a thorough discussion and a full environmental impact report." But no environmental impact report was performed under CEQA, since Chiu thought he could change 100 years of zoning law singlehandedly with the stroke of his Board President pen.

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**"If Chiu is all-too-willing to change zoning laws without the will of the voters, what will he do when he arrives in Sacramento?"**

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**"Chiu hasn't learned that voters have ultimate plenary power at the ballot box to overturn rotten legislation passed by our miscreant Board of Supervisors."**

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Mayor Lee signed into law Chiu's in-law legislation on April 18, legalizing secondary units in every neighborhood in San Francisco, regardless of whether those neighborhoods were zoned for multiple dwelling use, or as single-family residential neighborhoods. "Thus, with one stroke of his pen, the mayor allowed almost 100 years of zoning laws and residential development policies to be overturned, with no environmental impact report," Ritter observes. Hopefully, Ritter and his allies will mount a ballot measure in November to overturn Chiu's in-law legislation Mayor Lee signed.

Apparently, Chiu hasn't learned that voters have ultimate plenary power at the ballot box to overturn rotten legislation passed by our miscreant Board of Supervisors. It seems that the November 2013 rejection by voters of the 8 Washington Street condo project was lost on Chiu that voters are entitled to reject ordinances passed by the Board of Supervisors. Voters are poised to do so again on June 3, to require *a priori* voter approval of zoning law height exemptions for each construction project that the Board of Supervisors all too often simply ignore when approving them. While the upcoming vote on June 3 appears to have been lost on David Chiu, it was not lost on the San Francisco Giants or on the Warriors, who clearly understood they can no longer count on the Supervisors to bend zoning rules that voters demand be enforced, not skirted with Chiu's help.

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**"Instead of moving Herrera's legislation forward that Herrera requested in July 2013, Chiu has sat on the legislation, claiming amendments by opponents of Herrera's legislation need further analysis and discussion."**

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- **Chiu Stonewalls City Attorney Dennis Herrera's Campaign Finance and Ethics Amendments:** As retired former Supervisor, State Senator, and Judge Quentin Kopp notes in the *Westside Observer's* May 2014 [issue](#), David Chiu has caused a Board of Supervisors committee that he chairs to bottle up indefinitely taking action on Herrera's request to Chiu to amend the San Francisco Campaign and Governmental Conduct Code in significant respects.

City Attorney Herrera sought to require major developers to disclose donations paid to non-profit organizations such as SPUR, the Chinatown Community Development Center, and the San Francisco Housing Coalition. Herrera's legislation would also require permit consultants — also known as "permit expeditors" — to register with the Ethics Commission and file regular reports about their subsequent contacts with employees in the Building Inspection Department, Entertainment Commission, the Planning Department, and Department of Public Works. And it would — just like the voter-approved Sunshine Ordinance does — limit a narrow range of attorney-client exemptions involving communications between the City's cadre of City Attorneys and Deputy City Attorneys regarding potential or actual litigation, compelling attorneys who lobby City Supervisors and City employees to report quarterly their contacts to and from City officials.



Instead of moving Herrera's legislation forward that Herrera requested in July 2013, Chiu has sat on the legislation, refusing to set Herrera's proposed legislation for a hearing, claiming amendments by *opponents* of Herrera's legislation need further analysis and discussion before being heard at the Board of Supervisors. Among those opponents is — not surprisingly — SPUR and the Chinatown Community Development Center. Kopp notes SPUR's policy positions — and its voter guide endorsements — are guided by developers and contributors to its 501(c)(3) non-profit organization.

As noted at the beginning of this article, Chiu has engaged in some potentially highly unethical behavior while Board President. By all means, if that's who you want representing you in Sacramento as Assemblyman, vote for Chiu. Just remember that an Assemblyman Chiu will more than likely continue taking orders from former Assemblyman and former Mayor "Slick Willie" Brown, along with taking orders from Rose Pak.

If that scares the crap out of you, then vote for Campos.

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**"If that scares the crap out of you, then vote for Campos."**

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