

April 3, 2019

by email and Certified Mail

The Honorable Dennis Herrera,
City Attorney for San Francisco
Office of the City Attorney
City Hall Room 234
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Re: Does City involvement in formation of Green Benefit Districts (GBDs) violate prohibitions against public employees engaging in political activities?

Dear Mr Herrera:

The City of San Francisco has invested hundreds of thousands of dollars in public funds, grant moneys and staff time to promote the formation of Green Benefit Districts (GBDs); a form of local residential property assessment. (footnote 1) Only one GBD has been formed as a result of this effort (Dogpatch/Portrero); two other GBDs have failed in the face of strong neighborhood opposition (Inner Sunset and Haight). Another GBD effort in the Dolores Park area, also funded by the City and promoted by City employees and grantee San Francisco Parks Alliance, is proving to be contentious and divisive there. (footnote 2)

The City actively promotes the GBD program in several ways. It funds a full-time Green Benefit program manager at Public Works (Jonathan Goldberg) and grant coordinators at the Mayor's Office of Economic and Workforce Development (OEWD) (Chris Corgas and others) to advance the formation of GBDs. City employees steer neighbors toward the GBD concept (footnote 3) write grant proposals (footnote 4); help establish ad hoc GBD formation committees (footnote 5); and routinely schedule and attend GBD formation committee meetings (footnote 6).

In addition, City employees provide funding to consultants (Build Public, AKA place Lab AKA SF Parks Alliance) who further promote GBDs through mass mailings, dedicated websites, biased surveys and tightly-choreographed public meetings which fail to provide a balanced presentation of facts to help voters intelligently decide how to vote on this issue.

After providing grant funding to launch GBD efforts, the City exerts virtually no oversight over the conduct of the GBD process once under way, allowing questionable practices to go unsupervised. Most conspicuously, GBD promoters themselves write and interpret the results of highly biased surveys which serve as their principle evidence of neighborhood interest in a GBD. This lack of supervision allows GBD efforts to advance with alarmingly low survey participation rates among property owners in affected neighborhoods (footnote 7).

In the Dolores Park area, where GBD proponents only achieved a 9.7% participation rate among local property owners in a fall 2018 survey, the local GBD formation committee has declared itself "encouraged" to move ahead quickly to fund a management plan and engineer's report in the absence of public involvement.

Both the management plan and engineer's report must be reviewed by the City Attorney's office for adequacy before the process can move to the petition phase. Yet neighbors have not been provided any opportunity to participate in the creation of these documents:

Ultimately, at a point when local property owners vote in a ballot measure to decide whether to impose a special assessment on themselves, government agencies owning properties in a proposed GBD area (RPD, DPW, SFUSD, SFPD, SFFD etc) vote in the ballot process, often strongly influencing the outcome of the ballot by virtue of their large holdings. Not surprisingly, City agencies routinely vote in favor of forming a GBD.

Thus, from beginning to end, City funding, City employees and grantees and City voting power exert a decisive "thumb on the scale" of the entire GBD process in what amounts to overt advocacy for, distortion of information given to the public (footnote 8) and endorsement of the GBD program.

With the above description of how the the City is conducting GBD campaigns in mind, legitimate questions occur about the propriety of the City's role in these GBD campaigns.

SF Administrative code and state law prohibit use of City funds for "political activity".

Political activity is defined as "participating in, supporting, or attempting to influence a political campaign for any candidate or ballot measure."

Your office issues a standard memo to City employees called "Political Activity by City Officers and Employees". It states in part: " No one - including City officers and employees - may use City resources to advocate for or against candidates or ballot measures."

The City's financial backing and staff support of activities intended to lead to the establishment of Green Benefit Districts, as well as the prominent role of City grantees (Place Lab aka SF Parks Alliance) appear to represent prohibited actions because the City is funding and using staff, grantees and funding to participate in, support, or attempt to influence a "ballot measure" in the establishment of GBDs.

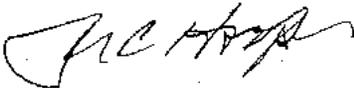
Thus, The City may have been improperly funding political efforts behind formation of the Dogpatch, Inner Sunset, Buena Vista Park neighborhood, and Dolores Park GBDs.

We request that the City Attorney take immediate action to determine the propriety and legality of the City's pivotal role in promoting GBDs and consider as remedies:

- (1) the termination of the City-funded Dolores Park formation effort
- (2) an accounting of all City funds expended or committed in all its GBD formation efforts, directly or through Place Lab, SF Parks Alliance or other intermediaries;
- (3) a return to the City Treasury of all public funds spent or allocated;
- (4) a prohibition on the use of City Funds for any future effort to fund GBDs.

Thank you for your consideration of this important issue. I look forward to hearing from you.

Sincerely,



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cc: Mayor London Breed
Board of Supervisors
Sunshine Ordinance Task Force
General Manager, RPD
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