## CC 03-07-2023

# Oral Communications

# Written Communications

From:	E. Poon
To:	City Council; City Clerk
Subject:	No illuminated sign on 280
Date:	Friday, March 3, 2023 8:21:59 PM

Dear Cupertino City Council Members,

Please reconsider the decision regarding large illuminated sign visible from 280, as such signs are lacking in elegance and do not reflect the character of our city.

280 is a really beautiful freeway and we would like to keep it nice. Unfortunately, the addition of a big illuminated sign would open the way for other such signs. We should not tolerate even one such sign.

We would appreciate it if the City Council would take the steps to disallow such signs now and in the future.

Regards, Emily Poon Resident since 2007

From:	Chris DeRoche
To:	City Council
Subject:	DOLA at Monta Vista
Date:	Saturday, March 4, 2023 8:46:10 AM

#### Hello City Council Members,

I am writing in support of the DOLA at Monta Vista park. It has been great to let my dogs run in the allowed area. We dog owners pay the same taxes everyone does and this is a very popular use of the park, same as tennis, or the baseball fields. We who use the DOLA have been vigilant in following the rules outlined. It would be a mistake for the city to take away the DOLA. Any decision to remove it is punishing those who have been using it responsibly.

I have heard there are complaints about DOLA dogs leaving the DOLA area. Dogs don't know the exact boundaries of the DOLA, though most of them do a good job of staying within the perimeter. Those of use who use the DOLA do our best to keep our dogs in the DOLA and are 99.9% successful. Every now and then there is a slip up, which is quickly corrected.

I cannot speak to what other dog owners outside the DOLA do. Those dog owners should be held responsible for their behaviors instead of punishing those of us who are following DOLA rules. Similarly, it would be unfair to punish me for the poor driving of my neighbors. I have no authority over them. It just doesn't make any sense.

It would be helpful for the city to invest in making the DOLA a success. So far, the city set up signs. How about a small fence in strategic areas? Or some low shrubs to help define a perimeter. I notice there are fences around the tennis courts and the baseball fields. Those are there because the city recognizes that some citizens want to enjoy tennis or baseball, and they want to make sure other citizens can enjoy the park without worrying about the rare errant ball flying by. We should have the same consideration given to the DOLA.

Also, I would like to invite representatives from the city to come and observe the DOLA at Monta Vista. This would help the city be better informed on what is actually happening. This would be preferable to relying on a handful of phone calls from a small group of crotchety, animal-hating citizens.

Getting rid of the DOLAs isn't going to solve the problem of a small set of dog owners not obeying park and city rules around animal ownership. But it is going to punish the majority of local dog owners who are using the DOLA responsibly.

I'd like to appeal directly to Council Member Chao. I voted for Ms. Chao specifically because she came to Monta Vista park to talk to dog owners and support our push to have a DOLA. I am hoping she will still actively support our DOLA.

Thank you,

Christopher DeRoche 650.919.4614 Cupertino Resident

From:	Peggy Griffin
То:	City Council; Christopher Jensen
Cc:	<u>City Clerk</u>
Subject:	2023-03-07 City Council Mtg - ORAL COMMUNICATIONS - City"s Response to LWVCS lawsuit Oct 17 2022!
Date:	Saturday, March 4, 2023 1:04:42 AM
Attachments:	LWVCS v City of Cupertino-Citys Response Oct 17 2022.pdf

Please include this <u>email and the attached document</u> in the 3-7-2023 City Council Meeting Written Communications for ORAL COMMUNICATIONS.

Dear City Council and City Attorney Jensen,

The League of Women Voters lawsuit regarding the city's lobbyist registration ordinance that was filed in July 2022 was "just in time for the election" fodder. There was a lot of publicity and noise regarding this from the LWVCS. Since the election there has been nothing said regarding the status of this lawsuit.

In searching for information/status regarding this lawsuit, I found that the City of Cupertino filed a response on Oct. 17, 2022 blowing away the LWVCS's case. This was important information to have had during the election! It appears LWVCS has not responded to the city's document.

Q1: What's the status of this lawsuit?

Q2: Was this all an election ploy as it appears to have been?

Please give the residents an update on the status of this and all the other lawsuits against the city (YIMBY Action, shed issue, etc.).

Sincerely,

Peggy Griffin

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	1 2 3 4 5 6 7 8 9 10	James M. Wagstaffe (95535) Michael von Loewenfeldt (178665) mvl@wvbrlaw.com WAGSTAFFE, VON LOEWENFELDT, BUSCH & RADWICK LLP 100 Pine Street, Suite 2250 San Francisco, CA 94111 Telephone: (415) 357-8900 Fax: (415) 357-8910 Attorneys for Defendants CITY OF CUPERTINO, DARCY PAUL, DIAN THOMPSON, KIRSTEN SQUARCIA, CHRIS JENSEN, LIANG CHAO, KITTY MOORE, HUNG WEI, and JOHN WILLEY	ΙΕ
с	11 12	UNITED STATES	DISTRICT COURT
Ш	13	NORTHERN DISTRI	CT OF CALIFORNIA
	14	SAN JOSE	DIVISION
>	15	LEAGUE OF WOMEN VOTERS OF CUPERTINO-SUNNYVALE,	Case No. 22-cv-04189-JSW
>	16	Plaintiff,	REPLY IN SUPPORT OF MOTION TO DISMISS
/	17	v.	Date: December 2, 2022
	18	CITY OF CUPERTINO, et al.	Time: 9:00 a.m. Ctrm: 5
	19	Defendants.	Hon. Jeffrey S. White
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17 18	380 U.S. 479 (1965)
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20	Fair Political Practices Com. v. Superior Court, 25 Cal. 3d 33 (1979)4, 10, 12
21	Florida League of Professional Lobbyists v. Meggs,
22	87 F.3d 457 (11th Cir. 1996)
23	Human Life of Wash., Inc. v. Brumsickle, 624 F.3d 990 (9th Cir. 2010)
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4	Cupertino Municipal Code § 2.100.010
5	Cupertino Municipal Code § 2.100.030(n)
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#### 1 I. INTRODUCTION

2 LWVCS's opposition ignores the detailed statutory analysis presented in the moving 3 papers. It makes no serious attempt to analyze the specific language of the Cupertino Lobbyist 4 Registration Ordinance, how it compares to similar lobbying registration ordinances at the local, 5 state, or federal level, or how it comports with the existing body of law on registration and 6 reporting requirements. LWVCS does not even separately analyze each of the challenged 7 definitions of lobbyist, address the policies supporting each, or discuss the fit between those 8 policies and the Ordinance's effect. Nor does LWVCS provide any legal analysis of why the 9 hypothetical applications of the law it insists will occur—despite Cupertino's contrary 10 interpretation—would be unconstitutional in the first place.

Instead, LWVCS just declares *ipse dixit* that it is correct, and that the Ordinance is "dangerously overbroad," "onerous," "invasive," "confusing," and "astonishing." Adjectives and hyperbole are no substitute for legal argument and provide no basis to facially invalidate a democratically enacted statute.

15 There is nothing unusual about Cupertino's Ordinance. It is essentially identical to the 16 County's ordinance and those of other cities including the state capitol, Sacramento, and its 17 challenged provisions are similar to both state and federal lobbying law. Cupertino has a 18 legitimate, and indeed vital, interest in registration and disclosure of, not just "professional" 19 contract lobbyists, but also businesses or organizations that direct their paid staff to lobby on 20 their behalves, and expenditure lobbyists who fund "Astroturf" lobbying. LWVCS's apparent 21 belief that only professional lobbyists, lobbying firms, and partisan political actors can 22 constitutionally be required to register as lobbyists has no basis in either constitutional law or 23 common practice. Cupertino's Ordinance is not unconstitutional in any application, much less in 24 so many that it can be invalidated as facially overbroad. The Court should dismiss this action 25 without leave to amend.

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#### II. ARGUMENT

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#### LWVCS'S SILENCE IS LOUDER THAN ITS WORDS A.

Before addressing the arguments LWVCS presents in its opposition, it is important to note what LWVCS ignores.

LWVCS ignores the relevant registration and disclosure cases cited in the moving papers, and cites none of its own. Instead, LWVCS presents an argument-by-snippet, citing generic standards or isolated sentences from cases dealing with, for example, child pornography,<sup>1</sup> picketing,<sup>2</sup> animal cruelty,<sup>3</sup> cross burning,<sup>4</sup> and abortion.<sup>5</sup> This is hardly an issue of first impression; indeed, LWVCS admits that "lobbyist registration requirements across the country 10 have been upheld as constitutional." Opp'n p. 2:7-8. LWVCS' choice not to address any of the relevant case law on this topic is telling.

Similarly, LWVCS ignores the other local, state, and federal lobbying laws cited in the moving papers, including the basically identical laws enacted by the County in which Cupertino is located, two neighboring cities, and several others in California. LWVCS makes no attempt to show why Cupertino's Ordinance is meaningfully different from these similar ordinances.

16 LWVCS also makes no attempt to distinguish between its eight causes of action, 17 confirming Cupertino's position that they are effectively identical. See Mot. § IV.C.

18 Finally, LWVCS makes no attempt to justify its claims against numerous city officials in 19 their official capacity, presenting no opposition to the motion to dismiss those duplicative claims. 20 See Mot. § IV.B. With no further analysis required, the Court should dismiss each individual 21 defendant from the case.

- See New York v. Ferber, 458 U.S. 747 (1982); United States v. Williams, 553 U.S. 285 24 (2008).
- 25 2 See Coates v. Cincinnati, 402 U.S. 611 (1971); Police Dept. of City of Chicago v. Mosley, 408 U.S. 92 (1972). 26
- United States v. Stevens, 559 U.S. 460 (2010). 27
- Virginia v. Black, 538 U.S. 343 (2003). 28
  - 5 See Stenberg v. Carhart, 530 U.S. 914 (2000).

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#### B. LWVCS'S ARGUMENTS ARE NOT BASED ON THE CITY'S ORDINANCE

The arguments LWVCS does make are largely not tied to specific provisions of the challenged Ordinance. Instead of analyzing the statutory language, or responding to the City's analysis of it, LWVCS continues to make exaggerated assertions about what the Ordinance requires.

LWVCS insists that "members" or "volunteers" are regulated by the Ordinance, despite no statutory language making them so. The opposition also adds "donors" to that baseless list. As 8 discussed in the moving papers, an individual is only required to register as a lobbyist if he or 9 she is a Contract Lobbyist (a category LWVCS does not challenge) or an Expenditure Lobbyist 10 (a category that has nothing to do with being a member, volunteer, or donor of any organization). Mot. § IV(E)(2)(a); §.030(o)(1)-(3).

12 LWVCS also claims that the Ordinance applies to people speaking "in their individual 13 capacity" or making "personal complaints." It cites no provision of the Ordinance for this 14 baseless argument. LWVCS even wildly asserts that "any person" could somehow be considered 15 a lobbyist based on a deliberate misreading of the definition section of the Ordinance:

> The plain language of the Ordinance sweeps up far more than the "paid lobbyists" described in Cupertino's Motion [citation] to designate a wide swath of interested citizens as "Lobbyists." Under the Ordinance, a Lobbyist is any person who seeks to speak to an organ of Cupertino government "to influence a Legislative Action or Administrative Action of the City." CMC § 2.100.030(n). As a result, any person who speaks to government, in any of its manifestations in the City, must consider [the Ordinance's various requirements] in case the Ordinance is applied to them by Cupertino enforcement authorities.

22 Opp'n p. 9:1-10. This argument is a blatant misrepresentation, and amply illustrates the baseless

- 23 nature of this lawsuit. Section .030(n) does not define Lobbyist, it defines Lobbying. The
- 24 Ordinance does *not* regulate lobbying. It only regulates three specific categories of *Lobbyists*
- 25 under section .030(o)(1)-(3). There are absolutely no requirements imposed on people who do
- 26 not meet one of the three definitions of Lobbyist-Contract, Business or Organization, or
- 27 Expenditure—whether or not they engage in speech that falls within the definition of lobbying.
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1 LWVCS argues that the Ordinance creates "confusion" about "whether a League member 2 who has advocated for candidate forums must register to make her personal complaint about 3 garbage collection." Opp'n p. 10:20-22. There is no confusion. Nothing in the Ordinance 4 requires anyone to register as a lobbyist before making personal complaints about anything. An 5 ordinance is not unconstitutional just because someone aggressively insists on misreading it. 6 Nothing in Cupertino's Ordinance requires individuals who want to speak to government on their 7 own behalves, or without compensation for others, to register as lobbyists.

> С. LOBBYIST REGISTRATION AND DISCLOSURE LAWS ARE SUBJECT TO EXACTING **SCRUTINY NOT STRICT SCRUTINY**

In a footnote, LWVCS attempts to redefine the standard of review as strict scrutiny. Opp'n p. 5 n.3. It argues *ipse dixit* that the clear rule from *Citizens United* discussed in the moving papers does not apply to lobbyist registration but to "a wholly different context with fundamentally different government interests." LWVCS cites Pierce v. Jacobsen, 44 F.4th 853 (9th Cir. 2022), which invalidated a Montana ban on non-residents collecting signatures in support of ballot initiatives, id. at 863, and Summit Bank v. Rogers, 206 Cal. App. 4th 669 (2012), which invalidated a criminal bank libel statute as violating the First Amendment. Id. at 691-92. Later in its brief, Plaintiff also cites Reed v. Town of Gilbert, 576 U.S. 155 (2015)-a sign ordinance case<sup>6</sup>—and *Turner Broad*. Sys. v. FCC, 512 U.S. 622 (1994)—which held that a "must carry" provision in the Cable Television Consumer Protection and Competition Act of 1992 was content-neutral.<sup>7</sup>

LWVCS is simply wrong. A lobbyist registration and disclosure ordinance does not restrict or prohibit any speech. United States v. Harriss, 347 U.S. 612, 626 (1954); Fair Political Practices Com. v. Superior Court, 25 Cal. 3d 33, 47 (1979) ("FPPC"). Citizens United applied

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LWVCS makes no attempt to defend the argument in its complaint that the Ordinance is 28 somehow a "prior restraint" or compels speech. (See Mot. p. 7:3-13.)

<sup>6</sup> Although not relevant given the clear law setting the standard for lobbyist registration and disclosure, we note that LWVCS over-simplifies Reed's content based analysis. A law is not content based simply because the content of speech is relevant to the law's application. See City of Austin v. Reagan Nat'l Advert. of Austin, LLC, 142 S. Ct. 1464, 1473-74 (2022) (sign ordinance was content-neutral even though the sign's content was relevant).

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"exacting scrutiny" to "disclaimer and disclosure requirements" for the same public policy
reasons at issue in *Harriss. Citizens United v. FEC*, 558 U.S. 310, 366-67 (2010); *see also Buckley v. Vallejo*, 424 U.S. 1, 64-68, 80 (1976). Because they do not regulate what can be said,
registration and disclosure requirements are governed by exacting scrutiny, not strict scrutiny. *See Florida League of Professional Lobbyists v. Meggs*, 87 F.3d 457, 459-60 (11th Cir. 1996); *Montanans for Cmty. Dev. v. Mangan*, 735 Fed. Appx. 280, 284 (9th Cir. 2018); *Human Life of Wash., Inc. v. Brumsickle*, 624 F.3d 990, 1005 (9th Cir. 2010).<sup>8</sup>

 $\begin{array}{c} 9 \\ 10 \\ 11 \\ \hline 12 \\ \hline 13 \\ \hline 14 \\ \hline 15 \\ \hline 16 \\ 17 \\ \hline 16 \\ 17 \end{array}$ 

EWVCS does not cite any case that has invalidated a lobbyist or other politically related registration and reporting law as "content based." Instead, it argues that Cupertino's Ordinance is "hardly different from the regulations on solicitation struck down" in *Watchtower Bible and Tract Socy. of New York v. Village of Stratton*, 536 U.S. 150 (2002). Opp'n p. 8. *Watchtower* challenged an ordinance prohibiting "canvassers" "from going on private property for the purpose of explaining or promoting any 'cause" without a permit. The Supreme Court noted that "[f]or over 50 years, the Court has invalidated restrictions on door-to-door canvassing and pamphleteering." *Id.* at 160. "It is offensive—not only to the values protected by the First Amendment, but to the very notion of a free society—that in the context of everyday public discourse a citizen must first inform the government of her desire to speak to her neighbors and then obtain a permit to do so." *Id.* at 165-66.

The assertion that Cupertino's commonplace lobbyist registration statute is akin to requiring anyone who wants to talk to a neighbor to get a permit before doing so is risible. As the Southern District of Ohio noted in rejecting the same argument, "*Watchtower* involved neither candidate election related disclosure, nor lobbying disclosure. The *Watchtower* Court struck down a municipal license requirement for door-to-door canvassing, but gave no consideration whatsoever to the unique government interests at stake in the context of candidate election

<sup>We note that the Eighth Circuit has upheld similar laws under strict scrunity without</sup> analyzing whether that standard applies. *Minn. Citizens Concerned for Life, Inc. v. Kelley*, 427
F.3d 1106, 1111 (8th Cir. 2005); *Minn. State Ethical Practices Bd. v. Nat'l Rifle Asso.*, 761 F.2d 509, 511 (8th Cir. 1985).

advertising and lobbying." *Ohio Right to Life Soc'y v. Ohio Elections Comm'n*, No. 2:08-cv 00492, 2008 U.S. Dist. LEXIS 79165, at \*31 (S.D. Ohio Sep. 5, 2008).

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The appropriate standard here is exacting scrutiny. LWVCS does not even attempt to show that standard is not met.

 D. THE BUSINESS OR ORGANIZATION LOBBVIST PROVISION IS NOT OVERBROAD As discussed in the moving papers, the Business or Organization Lobbyist provision regulates businesses or other non-natural persons that instruct their paid officers or employees to lobby *on behalf of the business or organization*. §.030(o)(2). This type of regulation is common in other cities,<sup>9</sup> as well as in state and federal law. Cal. Gov. Code §§ 82039.5, 86100(a)(2); 2 U.S.C. § 1603(a)(1).

LWVCS does not cite any case finding such a provision to be unconstitutional. Indeed, LWVCS never really explains *why* it thinks the Business or Organization Lobbyist provision section .030(o)(2)—is unconstitutional. It simply insists, without any legal analysis, that hypotheticals it posits show that it is. LWVCS makes no response to Cupertino's showing of the interests promoted by the Ordinance. Mot. § IV.E.3. It presents no argument about how those interests are, or are not, met by the hypothetical applications of the Ordinance it poses.

17 Scattered through LWVCS's opposition is the implication that the government is 18 somehow only allowed to regulate "professional lobbyists" (Opp'n p. 10) or "corporate 19 lobbying" (Opp'n pp. 10, 12), but cannot regulate non-profits. LWVCS also insists that it is 20 somehow improper to regulate lobbying by "nonpartisan" or "apolitical" groups. Opp'n p. 1. 21 LWVCS cites no authority for these assertions. As discussed in the moving papers, the 22 government's interest extends well beyond "professional" lobbyists and similar laws frequently 23 regulate non-profits. Mot. pp. 12-13 (citing authority). LWVCS makes no response on these 24 points.

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<sup>See Santa Clara County Code § A3-62(j)(2); San Jose Mun. Code § 12.12.180(B); Santa Clara Mun. Code § 2.155.020(j)(2); Long Beach Mun. Code § 2.08.020(K)(2); Sacramento Mun. Code § 2.15.050; San Diego Mun. Code § 27.4002.</sup> 

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1 LWVCS also continues to misrepresent the Business or Organization Lobbyist definition 2 and exemptions. LWVCS repeatedly argues that if an organization is a lobbyist under section 3 .030(o)(2), then its employees or members must also register. Opp'n p. 11:16-17, 13:25, 13:28. 4 As discussed above, an individual cannot—by definition—be a Business or Organization 5 Lobbyist. Nor can donating to an organization make someone an Expenditure Lobbyist. 6 ("The five thousand dollar (\$5,000.00) threshold shall not include ... dues 7 payments, donations, or other economic consideration paid to an Organization, regardless of 8 whether the dues payments, donations or other economic consideration are used in whole or in 9 part to lobby."). Nothing in the Ordinance subjects individuals to any obligation or risk based on 10 their relationship with a Business or Organization Lobbyist. LWVCS just makes that up.

Moreover, as discussed in the moving papers, because individuals are not regulated Business or Organization Lobbyists under that provision, the applicable exemptions that are geared toward individual action mean that such exempted action does not count for determining 14 whether an organization is a lobbyist. Mot. p. 13. LWVCS makes no attempt to show why that acknowledgment is unreasonable. Nor does it explain why those exemptions would have any meaning if they only applied to the employees or officers themselves when such persons are, by definition, not regulated lobbyists in the first place.

18 Abandoning most of the hypotheticals discussed in the complaint and moving papers, 19 LWVCS relies on four as allegedly "unconstitutional" applications of the Ordinance. It ignores 20 Cupertino's explanation that none are subject to the Ordinance in the first place and, in all 21 events, fails to show how any would be unconstitutional.

22 First, LWVCS argues that a religious organization might send a minister to "speak to a 23 councilmember to muster support for an affordable housing project." Opp'n pp. 7, 12. As 24 discussed in the moving papers, a religious organization is a 501(c)(3) and speech by its 25 employee—the minister—is exempt under section .030(p)(9). Cupertino does not regulate this 26 hypothetical conduct. But even if it did, LWVCS offers no authority for its assertion that the 27 Constitution requires allowing religious organizations to pay their employees to lobby without

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registration. LWVCS argues that registering would "jeopardize" the institution's tax exemption.
 But that argument confuses cause and effect.

3 Section 501(c)(3) provides tax exempt status to qualifying organizations if "no 4 substantial part of the activities of which is carrying on propaganda, or otherwise attempting, to 5 influence legislation..." 26 U.S.C. § 501(c)(3). Section 501(h) allows some level of lobbying, 6 but that exception does not apply to religious organizations. 26 U.S.C. § 501(h)(5)(A). It is thus 7 substantial lobbying activity—as defined by federal tax law—that would jeopardize a 501(c)(3)'s 8 tax exempt status, not registration under a local lobbyist registration statute. See Sheridan 9 Kalorama Historical Ass'n v. D.C. Bd. of Zoning Adjustment, 229 A.3d 1246, 1258 (D.C. 2020) 10 (required registration with the Senate irrelevant to 501(c)(3) status where lobbying "was not 11 substantial enough to threaten its tax exemption".)

12 Second, LWVCS posits that a "neighborhood group" might "encourage all of its 13 members to write to the Community Development Department to oppose" a building project. 14 Opp'n p. 7. Unless a neighborhood group *hired* its "members" as employees to do so—i.e. *paid* 15 them to lobby—the group is not a lobbyist under .030(0)(2) in the first place. And members of 16 neighborhood groups are expressly exempt under .030(p)(10) in any event. Nothing supports 17 LWVCS's assertion that a neighborhood group must register as a lobbyist even where there is no 18 lobbying governed by the Ordinance because any activity is exempt. And, again, LWVCS offers 19 no explanation for why the Constitution would prohibit the City from requiring a group that paid 20 its members to lobby to register as a lobbyist, even if exemption .030(p)(10) did not exist.

Similarly, LWVCS argues that "a school PTA asking its members to meet with their
councilmembers about road construction" would make the PTA a lobbyist. Opp'n p. 7. Parents
pay to join the PTA, not the other way around. PTA members are not employees of the PTA or
paid by the PTA to do anything, and thus the PTA is not a lobbyist under .030(o)(2)—unless, of
course, the PTA directs paid employees to engage in lobbying on its behalf, in which case it
would be subject to the same rules as any other entity that pays for lobbying.

LWVCS also argues that it cannot send a representative to discuss the advertisement of
polling locations. As explained in the moving papers, that is not lobbying at all because it does

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not involve Legislative Action or Administrative Action, and, unless LWVCS is paying that representative more than just reasonable expenses, such contact would not make LWVCS a lobbyist in any event. Mot. p. 9. LWVCS just ignores these points in its opposition.

LWVCS is a 501(c)(4) entity that is allowed to lobby. But it argues that a related 501(c)(3) Fund—not a party to this case—would have its tax exempt status "jeopardized" if it had to register as a lobbyist. Opp'n pp. 13-14. LWVCS provides no meaningful explanation for why the Fund would ever qualify as a lobbyist under section .030(o)(2). It argues that providing support to LWVCS would make the Fund a lobbyist because the term "influencing" is defined broadly. Opp'n p. 14. But the Ordinance does not regulate "influencing;" it regulates lobbyists. Neither \$.030(o)(2) nor \$.030(o)(3) make an entity a lobbyist because it provides financial support to another entity.

And, as discussed above, substantial lobbying activity is what jeopardizes a 501(c)(3)'s tax exemption, not registration. In all events, LWVCS provides no authority for its assertion that the tax-exempt status of an entity is a relevant consideration for whether a lobbyist registration law is constitutional.

16 LWVCS also argues that the Fund should not be required to disclose its donor and
17 membership lists. Opp'n p. 14. Nothing in the Ordinance requires any registered Business or
18 Organization Lobbyists to disclose their donors or membership lists. §.090. Once again, LWVCS
19 just invents this strawman to attack it.

20 In sum, none of LWVCS' strained hypotheticals address conduct regulated by the 21 Ordinance, but even if they did, LWVCS does not show that any such application would violate 22 the Constitution. And in all events, the fact that there could be some hypothetical 23 unconstitutional application of the Ordinance does not support LWVCS's claims. As LWVCS 24 admits, this is a facial overbreadth challenge. A law may be facially challenged for First 25 Amendment overbreadth only if "a substantial number of its applications are unconstitutional, 26 judged in relation to the statute's plainly legitimate sweep." Stevens, 559 U.S. at 473; Prison 27 Legal News v. Ryan, 39 F.4th 1121, 1129 (9th Cir. 2022). LWVCS does not come close to 28 showing that a substantial number of the Ordinance's applications are unconstitutional when

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compared to its legitimate sweep. It does not even try to do so. Thus, LWVCS's facial
 overbreadth claim must also be denied on this basis.

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#### E. THE EXPENDITURE LOBBYIST PROVISION IS NOT OVERBROAD

The other challenged provision—Expenditure Lobbyist—regulates persons who pay for advertising or public relations to cause other people to lobby state officials directly. § .030(o)(3). Again, similar provisions exist in other cities,<sup>10</sup> and in state law. Cal. Gov. Code § 86115(b); *FPPC*, 25 Cal.3d at 46. Indeed, LWVCS admits in its complaint that this provision "fall[s] more or less within the traditional definition of lobbying, meaning influencing city action for compensation." Complaint ¶ 42. This provision protects the government interest in identifying the source of legislative pressure and informing the public of the same. *Harriss*, 347 U.S. at 620, 625; *Fla. League of Prof'l Lobbyists*, 87 F.3d at 461; *Minn. State Ethical Practices Bd.*, 761 F.2d at 513; *see* Stemler, *Platform Advocacy and the Threat to Deliberative Democracy*, 78 MD. L. REV. 105 (2018).

LWVCS makes no effort to show that these interests do not apply or that they are somehow not advanced by Cupertino's Ordinance. LWVCS's entire argument against the Expenditure Lobbyist provision seems to be that one of its "members" publishes a newsletter called "Cupertino Matters" which, among other things, urges residents to contact their public officials about various matters. LWVCS claims that the newsletter's author no longer advocates such action because she is "chilled" by "uncertainty" over whether she needs to register as an Expenditure Lobbyist.

First, even if we were to assume *arguendo* that the Ordinance cannot constitutionally be applied to the author of this newsletter, one example does not make the Expenditure Lobbyist provision overbroad. LWVCS makes no attempt to show that "a substantial number of [this provision's] applications are unconstitutional, judged in relation to the statute's plainly legitimate

 $<sup>\</sup>begin{bmatrix} 10 & See \text{ Santa Clara County Code § A3-62(j)(3); San Jose Mun. Code § 12.12.180(C); Santa Clara Mun. Code § 2.155.020(j)(3); Long Beach Mun. Code § 2.08.020(K)(3); Sacramento Mun. Code § 2.15.050; San Diego Mun. Code § 27.4002. \\ \end{bmatrix}$ 

sweep." *Stevens*, 559 U.S. at 473; *Prison Legal News*, 39 F.4th at 1129. The Court does not need
 to address this example in the absence of the requisite larger showing.

Second, as Cupertino has already explained, this newsletter is exempt under the media exemption, section .030(p)(2).<sup>11</sup> Desperate to justify its lawsuit, LWVCS insists that the media exemption only applies to "professional journalists." Opp'n p. 11. Once again, LWVCS just ignores the statutory language, which says nothing about professional journalists.

Section .030(p)(2) exempts "The Media, when limiting its action to the ordinary course of news gathering or editorial activity, as carried out by members of the press. 'Media' shall mean newspapers or any other regularly published periodical, radio or television station or network or information published on the Internet. This exemption does not apply to individuals conducting media activities when that individual would otherwise qualify as a Contract Lobbyist under this chapter." §.30(p)(2).

13 A newsletter regularly "published on the Internet" falls within the defined meaning of 14 "Media" in section .030(p)(2). The exemption applies to such a newsletter if it contains "news 15 gathering or editorial activity, as carried out by members of the press." "As carried out by 16 members of the press" does not mean that only professional journalists qualify; it explains what 17 "news gathering or editorial activity" means: the type of activity carried out by members of the 18 press. As described in the complaint and the opposition, the "Cupertino Matters" newsletter 19 clearly publishes the type of news gathering and editorial information anticipated by this 20 provision. Nothing in the Ordinance limits this exemptions application to "professional 21 journalists." LWVCS just makes that up.

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11 LWVCS claims that the Cupertino Matters publication was "specifically called out" by 24 one councilmember. Opp'n p. 11; Complaint ¶ 34. California law is clear: "we do not consider the motives or understandings of individual legislators who voted for a statute when attempting 25 to construe it." Cal. Bldg. Indus. Ass'n v. State Water Res. Control Bd., 4 Cal. 5th 1032, 1042-43 26 (2018); Astaire v. Best Film & Video Corp., 116 F.3d 1297, 1997 U.S. App. LEXIS 41260, at \*17-18 (9th Cir. June 20, 1997). LWVCS also claims that the same councilmember opined in 27 2022 that news media were engaged in lobbying. Complaint ¶ 38. Post-enactment statements by legislators are also "not a legitimate tool of statutory interpretation." United States v. King, 24 28 F.4th 1226, 1232 (9th Cir. 2022) (quoting Bruesewitz v. Wyeth LLC, 562 U.S. 223, 242 (2011)). - 11 -Reply I/S/O Mot. to Dismiss

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#### Case 4:22-cv-04189-JSW Document 39 Filed 10/17/22 Page 17 of 19

LWVCS also argues that there is some uncertainty about whether its annual expenses are aggregated with this one member's for purposes of whether she is an Expenditure Lobbyist because she is a member of LWVCS. LWVCS invents that concern too. It points to no language 4 in the Ordinance even suggesting that members of an organization are treated as personally 5 responsible for expenditures of the organization. Finally, insisting that its member is not covered 6 by the press exemption, LWVCS argues that she "may continue to call for community action but only to the extent that doing so costs her less than \$5,000." Opp'n p. 12. LWVCS calls this 8 "astonishing" but makes no legal argument as to why \$5,000 per year is an impermissible 9 threshold to require registration of expenditure lobbyists. Nor, as discussed above, does LWVCS 10 make any legal argument that requiring expenditure lobbyists to register is generally unconstitutional.

There is nothing "astonishing" about this threshold. The law upheld in *FPPC* required registration for spending more than \$250 in any month (\$3,000 per year) on lobbying activities. FPPC, 25 Cal. 3d at 46. California Government Code section 86115 currently triggers at \$5,000 per quarter, but that covers activity across the whole state, not just one small city. Cal. Gov. Code § 86115(b). Long Beach, Sacramento, Santa Clara County, Santa Clara City, and San Jose all have the same \$5,000 a year threshold as Cupertino.<sup>12</sup>

18 And the Ordinance does not apply to any "call for community action." It only applies to 19 "soliciting or urging, directly or indirectly, other Persons to communicate directly with any City 20 Official in order to attempt to influence Legislative Action or Administrative Action."

21 §.030(o)(3).

22 LWVCS thus makes no showing that *any* application of the Expenditure Lobbyist 23 provision is unconstitutional, much less that its unconstitutional sweep is so broad as to justify 24 striking down the Ordinance as facially overbroad.

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27 <sup>12</sup> See Santa Clara County Code § A3-62(j)(3); San Jose Mun. Code § 12.12.180(C); Santa Clara Mun. Code § 2.155.020(j)(3); Long Beach Mun. Code § 2.08.020(K)(3); Sacramento Mun. Code 28 § 2.15.050.

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#### F. ANY PURPORTED CONSTITUTIONAL ISSUE CAN BE RESOLVED BY A NARROWING INTERPRETATION

As discussed above, LWVCS fails to show any unconstitutional application of the Business or Organization Lobbyist or Expenditure Lobbyist provisions of Cupertino's Lobbying Ordinance. That should end the inquiry and warrant granting this motion to dismiss. But even if the Court has some reservations about a particular hypothetical, it should resolve them by construing the statute in a manner that preserves its constitutionality.

A law cannot be facially invalidated as overbroad where "a limiting construction has
been or could be placed on the challenged statute." *Broadrick v. Oklahoma*, 413 U.S. 601, 613
(1973). "It is a well-established principle that statutes will be interpreted to avoid constitutional
difficulties. Thus, where an unconstitutionally broad statute is readily subject to a narrowing
construction that would eliminate its constitutional deficiencies, we accept that construction." *Berger v. City of Seattle*, 569 F.3d 1029, 1046 (9th Cir. 2009) (cleaned up).

14 LWVCS insists without meaningful discussion that the Ordinance cannot be construed in 15 a constitutional manner, citing Erzoznik v. City of Jacksonville, 422 U.S. 205 (1975), and 16 Dumbrowski v. Pfister, 380 U.S. 479 (1965). Opp'n p. 15. Neither case is in any way analogous. 17 *Erzoznik* invalidated an ordinance prohibiting drive-in theaters from showing movies containing 18 nudity. 422 U.S. at 206-07. That restriction went far beyond what the Court's obscenity 19 jurisprudence allows. Id. at 213. As for a limiting construction, none was presented to the Court 20 and prior state cases applying the ordinance had not imposed one. Id. at 216-17 & n.15. 21 Similarly, *Dumbrowski* allowed civil rights workers to challenge the Louisiana 22 Subversive Activities and Communist Control Law and the Communist Propaganda Control 23 Law, finding, in relevant part, that making it a felony to support "any subversive organization" 24 was unconstitutionally vague. 380 U.S. at 494. The Court unsurprisingly could not conceive of a 25 proper limiting construction for these offensive laws that were being used "to discourage 26 appellants' civil rights activities." Id. at 490-91.

27 Neither case bears any relationship to this one. Cupertino has clearly presented its
28 reasonable interpretation of the Ordinance in its moving papers. That interpretation—which does

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Reply I/S/O Mot. to Dismiss

1 not regulate most, if not all, of the conduct LWVCS claims requires registration—is both a 2 reasonable interpretation of any ambiguous language and consistent with the Ordinance's 3 express intent "to impose registration and disclosure requirements on those engaged in efforts to 4 influence the decisions of City policy makers for Compensation." §.010. To the extent the Court 5 finds any portions of the Ordinance ambiguous in a manner that calls into question its 6 constitutionality, the Court should—as required—construe the Ordinance in a constitutional 7 manner.

8 III. **CONCLUSION** 

9 "[O]verbreadth is 'strong medicine' that is not to be 'casually employed." Marquez-10 Reves v. Garland, 36 F.4th 1195, 1201 (9th Cir. 2022) (citation omitted). Here, LWVCS has 11 failed to show any unconstitutional application of the Cupertino Lobbyist Registration 12 Ordinance, much less that it is fatally overbroad. Nor does it argue that these legal questions can 13 be altered by alleging additional facts. Cupertino's motion should be granted, and this action 14 dismissed without leave to amend.

> CITY OF CUPERTINO, DARCY PAUL, DIANE THOMPSON, KIRSTEN SQUARCIA, CHRIS JENSEN, LIANG CHAO, KITTY MOORE,

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Respectfully submitted, DATED: October 17, 2022 WAGSTAFFE, VON LOEWENFELDT, BUSCH & RADWICK LLP By MICHAEL VON LOEWENFELDT Attorneys for Defendants HUNG WEI, and JOHN WILLEY - 14 -Reply I/S/O Mot. to Dismiss

From:	Peggy Griffin
То:	Christopher Jensen; City Council
Cc:	<u>City Clerk</u>
Subject:	RE: Lawsuit status Case#23CV410817 - Yimby Law and CA HDF vs. City of Cupertino
Date:	Saturday, March 4, 2023 12:26:08 AM
Attachments:	YIMBY Action Trademark Issue - Attorney JR Fruen.pdf
	2023-02-17 Proof of Summons by Anne Paulson.pdf
	CalHDF & YIMBY v. Cupertino Petition Stamped.pdf

Please include this REVISED email and all attachments as part of the 3-7-2023 City Council Meeting Written Communication for ORAL COMMUNICATIONS.

Dear City Council and City Attorney Jensen,

I forgot to include the link to the YIMBY Action trademark dispute that appears to be still active. US Trademark Dispute: <u>https://ttabvue.uspto.gov/ttabvue/v?pno=91269608</u>

I've also attached a PDF with the information. Councilmember Fruen is the attorney representing YIMBY Action. Please note that on Page 4 of 7 of "YIMBY Action Trademark Issue – Attorney JR Fruen.pdf", top of page, #3 "YIMBY Action maintains a network of chapters and affiliated organizations throughout California and the United States <u>who share some or all of its policy aims</u>, and with whom it shares information and expertise."

As their attorney, Councilmember Fruen should not be involved in any actions or decisions regarding this lawsuit.

Sincerely,

Peggy Griffin

From: Peggy Griffin <griffin@compuserve.com>

Sent: Saturday, March 4, 2023 12:13 AM

**To:** 'Christopher Jensen' <ChristopherJ@cupertino.org>; 'City Council' <CityCouncil@cupertino.org> **Cc:** 'City Clerk' <CityClerk@cupertino.org>

**Subject:** Lawsuit status Case#23CV410817 - Yimby Law and CA HDF vs. City of Cupertino Please include this email and all attachments as part of the 3-7-2023 City Council Meeting Written Communication for ORAL COMMUNICATIONS.

Dear City Council and City Attorney Jensen,

I'm sure you are aware that a suit was filed against the City of Cupertino by Yimby Law and California Housing Defense Fund. Nothing has been mentioned in ANY city meeting and there has not been any Closed Session pertaining to this suit. According to public documents, the city was served on 2/17/2023.

REQUEST: Please bring the public and Council up to date on the status of this lawsuit.

CONCERN: I am concerned about the close association of Councilmember Fruen with the petitioners. He has done work with them and should possibly be recused from participating in any Closed Sessions. All other members of Council should be reminded that information received during a Closed Session should not leave the room or be shared with anyone. Attached are:

- CalHDF and YIMBY v. Cupertino Petition Stamped (filed 2/3/2023)
- 2023-02-17 Proof of Summons by Anne Paulson (hand delivered to Cupertino on 2-17-2023)

Sincerely, Peggy Griffin Trademark Trial and Appeal Board Electronic Filing System. https://estta.uspto.gov

ESTTA Tracking number: ESTTA1137160 Filing date: 05/29/2021

#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

### Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

### **Opposer Information**

Name	YIMBY Action
Granted to Date of previous ex- tension	05/29/2021
Address	1260 MISSION ST SAN FRANCISCO, CA 94103 UNITED STATES

Attorney informa- tion	JOSEPH RYAN FRUEN MARKS MATTER - SP 6445 BOLLINGER RD CUPERTINO, CA 95014 UNITED STATES Primary Email: jrfruen@marksmatter.com Secondary Email(s): jrfruen@gmail.com 4088282859
Docket Number	

### **Applicant Information**

Application No.	88805531	Publication date	03/30/2021
Opposition Filing Date	05/29/2021	Opposition Peri- od Ends	05/29/2021
Applicant	Fedak, Nikolai 1 WEST STREET, APARTMENT 2408 NEW YORK, NY 10004 UNITED STATES		

### Goods/Services Affected by Opposition

Class 037. First Use: 2011/09/28 First Use In Commerce: 2011/09/28 All goods and services in the class are opposed, namely: Providing information and commentary inthe field of real estate development

### Grounds for Opposition

The mark is merely descriptive	Trademark Act Section 2(e)(1)
No use of mark in commerce before application or amendment to allege use was filed	Trademark Act Sections 1(a) and (c)
The mark is not inherently distinctive and has not acquired distinctiveness	Trademark Act Sections 1, 2 and 45; and Section 2(f)
Fraud on the USPTO	In re Bose Corp., 580 F.3d 1240, 91 USPQ2d

	1938 (Fed. Cir. 2009)	
Related Proceed- ings	Opposer YIMBY Action has a pending application for a composite mark contain- ing the literal element YIMBY under serial number 90155913	
Attachments	Opposer YIMBY Action - Notice of Opposition to Serial No 88805531 as filed.pdf(1807615 bytes )	
Signature	/Joseph Ryan Fruen/	
Name	JOSEPH RYAN FRUEN	
Date	05/29/2021	

Docket No. [unassigned]

#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#### BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of Application Serial No. 88805531 Published in the Official Gazette of March 30, 2021

YIMBY Action,		}	
a California public ber	nefit corporation,	}	
	Opposer,	}	
	v.	}	Opposition No. [unassigned]
Nikolai Fedak,		}	
	Applicant.	}	

#### NOTICE OF OPPOSITION

Opposer YIMBY Action, a California public benefit corporation organized as a nonprofit entity under Internal Revenue Code section 501(c)(4), with offices located at 1260 Mission Street, San Francisco, California 94103, believes that it would be damaged by registration of the mark shown in Serial No. 88805531 (hereafter "the Application"), filed February 21, 2020 and hereby opposes the same.

As grounds for opposition, it is alleged that:

FIRST GROUND FOR OPPOSITION (15 U.S.C. §§ 1051, 1052—Merely Descriptive, Not Inherently Distinctive, Has Not Acquired Distinctiveness)

1. Since at least January 24, 2017 and continuing through the present day, Opposer YIMBY Action, has conducted public policy outreach, community organizing, and educational outreach, among other social welfare activities in support of changing public policy in the area of land use development, housing (in particular, affordable housing), and related fields, such as, but not limited to, building costs and the nature and state of the construction industry and building trades in order to reduce the cost burden of housing, improve economic opportunity, and decrease environmental impacts.

2. Opposer YIMBY Action has, since approximately 2017, made use of the term "YIMBY" in connection with these services, and continues to use this term to distinguish and describe itself in connection with its services.

In re Matter of Application Serial No. 88805531 Opposer YIMBY Action's Notice of Opposition Page 1 of 5 3. YIMBY Action maintains a network of chapters and affiliated organizations throughout California and the United States who share some or all of its policy aims, and with whom it shares information and expertise.

4. Based on information and belief, Applicant Nikolai Fedak, (hereafter "Applicant") as "Nikolai Fedak DBA New York YIMBY, LLC" filed an initial application to register the stand-alone standard character word mark "YIMBY" in International Class 35 for real estate marketing services, International Class 37 for providing information and commentary in the field of real estate development, and International Class 41 for online electronic publishing of books and periodicals on the Principal Register on the basis of an alleged first use in interstate commerce of September 28, 2011.

5. Based on information and belief, Applicant subsequently narrowed the scope of the Application to services in International Class 37 for providing information and commentary in the field of real estate development.

6. Applicant's purported mark was published for opposition in the Official Gazette on March 30, 2021. YIMBY Action timely applied for, and was granted, an extension of time to oppose. YIMBY Action subsequently filed the instant opposition.

7. Applicant and Opposer both use the term "YIMBY" to describe their separate but similar and overlapping services. YIMBY Action's policy advocacy, educational outreach, and community organizing necessarily involve "providing information and commentary in the field of real estate development" and YIMBY Action uses many of the same channels and means for disseminating such information, including its own website, an electronic newsletter, and social media, among others.

8. YIMBY Action is the owner of a pending service mark application, Serial No. 90155913, consisting of a design mark featuring the image of a multistory peak-roofed vertical rectangular building forming a dialog box on the left followed the words YIMBY ACTION one above the other in sans serif type on the right, filed in International Class 41 for an assortment of education and advocacy-related services consistent with the description in Paragraph 1 above.<sup>1</sup>

9. The term "YIMBY" is a widely used shorthand acronym meaning "yes in my backyard" (in contraposition to "NIMBY," meaning "not in my backyard").

10. Based on information and belief, the term "YIMBY" first came into being in or around 1988 to describe policy preferences and advocacy in support of new development and construction—especially housing construction and public infrastructure—and growth in general.

11. Based on information and belief, subsequent to the first known use of "YIMBY" as alleged in Paragraph 9 above, over a number of years the term "YIMBY" became popular with policy advocates, researchers, and journalists for describing supporters of

<sup>&</sup>lt;sup>1</sup> In the intervening time, the Examining Attorney assigned to the application under this serial number has suggested multiple additional appropriate International Classes, including 35, 39, 42, and 45. The proximity of these classes to International Class 37 increases the likelihood of conflicts between YIMBY Action's pending mark application and Applicant's Application. Consistent with the instant opposition, YIMBY Action does now and will, upon filing a response to the outgoing Office Action, disclaim the literal element "YIMBY" as a separate term within its pending application.

growth in general, housing production and land use reform in particular, and the political movement that has arisen in associated therewith, especially in contraposition to the long-standing term used to describe opponents of each—"NIMBYs."

12. Numerous organizations and individuals have chosen to describe themselves as "YIMBYs" over the last two decades in particular in order to associate themselves with the collection of policy positions as laid out in Paragraphs 1, 7, and 9 to 11 above, and in part because no other shorthand term exists for this collection of policy preferences and positions such organizations and individuals espouse. YIMBY Action is one such organization.

13. No term other than "YIMBY" adequately describes the individuals, policy preferences and positions, and political movement laid out in Paragraphs 1, 7, and 9-12 above.

14. Indeed, YIMBY Action alleges that it is aware of instances of actual confusion in the consuming public whereby supporters or opponents mistook Applicant's purported mark to be associated with, affiliated with, or sponsored by YIMBY Action, one of its chapters, or other organizations using the term "YIMBY" to describe themselves and their services. YIMBY Action alleges that this confusion stems from the merely descriptive character of the term "YIMBY" and the similarity in the services offered by Applicant and YIMBY Action.

15. YIMBY Action alleges that given the widespread use of the term "YIMBY" as described above, that the term lacks inherent distinctiveness and is merely descriptive of Applicant's services, as described in the Application, and that Applicant is therefore not entitled to registration of the purported mark "YIMBY" on the Principal Register.

16. Furthermore, based on information and belief, the United States Patent and Trademark Office ("USPTO") has previously denied registration to other applicants offering similar services to Applicant's on the grounds that the term "YIMBY" is merely descriptive of such services or otherwise lacks the requisite distinctiveness (inherent or acquired). The USPTO has previously cited Applicant's unregistered service mark use of "New York YIMBY" at the same website described in the Application as evidence that the term "YIMBY" is merely descriptive for similar services (and presumably, therefore, Applicant's own services).

17. Based on information and belief, the Examining Attorney assigned to the Application did not look up the term "YIMBY" in any dictionary and did not conduct a web search for instances of the use of the term "YIMBY."

18. In addition, Applicant has not made substantially exclusive use of the purported mark "YIMBY" since its date of alleged first use, September 28, 2011 because numerous other organizations have used the term "YIMBY" to describe themselves in connection to similar services including in the five years following Applicant's first alleged use and continuing through the present time. As such, YIMBY Action contends that Applicant's Application does not qualify for registration on either the Principal or Supplemental Register as it has failed to acquire distinctiveness through secondary meaning.

19. Accordingly, YIMBY Action, its chapters, affiliates, and similarly designated organizations that incorporate the word "YIMBY" as source identifiers for their services would be injured by the granting of a certificate of registration for the purported

In re Matter of Application Serial No. 88805531 Opposer YIMBY Action's Notice of Opposition Page 3 of 5 "YIMBY" mark described in the Application because such registration would exceed the scope of the statutory authority under 15 U.S.C. §§ 1051 and 1052 to register service marks "by which the services of the applicant may be distinguished from the services of others" and would award Applicant the exclusive right to use a term to which it is not entitled.

#### SECOND GROUND FOR OPPOSITION (15 U.S.C. § 1051(a), No Use in Interstate Commerce)

20. YIMBY Action repeats and realleges the allegations set forth above in Paragraphs 1 through 9, and further alleges that Applicant's purported mark is the stand-alone standard character word mark "YIMBY".

21. However, Applicant's mark as actually used in connection with his stated services is "New York YIMBY" as confirmed by the specimens submitted with the Application, the website offered as an example of the mark being used in commerce, www.newyorkyimby.com, and as evidenced in Applicant's social media and email newsletter, and doing-business-as trade name.<sup>2</sup>

22. As such, Applicant has not made actual and continuous service mark use of the term "YIMBY" separate and apart from its actual use of "New York YIMBY."

23. Divorcing one piece of the mark as used and actually presented to the Examining Attorney by way of specimen of use impermissibly provides a scope of protection beyond the overall commercial impression that the mark *as used* makes.

24. Because Applicant has not actually and continuously used the solitary wordmark "YIMBY" in interstate commerce and has failed to identify any point at which said solitary use began, YIMBY Action alleges that no use of the purported mark described in the Application has yet been made. Because Applicant has not made use of the purported mark (as described in the Application) in commerce or in connection with all services listed in the Application as of the Application filing date, the purported mark is not entitled to registration under 15 U.S.C. § 1051(a).

#### THIRD GROUND FOR OPPOSITION (15 U.S.C. § 1064, Fraud in Obtaining Registration)

25. YIMBY Action repeats and realleges the allegations set forth above in Paragraphs 1 through 9 and 20 through 23.

26. In the course of Applicant's prosecution of its Application for exclusive service mark rights in the stand-alone word mark "YIMBY," Applicant knowingly misrepresented the actual use in commerce that Applicant makes of the term "YIMBY" which is always presented with a geographic designation—as shown in the specimen, Applicant's apparent fictitious business name, on social media, and in his email

In re Matter of Application Serial No. 88805531 Opposer YIMBY Action's Notice of Opposition Page 4 of 5

<sup>&</sup>lt;sup>2</sup> Neither in this allegation nor anywhere else in the present opposition does YIMBY Action concede the validity of the "New York YIMBY" mark, nor does it admit to any particular alleged date of first use.

newsletter: "New York YIMBY." In essential terms, Applicant filed the Application asserting his mark is "YIMBY" when he knows his mark is actually "New York YIMBY" and nothing in the Application supports registration of the term "YIMBY" in isolation from the geographic descriptor. Obtaining exclusive service mark rights in the term "YIMBY" would afford Applicant sweeping rights against other users of the term "YIMBY" for similar services (including YIMBY Action) that would not exist had Applicant accurately filed his Application as "New York YIMBY."

27. The Applicant's knowing misrepresentations and omissions pertain to matters which, had the facts been known to the Examining Attorney, would have resulted in the refusal of the application to register.

28. The Applicant's conduct thus constitutes a fraud upon the USPTO and cannot be the basis of a valid registration.

WHEREFORE, Opposer YIMBY Action respectfully prays that its opposition be sustained and the Application for registration be denied.

Dated: May 29, 2021

Respectfully submitted,

Joseph Rvan Fruen California State Bar No. 304872

Attorney for Opposer, YIMBY Action a California Public Benefit Corporation

> Marks Matter – SP 6445 Bollinger Road, Cupertino, California 95014 T: 408-828-2859

In re Matter of Application Serial No. 88805531 Opposer YIMBY Action's Notice of Opposition Page 5 of 5

	Electronically Filed POS-010
ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Keith Diggs (State Bar #344182) YIMBY Law 57 Post Street #908	by Superior Court of CA, County of Santa Clara,
San Francisco, CA 94104	on 2/27/2023 11:49 AM
TELEPHONE NO.: (703) 409-5198 FAX NO. (Optional): E-MAIL ADDRESS (Optional): keith@yimbylaw.org	Reviewed By: R. Fleming Case #23CV410817
ATTORNEY FOR (Name): Yes In My Back Yard	Envelope: 11289413
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA STREET ADDRESS: 191 First Street MAILING ADDRESS: 191 First Street CITY AND ZIP CODE: San Jose, CA 95113 BRANCH NAME: Downtown Superior Court	
PLAINTIFF/PETITIONER: (w/California Housing Defense Fund) Yes In My Back Yard	CASE NUMBER:
DEFENDANT/RESPONDENT: City of Cupertino	23CV410817
PROOF OF SERVICE OF SUMMONS	Ref. No. or File No.:
(Separate proof of service is required for each party	served.)
1. At the time of service I was at least 18 years of age and not a party to this action	ı.
2. I served copies of:	
a summons	
b complaint	
c. * Alternative Dispute Resolution (ADR) package	
d. Civil Case Cover Sheet (served in complex cases only)	
e cross-complaint	
f. * other (specify documents): Verified Petition for Writ of Mandate; Civil L	awsuit Notice
<ol> <li>a. Party served (specify name of party as shown on documents served): City of Cupertino</li> </ol>	
<ul> <li>Person (other than the party in item 3a) served on behalf of an entity o under item 5b on whom substituted service was made) (specify name a Lauren Sapudar, Deputy City Clerk</li> </ul>	
<ol> <li>Address where the party was served: 10300 Torre Avenue, Cupertino, CA 95014</li> </ol>	
5. I served the party (check proper box)	
a. <b>*</b> by personal service. I personally delivered the documents listed in ite receive service of process for the party (1) on ( <i>date</i> ): 2/17/2023	em 2 to the party or person authorized to (2) at <i>(time):</i> 11:10am
b. <b>by substituted service.</b> On (date): at (time): in the presence of (name and title or relationship to person indicated in	I left the documents listed in item 2 with or <i>item 3):</i>
(1) (business) a person at least 18 years of age apparently in ch of the person to be served. I informed him or her of the general	
(2) (home) a competent member of the household (at least 18 ye place of abode of the party. I informed him or her of the generative states of the party.	ears of age) at the dwelling house or usual ral nature of the papers.
(3) (physical address unknown) a person at least 18 years of a address of the person to be served, other than a United State him or her of the general nature of the papers.	
(4) I thereafter mailed (by first-class, postage prepaid) copies of t at the place where the copies were left (Code Civ. Proc., § 41	

(date): from (city): or a declaration of mailing is attached.

(5) I attach a declaration of diligence stating actions taken first to attempt personal service.

PLAINTIFF/PETITIONER: (w/California Housing Defense Fund) Yes In My Back Yard DEFENDANT/RESPONDENT: City of Cupertino	CASE NUMBER: 23CV410817
c. by mail and acknowledgment of receipt of service. I mailed the documen address shown in item 4, by first-class mail, postage prepaid,	ts listed in item 2 to the party, to the
(1) on (date): (2) from (city):	
(3) with two copies of the Notice and Acknowledgment of Receipt and to me. (Attach completed Notice and Acknowledgement of Receipt	a postage-paid retum envelope addressed t.) (Code Civ. Proc., § 415.30.)
(4) [1] to an address outside California with return receipt requested. (Co	de Civ. Proc., § 415.40.)
d. <b>by other means</b> (specify means of service and authorizing code section):	
Additional page describing service is attached.	
The "Notice to the Person Served" (on the summons) was completed as follows:	
a as an individual defendant.	
b. as the person sued under the fictitious name of (specify):	
c as occupant.	
d. On behalf of (specify):	
under the following Code of Civil Procedure section:	
	ess organization, form unknown)
416.20 (defunct corporation) 416.60 (minor	) or conservatee)
416.30 (joint stock company/association) 416.70 (ward 416.40 (association or partnership) 416.90 (author)	
416.50 (public entity) 415.46 (occur	5
other:	
Person who served papers	
a. Name: Anne Paulson	
b. Address: 1299 Eva Avenue, Los Altos, CA 94024	
c. Telephone number: (650) 279-7743	
d. The fee for service was: \$	
e. Lam:	
(1) x not a registered California process server.	
(2) exempt from registration under Business and Professions Code section	22350(b).
(3) a registered California process server:	
<ul> <li>(i) owner employee independent contractor.</li> <li>(ii) Registration No.:</li> </ul>	
(iii) County:	
I declare under penalty of perjury under the laws of the State of California that t or	he foregoing is true and correct.
I am a California sheriff or marshal and I certify that the foregoing is true and	2/17/2023 11/2023
ate:	nfolun Ain
nne Paulson	a provocet -
(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)	(SIGNATURE)

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	23CV410817 Santa Clara – Civil		
1 2 3 4 5 6	Dylan Casey CALIFORNIA HOUSING DEFENSE FUND 360 Grand Avenue #323 Oakland, CA 94160 (443) 223-8231 No fax number dylan@calhdf.org State Bar No. 325222 <i>Attorney for Petitioner California Housing Defense</i>	Electronically Filed by Superior Court of CA, County of Santa Clara, on 2/3/2023 10:13 AM Reviewed By: L. Quach-Marcellana Case #23CV410817 Envelope: 11102865	
7 8 9 10 11 12	Keith E. Diggs YIMBY LAW 57 Post Street #908 San Francisco, CA 94104 (703) 409-5198 No fax number keith@yimbylaw.org State Bar No. 344182 <i>Attorney for Petitioner Yes In My Back Yard</i>		
13	SUPERIOR COURT OF THE STATE OF CALIFORNIA		
14	FOR THE COUNTY	Y OF SANTA CLARA	
15 16 17	CALIFORNIA HOUSING DEFENSE FUND, a California nonprofit public benefit corporation; and YES IN MY BACK YARD, a California nonprofit public benefit corporation;	Case No.: 23CV410817 VERIFIED PETITION FOR WRIT OF MANDATE	
18	Petitioners,	(Code Civ. Proc. § 1085; Gov. Code §§ 65587, 65751)	
19	V.		
20	CITY OF CUPERTINO,		
21	Respondent.		
22	Petitioners CALIFORNIA HOUSING DEFENSE FUND and YES IN MY BACK YARD allege as		
23	follows:		
24	1. "California has a housing supply and affordability crisis of historic proportions." (Gov. Code		
25	$\S$ 65589.5, subd. (a)(2).) <sup>1</sup>		
26	2. To address this crisis, the State's Housing Element Law (Gov. Code §§ 65580 et seq.) required		
27	Bay Area cities and counties to adopt the sixth revisions of their housing elements by January 31, 2023.		
28	<sup>1</sup> Subsequent references are to the Government Cod	e unless otherwise specified.	

3. The City of Cupertino did not meet this deadline.

4. On behalf of the public interest in alleviating the housing crisis, the California Housing Defense Fund and Yes In My Back Yard petition the Court for a writ of mandate compelling the City to adopt a revised housing element.

#### PARTIES

5. Petitioner California Housing Defense Fund ("CalHDF") is a California nonprofit public benefit corporation.

6. CalHDF's mission is to promote housing growth and affordability in California through education and legal advocacy. As part of this mission CalHDF monitors local government policies related to the availability and growth of housing.

7. Petitioner Yes In My Back Yard is a California nonprofit public benefit corporation.

8. Yes In My Back Yard litigates for housing through its project YIMBY Law, whose mission is to end the housing shortage and achieve affordable, sustainable, and equitable housing for all.

9. Respondent City of Cupertino ("the City") is an incorporated city in Santa Clara County.

#### JURISDICTION AND VENUE

10. The Court has subject matter jurisdiction under Sections 65587 and 65751 of the Government Code and Section 1085 of the Code of Civil Procedure.

11. The Court has personal jurisdiction over the City consistent with Section 410.10 of the Code of Civil Procedure.

12. Venue is proper under Sections 394–395 of the Code of Civil Procedure.

**STATUTORY BACKGROUND** 

13. California's Housing Element Law (Gov. Code §§ 65580 et seq.) is the State's main policy for addressing the housing crisis.

14. A "housing element" is a mandatory element of a county's or city's general plan. (§ 65302, subd. 24 (c).)

15. "Notwithstanding subdivision (a)" of Section 65700, all the provisions of the Housing Element 26 27 Law apply to general-law and charter cities alike. (§ 65700, subd. (b).)

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#### VERIFIED PETITION FOR WRIT OF MANDATE

1 16. The Department of Housing and Community Development ("HCD") is the State agency that 2 administers the Housing Element Law. (See Health & Saf. Code §§ 50400, 50459.) 3 17. The driving mechanism of the Housing Element Law is known as the "regional housing need 4 allocation" or "RHNA." (Gov. Code §§ 65584.03, subd. (d); 65584.04, subd. (g)(2); 65584.05, subd. 5 (e)(1); 65584.06, subd. (f); 65584.07, subd. (b)(1); 65584.08, subd. (a)(4)–(5); 65584.09, subd. (a).) 18. Housing elements are updated on a cyclical basis. (See § 65588.) 6 7 19. Bay Area governments are now entering their sixth cycle of housing-element revisions. 8 20. Each cycle, HCD "determine[s] the existing and projected need for housing for each region" in 9 the State. (§§ 65584, subd. (a)(1); 65584.01.) 10 21. HCD allocates this RHNA to the regional council of governments, as applicable. (See §§ 65584-11 65584.02.) 12 22. The regional council of governments then distributes its RHNA among its local governments. (See §§ 65584.04–.05.) 13 14 23. HCD distributes the RHNA among local governments where no council exists. (§ 65584.06.) 15 24. With its share of the RHNA assigned, a locality must revise its housing element with a plan to 16 "make adequate provision for the [housing] needs of all economic segments of the community." 17 (§ 65583.) 18 25. A housing element must provide "[a]n inventory of land" with zoned capacity "to meet the 19 locality's housing need for [each] designated income level" by the end of the cycle. (§§ 65583, subd. 20 (a)(3).)21 26. The site inventory must meet detailed and justiciable statutory requirements. (See § 65583.2.) 22 27. Where existing zoned capacity is insufficient to meet the RHNA, the locality must rezone for 23 sufficient capacity within three years (if timely and adequately revised) or one year (if not). (§ 65583, subd. (c)(1)(A).) 24 25 28. A housing element must, in its site inventory and otherwise, "affirmatively further fair housing." (§§ 65583, subds. (a)(3), (b), (c)(1), (c)(5), (c)(10)(A); 65583.2, subd. (c); see § 8899.50 [definition].) 26 27 // // 28 -3-

1 29. A housing element must also "remove governmental . . . constraints to the maintenance, 2 improvement, and development of housing . . . for all income levels" where "appropriate and legally possible." (§ 65583, subd. (c)(3).) 3 4 30. A revision to a housing element must be prepared long before its adoption. 5 31. Housing Element Law spells out detailed requirements for public and administrative review. 32. "[T]he first draft revision of a housing element" must be made "available for public comment for 6 7 at least 30 days." (§ 65585, subd. (b)(1).) 8 33. "[I]f any comments are received, the local government shall take at least 10 business days after 9 the . . . public comment period to consider and incorporate public comments into the draft." (Ibid.) 34. "At least 90 days prior to adoption of a revision of its housing element," the locality must submit 10 the draft to HCD for administrative review. (Ibid.) 11 12 35. HCD then makes "written findings" as to whether the draft "substantially complies" with the 13 Housing Element Law. (Id., subd. (d).) 14 36. Only after HCD has had time to review a draft may the locality adopt it. 15 37. If HCD finds that a draft "does not substantially comply," the locality can either "[c]hange" its 16 draft to comply or "[a]dopt" with "written findings" rebutting HCD's findings. (Id., subd. (f).) 17 38. Housing Element Law specifies consequences for failure to substantially comply. 39. A locality without a "revised housing element . . . in substantial compliance" is prohibited from 18 using its general plan and zoning standards to "disapprove" or "render[]... infeasible" any housing 19 20 development project meeting certain affordability requirements. (§ 65589.5, subds. (d)(5), (h)(3).) 21 40. As described above, a locality that fails to obtain HCD's finding of substantial compliance within 120 days of the statutory deadline must complete all required rezoning within one rather than 22 23 three years. (§ 65583, subd. (c)(1)(A); see above  $\P$  27.) 41. "[A]ny interested party" may petition for a writ of mandate compelling "compliance with the 24 25 provisions" of the Housing Element Law. (§ 65587, subd. (b); see also § 65751.) 42. "[I]f the court" in such a proceeding enters "final judgment in favor of the . . . petitioner," then 26 27 the locality must "bring its . . . [housing] element . . . into compliance . . . within 120 days." (§ 65754.) // 28

43. "The court shall include" in such a judgment "one or more" additional specified provisions, including suspension of nonresidential building permits and mandatory approval of residential building permits, "until the [locality] has substantially complied." (§ 65755, subds. (a)(1), (a)(4).) 4 44. "[T]he court may, upon a showing of probable success on the merits, grant the relief provided in Section 65755 as temporary relief." (§ 65757.) 45. "Notwithstanding . . . Section 65585," a locality subject to a writ of mandate must submit a draft revision of its housing element to HCD "at least 45 days prior to . . . adoption." (Id., subd. (a).) 8 46. The locality must then conform its zoning ordinance within 120 days of adoption. (Id., subd. (b).) 47. "[A]ny action necessary" to comply with the writ is statutorily exempt from the California

Environmental Quality Act. (§ 65759, subd. (a); see also Pub. Res. Code §§ 21000 et seq.)

## **STATEMENT OF FACTS**

48. Bay Area governments, including the City, were due to adopt the sixth revision of their housing elements on January 31, 2023. (See HCD, Housing Element Update Schedule, https://www.hcd.ca.gov/ community-development/housing-element/docs/6th-web-he-duedate.pdf, p.5.)

49. "At least 90 days prior" to this statutory deadline (Gov. Code § 65585, subd. (b); see above ¶¶ 31–36), the City had not submitted a draft revision of its housing element to HCD.

50. The City has not adopted a sixth revision of its housing element.

51. Together with another housing organization, Petitioners contacted the City about its failure and inability to comply with Housing Element Law.

52. In their letter to the City, Petitioners offered to "forgo immediate litigation" against the City if the City would acknowledge in writing that it would:

- a. "not be in substantial compliance" by the statutory deadline;
- b. "be prohibited from rejecting any [affordable] housing development project based on subdivision (d)(1) or (d)(5) of the Housing Accountability Act (HAA), Government Code Section 65589.5," from February 1, 2023, until such time as the City adopts a substantially compliant housing element; and

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## VERIFIED PETITION FOR WRIT OF MANDATE

c. "be estopped" from invoking those subdivisions in any litigation arising from "any such 1 2 project that is the subject of an application or preliminary application submitted" during 3 that same period of time. 4 53. This letter was sent by email on December 16, 2022, to the City's manager, community 5 development director, attorney, and council. 54. The City's attorney responded and engaged Petitioners' counsel in settlement discussions, but 6 7 the parties did not reach an agreement. 8 **BENEFICIAL INTEREST** 55. "The availability of housing is of vital statewide importance . . . ." (§ 65580, subd. (a).) 9 56. The Legislature has declared that the City has a "responsibility" to "make adequate provision for 10 the housing needs of all economic segments of the community." (Id., subd. (d).) 11 12 57. Legalizing "the development of housing" is "essential" to achieving this goal. (Id., subd. (f).) 58. The Legislature intends that housing elements "move toward" this goal. (§ 65581, subd. (b).) 13 14 59. The writ of mandate is sought in this action to enforce the City's public duty. 15 FIRST CAUSE OF ACTION 16 Writ of Mandate to Compel Compliance with Housing Element Law 17 (Gov. Code §§ 65587, 65751; Code Civ. Proc. § 1085) 18 60. Petitioners incorporate and reallege all of the foregoing paragraphs. 19 61. Section 65587 of the Government Code, subdivision (b), provides that "any interested party" 20 may bring an action "to review the [City's] conformity with the [Housing Element Law]." 21 62. Petitioners are "interested part[ies]" under the Housing Element Law. (*Ibid.*) 22 63. Section 65587, together with Section 65751, provides that such an action "shall be brought 23 pursuant to Section 1085 of the Code of Civil Procedure." (Ibid.) 24 64. Because the City has not adopted a sixth revision of its housing element, and its statutory 25 deadline has passed, the City is out of compliance with the Housing Element Law. 26 65. Petitioners have no available administrative remedies. 27 66. Petitioners have no plain, speedy, or adequate remedy in the ordinary course of law, other than 28 those sought herein.

## VERIFIED PETITION FOR WRIT OF MANDATE

1	67. Petitioners are thus entitled to a writ of mandate.			
2	DEMAND FOR JUDGMENT			
3	WHEREFORE, Petitioners demand judgment against Respondent as follows:			
4	1. A writ of mandate directing the City to adopt a sixth revised housing element according to the			
5	schedule in Section 65754.			
6	2. An injunction or order providing relief under Section 65755.			
7	3. A declaration that:			
8	a. the City is out of compliance with the Housing Element Law from February 1, 2023, until			
9	the City lawfully adopts a sixth revision of its housing element that substantially			
10	complies with the Housing Element Law;			
11	b. the City must rezone as necessary to execute such sixth revision of its housing element by			
12	the deadlines set forth in Articles 10.6 and 14 of Chapter 3 of Division 1 of Title 7 of the			
13	Government Code;			
14	c. the City may not rely on paragraphs (1) or (5) of subdivision (d) of Section 65589.5 of			
15	the Government Code, also known as the Housing Accountability Act or "HAA," to			
16	disapprove a housing development project—or condition approval in a manner that			
17	renders such project infeasible—so long as such project meets the affordability			
18	requirements described in paragraph (3) of subdivision (h) of the HAA;			
19	4. Costs of suit;			
20	5. Attorneys' fees under Code Civ. Proc. § 1021.5 and as otherwise allowed by law; and			
21	6. Such further relief as the Court deems just and proper.			
22				
23	Dated: February 2, 2023. CALIFORNIA HOUSING YIMBY LAW DEFENSE FUND			
24	777			
25	303 12			
26	By: Dylan Casey By: Keith E. Diggs			
27	Attorney for Petitioner California Attorney for Petitioner Yes In My Housing Defense Fund Back Yard			
28	110using Dejense Funu Duck Luru			
	-7- VERIFIED PETITION FOR WRIT OF MANDATE			
	VERIFIED FEITION FOR WRIT OF MANDATE			

1	VERIFICATION			
2	I, Dylan S. Casey, declare:			
3	1. I am an employee of and hold the position of Executive Director at Petitioner California Housing			
4	Defense Fund, and am familiar with the matters discussed in the foregoing Petition.			
5	2. I have read the Petition and know the contents thereof. The statements of fact therein are true			
6	and correct of my own knowledge.			
7	I declare under penalty of perjury that the foregoing is true and correct.			
8	Executed on February 2, 2023 at Alameda, California.			
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10	2 Col			
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12	Dylan S. Casey			
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	-8- VERIFIED PETITION FOR WRIT OF MANDATE			

1	VERIFICATION			
2	I, Sonja K. Trauss, declare:			
3	1. I am the Executive Director of Yes In My Back Yard, the Petitioner in this action.			
4	2. I have read the foregoing Petition, and know the stated facts to be true of my own knowledge.			
5	I declare under penalty of perjury that the foregoing is true and correct.			
6	Executed on February 2, 2023 at Oakland, California.			
7	$\Lambda$ $\neg$			
8	By: Sonja K. Trauss			
9 10	Executive Director, Yes In My Back Yard			
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	-9- VERIFIED PETITION FOR WRIT OF MANDATE			
	VERIFIED PETITION FOR WRIT OF MANDATE			

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From:	Peggy Griffin
То:	City Council
Cc:	<u>City Clerk</u>
Subject:	2023-03-07 City Council Mtg - Oral Communications-Kylie Clark is censured in Los Gatos
Date:	Friday, March 3, 2023 11:45:11 PM
Attachments:	2023-02-24 Los Gatos grapples with attack on whiteness controversy-Kylie Clark.pdf

Please include this <u>email and the attached PDF</u> as part of the 3-7-2023 City Council Meeting Written Communications for ORAL COMMUNICATIONS.

Dear City Council,

I would like to bring to your attention that Kylie Clark, a Los Gatos Planning Commissioner was recently censored by the Los Gatos Town Council for racist language. Please note:

- This was done after an investigation and proof was collected and reviewed.
- This Kylie Clark was involved with West Valley Community Services and our Housing Element! Did she also send HCD derogatory emails regarding Cupertino while getting paid to help Cupertino with their Housing Element?

https://www.sfgate.com/politics/article/los-gatos-grapples-with-attack-on-whiteness-17796970.php

Sincerely, Peggy Griffin

Tech giant shuttering 4 stores in SF

5. Snowboarder dies at Tahoe ski resort following historic blizzard

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3/03/23 by Christopher

## Wealthy Bay Area town grapples with 'attack on whiteness' controversy

A planning commissioner in Los Gatos was censured by the town council for writing an email to a state agency that included what some say is racist language toward white people

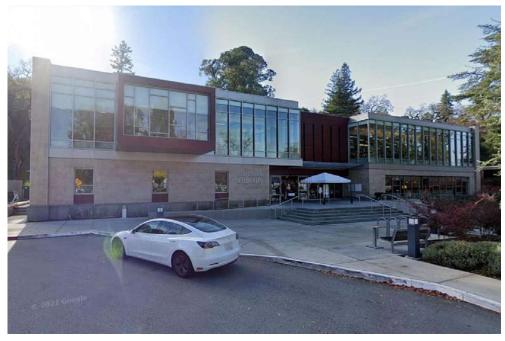
Wife of Jeffrey Vandergrift

issues somber update

### Alec Regimbal, SFGATE

Feb. 24, 2023





No seriously, don't drive up

to Tahoe this weekend

The Los Gatos Library. A planning commissioner in Los Gatos was censured by the town council for writing an email to a state agency that included what some say is racist language toward white people. SFGATE via Google

Town council members in the <u>Bay Area town of Los Gatos</u> censured one of its planning commissioners last week for writing an email that included what some say is racist language toward white people.

Now, more than a week later, the commissioner — Kylie Clark — is still dealing with the fallout of the town council's public rebuke.

"I don't feel safe going to some of the meetings that I used to because a lot of the commun at me are in them, so that's been something that's kind of changed about my life since the SFGATE. ×

In November, Clark wrote an email to the state Department of Housing and Community Development expressing concern over a referendum that was filed by a community group last summer, which opposes the construction of new housing units in the coming years.

"The referendum was fully paid for and passed by a few rich white anti-housing men in our town," Clark, who is white, wrote in her email.

The email became public in January, when the state Department of Housing and Community Development, as required, released every communication it had received about the Los Gatos housing plan between April 21 and Nov. 18 of last year. Clark, who identified herself as a Los Gatos planning commissioner in her email but said she was writing as a "concerned citizen," said she was not aware that her email would eventually be made public. Regardless, its release sparked a weekslong controversy that culminated with her censure by the town council during a special meeting Feb. 15.

At that meeting, members of the town council revealed that an "evaluation committee" comprising the mayor, vice mayor, town manager and town attorney had been formed to discuss the language in Clark's email after members of the community complained. Despite accusations that Clark's words amounted to a conflict of interest and revealed biases that could impact her work on the planning commission, the committee dismissed those concerns and instead argued that her email violated a section of the town's code of conduct that deals with "divisive language" from city officials.

## BEST OF SFGATE

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 News | New report shows thousands of workers have left downtown SF

 Local | Bald eagles nesting at Bay Area golf course could lay eggs 'any day now'

 Tahoe | How much snow did Tahoe get? Enough to shut down every resort.

The evaluation committee recommended censuring Clark for her actions, and the town council met last week to discuss that recommendation with input from the community. The public comment section of the meeting was raucous. Many rose to say that Clark is racist and argued that her actions should result in her dismissal from the planning commission.

"I guess I'm one of those rich white men that she's speaking about," one resident said. "... When she says that, she offends me. She needs to be removed, not censured. If that word was replaced, 'white man' was replaced with 'Black man' or 'brown man' or 'yellow man' or any other man — if I wrote that letter — I'd be run out of town because I'd be a racist. What makes her any different? She's a racist."

Another resident claimed that Los Gatos – which, <u>according to census data</u>, is 70% white, in a state where just 35% of the population is white – is a very diverse community and that Clark's comments show racial bias

"White racists? Most of the town is multicultural, and when you call them racist, the persu said. "I am so horrifically offended. I am upset. I have been so upset for days."

Given the theme of the public comments, Clark seems correct in her assessment that it was - not her opposition to the referendum - that generated so much outrage. "I think the contentiousness of housing has something to do with it, but I honestly think it has more to do with the fact that I talked about whiteness," she said. "I don't think they had ever seen any form of an attack on whiteness before."

The five-person council ultimately decided to censure Clark in a 4-0 vote; one council member recused himself from the proceedings prior to the meeting. Mayor Maria Ristow said Clark, who was appointed to the planning commission in January of last year, will also receive "coaching" from staff about how to communicate concerns about city issues more diplomatically.

### Top Picks in Shopping

You can still overpack the smaller Monos check-in suitcase

You can see Maggie Rogers in SF for under \$100 this weekend

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In an interview with SFGATE, Ristow described the council's decision to censure Clark as "on the high end" of a spectrum for reasonable punishments but said she stood behind it. She characterized Clark's actions as "naive" but also expressed concern over how the community's reaction to Clark's email might affect the city's image.

"I don't like to see division in our community. It's OK for people to be upset about different sides of an issue, and then we need to come together and agree that we have to come up with solutions. But then to start characterizing people — and I feel like the reverse has happened. She has just been pilloried," Ristow said. "I think she made a huge lapse in judgment. It doesn't look great for Los Gatos, but it also doesn't look great for our community that people are so angry and want her dismissed."

Ristow, too, voiced frustration about the referendum — the community group that filed the appeal claims the town's housing plan would require 12,000 new housing units to be built, while Ristow said the figure would realistically be fewer than 3,000 but wondered how the controversy and the resulting censure would affect Clark going forward. Clark, who works at a local nonprofit, said she's received support from members of her professional community but has experienced in-person harassment and received some vaguely threatening messages from the public.

"Somebody called the planning department and left a voicemail saying, 'I want to talk to Kylie Clark; I have some things to tell her,' and they forwarded me an email asking to call her back, and I was like, 'Hey I'd rather you not expect me to call people who seem mad at me with my personal number," she said. "People are more than welcome to have my email and to write anything, and I'm happy to have a civil exchange, but I'm having a lot of unproductive conversations with people who don't care what I have to say and just want to scold me."

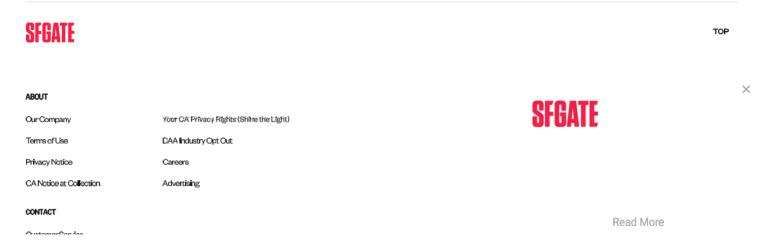
The push to develop more housing in Los Gatos is the result of a state mandate that <u>impos</u> individual cities. <u>Fierce public debates</u> about where the new units will be built have becom municipalities as city officials <u>struggle</u> to come into compliance. Clark said she regrets the specific language she used in the email but stands behind the point she was trying to make. She said the experience has taught her to be more careful going forward, but she also said it's left her feeling slightly empowered when it comes to tackling the complicated housing issues in Los Gatos.

"The town has put its stake in the ground and shown where it is on these issues, and that is something that was put out there for everybody to see," she said. "So, I think it's clear that there's a lot of work to do, and I know a lot of people who want to do that work. It seems like a lot of people took their time to come to that meeting, even if they were coming to speak against me, so I think there are a lot of people who are going to be putting a lot of time into this."

#### Written By Alec Regimbal

#### Reach Alec on

Alec Regimbal is a politics reporter at SFGATE. He graduated from Western Washington University with a bachelor's degree in journalism. A Washington State native, Alec previously wrote for the Yakima Herald-Republic and Seattle Post-Intelligencer. He also spent two years as a political aide in the Washington State Legislature.



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/ Council Mtg-Agenda Item15
n 3, 2023 6:34:04 PM
<u>mmary.pdf</u>
ł

Dear City Clerk,

Please also include the attached PDF as part of the 3-7-2023 City Council Written Communications for Item 15. We are forced to speak on this during Oral Communications yet if we're lucky Council might hear it under Agenda Item 15. So, I'd like it listed under both items.

Thank you, Peggy Griffin City of Cupertino and Cupertino Chamber of Commerce:

**Recent City Practices** 

## Overview

- 501(c)(6) for the benefit of *their members*, not the public in general
- City has over 2,400 licensed businesses, Chamber members represent a small fraction and include Apple, Recology, Rotary, Sand Hill Property, and others
- Lobbies City Council on behalf of their members
- Has Contributed hundreds of thousands of \$\$\$ to Campaign for Council Members largely with Developer Money
- City Staff has given away decades of Free Facility Use
- City Staff has given away decades of Free Funding with no Contracts
- 4 seats on Former Economic Development Committee with no other Business Community Members granted seats
- Liability Waivers for Chamber to use facility signed off on by the former Economic Development Manager (not the Chamber using the facility)
- Allowing candidates to campaign at festivals against City policy & when City waived fees
- City gave \$65k to Chamber to build themselves a website

# 501(c)(6): Non-profit *Membership* Organization

- 501(c)(3) Serves the *Public*
- 501(c)(6) Serves *their Members*
- Who are some of their biggest Members?
  - Apple (small business?)
  - Sand Hill Property Company Vallco, Main Street
  - Recology City Contracts with
  - De Anza College
  - Rotary City has waived fees for facility use
  - San Jose Water City Contracts with
- The City of Cupertino has over 2,400 licensed businesses, more than 2,000 are *not* members of the Chamber

## Lobbying and Campaigning

- Chamber writes Council on bills to take a position on
- Chamber has endorsed candidates
- Chamber has utilized a Political Action Committee to contribute to campaigns, in 2016 "94% of their PAC funding came from Sand Hill Property Company" – San Jose Spotlight
- Chamber contributed \$120,000 to support Hung Wei's campaign in 2018.
- Chamber has accepted PAC contributions from San Jose Water, which has a contract with the City

# City Gives Chamber Decades of Free Facility Use

- City has inequitably given free use of Memorial Park with staff and sheriffs for various of their fundraising festivals such as Holi and Diwali at approximately \$13,000 each
- City has inequitably given free use of Community Hall with staff and video support. Former Economic Development Manager would sign the Liability Waivers off for the Chamber.

# City Pays Chamber on Invoices with no Contract

- City pays Chamber \$16,000/year with no contract and just a guess for what the money has been for
- City paid the Chamber \$65,000 for them to make a website. The Chamber had the website logo Trademarked by JR Fruen and registered to them.

## Former Economic Development Committee

- Previous seats held by
  - 4 Chamber of Commerce Members
  - 4 City Staff Members
  - 2 City Council Members
  - 1 Planning Commissioner
- Chamber and Staff outnumbered City Council
- Only Chamber business members were on the Committee
  - There are about 2,000 non-Chamber businesses

## ssues

- Chamber members have enjoyed hundreds of thousands of dollars of City funds and benefits for decades
- City Staff has paid on invoices from the Chamber with no contracts
- Staff decides to waive festival fees for Chamber and others with no Council involvement, financial cap, or report on equity. Chamber festivals are fundraisers, Diwali, for example, nets over \$70k, the City waives the fees.
- City Staff had been signing off on the Liability Waiver for Chamber to use Community Hall
- Chamber is a membership organization with limited reach to the wider business community
- Chamber supports their members who include companies the City contracts with (water, garbage), developers (Sand Hill, Tersini), and very large businesses (Apple)
- When the *City Staff* gifts the Chamber, they are funding them to lobby the City Council, and influence City decisions for the benefit of *their members*

From:	Janny Choy
То:	<u>City Clerk</u>
Subject:	for the written record - March 7, 2023
Date:	Tuesday, March 7, 2023 7:25:45 PM

Mayor Wei and Councilmembers:

Thank you so much for all of your work in support of nature. When we save natureincluding the native plants, animals, and small organisms that are its components- we are really saving ourselves.

I understand that the Council has directed staff to refine the tree canopy list to include California native trees. I am really pleased to hear that, because we desperately need to make changes in our urban environment to create habitat wherever we can. The City of Cupertino has an urban tree canopy of 23%, which means there's a lot of opportunity to help ameliorate climate change by planting trees - not just any trees - but native trees that check all the boxes of carbon sequestration, air quality improvements, noise abatement, shade, AND crucial habitat for all the insects and birds that evolved in tandem. California is one of the great biodiversity hotspots in the world, and as such, we are blessed with many native trees species big and small that are suitable as street trees that can be added to the tree list - from our own local valley, coast live, and blue oaks on the bigger end to the smaller western redbud and mountain mahogany. According to the historical ecology of the South Bay done by the San Francisco Estuary Institute, the area that is now Cupertino was oak woodland, oak savanna, and chaparral.

Today, almost half of the City of Cupertino- about 48% - is covered by impervious surfaces. Let's think about how we can bring more nature back into the remaining half. With Cupertino at the heart of Silicon Valley, with all the technological marvels we've created, I am positive that we can apply some of that creativity and ingenuity towards creating an urban environment that better integrates with nature. Let's prioritize the little guys that run the world, to paraphrase entomologist Doug Tallamy. Professor Tallamy's research shows the importance of caterpillars and insects, and the native plants they've evolved with, as the basis of our entire ecosystem.

I also want to say that night lighting can be very disorienting and detrimental to our nocturnal insects and birds. Street lights and other urban lightings should be kept to what is essential, brightness should be appropriate the need, and lights should be pointed downwards, with rims on lighting fixtures to prevent lights spiling over a large area.

Thank you again for all the work you are doing for nature on behalf of all of us.

From:	Connie Cunningham
То:	<u>City Clerk;</u> <u>City Council</u>
Subject:	Fwd: 23-3-7 Oral Communications; Council Procedures Manual
Date:	Tuesday, March 7, 2023 7:07:51 PM

Please add this to Written Communications . Connie

From Connie's iPhone

Begin forwarded message:

From: Connie Cunningham <cunninghamconniel@gmail.com> Date: March 7, 2023 at 3:19:58 PM PST To: Cunningham Connie <CunninghamConnieL@gmail.com> Subject: 23-3-7 Oral Communications; Council Procedures Manual

23-3-7 Oral Communications; Council Procedures Manual

Good evening Mayor Wei, Vice-Mayor Mohan, and Councilmembers:

Councilmember Chao and Councilmember Moore are not following the Council Procedures Manual. Their actions at Council on February 21, showed intention to stall discussions of City business, to the detriment of residents.

Point One: Paragraph 8.8.3 of the Manual states that there will be five minutes of discussion. If necessary, the Mayor MAY allow additional time. The correct framing is that the speaker is being allowed EXTRA time.

Councilmember Moore has framed the Mayor's decision as "cutting off discussion". Not accurate. Discussion is properly over after five minutes. It is at the discretion of the Mayor to allow EXTRA time.

Point Two: The Manual requires that pulled routine Consent Items be discussed after other non-routine Agenda Items. This allows staff, Council, applicants, and residents, to hear the scheduled non-routine Agenda Items at the expected time.

Because they are routine, Consent Items are expected to be voted on as a group without discussion. All questions can be handled by Staff prior to the meeting. Councilmembers Chao and Moore pull Consent Items regularly. They discuss each one at length. After discussion, they often use "friendly amendments" and "substitute motions" to continue discussion. Both techniques add time and stall decisions. On Feb 21, Consent Items 5 & 6 were pulled.

Consent Item (5) about a new Bench Donation policy was discussed in detail. Councilmembers Chao and Moore each put in, either a "friendly amendment," or a "substitute motion," to this policy. Both techniques failed to add substance, in addition to adding nearly an hour to this discussion.

Since only 2 benches have ever been donated previously this is not a major issue. The applicant had been waiting since last June for a decision. This Council meeting had to be extended two times due to these delaying actions.

As Mayor Wei stated so well, our excellent Staff is capable of creating such a policy without long discussion or suggestions from the dais.

Pulled Consent Item (6) about missing data on a monthly report was easily explained. The reason for pulling it was clearly to point out a mistake and disrespect Staff. Councilmembers Chao and Moore showed us again what was meant by the Grand Jury report about some Councilmembers disrespecting Staff, causing a hostile work environment.

Since City Council agendas have many non-routine matters to consider, this poor use of time is disrespectful of everyone involved, including residents.

Councilmembers Chao and Moore are both well-educated. They read the items ahead of time. All the answers are included in the Written Communications. Residents of Cupertino can see and hear what this is about.

Micromanagement and unwillingness to accept Staff answers even though other Councilmembers have. Stalling and Disrespect

Thank you, City Council, for reforming the Council Procedures Manual to place pulled Consent Items after the noticed Agenda items.

Thank you for this time to speak.

Connie

Excerpt from Council Procedures Manual

8.8.3 Council Questions and Deliberations. Councilmembers may obtain the floor by seeking recognition from the Mayor. Following presentations to Council on an agenda item, Councilmembers shall each be given <u>five minutes</u> to ask questions of any presenter. The Mayor may allow additional time for questions where appropriate. Following public comment, the Mayor may request that a motion be made and seconded. After the motion has been stated to the Council and seconded, any member of the Council has a right to discuss the motion after obtaining the floor. A member who has been recognized shall <u>limit their time to five minutes</u>. The <u>Mayor may allow</u> additional time for deliberations where appropriate. This rule shall displace any conflicting rule in the City's adopted rules of procedure.

See also 8.8.4, 8.8.5 Civility, and 8.8.6 Role of the Mayor.

\*\*\*end of email\*\*\*

From:	Jamie Katayama
То:	Hung Wei
Cc:	Sheila Mohan; J.R. Fruen; Liang Chao; Kitty Moore; City Clerk; City Council
Subject:	Re: No Illuminated Public Storage Signs facing the Freeway
Date:	Tuesday, March 7, 2023 6:46:28 PM

## Dear Madam Mayor,

It was so nice to chat with you this morning. Thank you for listening to my concerns.

Let me recap and reiterate it.

The building lights from Public Storage are very bright in the living room windows of my condo unit and they are disrupting a peaceful and quiet living. I attach the photo herewith. Even a small flood light from Cupertino Storage from two stories down is frankly annoying. If the illuminated signs are approved, I'm sure other businesses, including Cupertino Storage, want to follow and build more illuminations; and our neighborhood will be full of lights. I believe you would agree that the residents' quality of living matters. I sincerely hope the illuminated sign request won't be approved.

Please advise me anything further if you would need from my end. I am happy to accommodate them to keep the living space comfortable.

Thank you for your attention to my and all the neighbors' concerns.

Jamie Katayama, (408) 598-7184



On Wed, Feb 15, 2023 at 9:32 PM Jamie Kata <<u>chiemi.katayama@gmail.com</u>> wrote: Hello again,

Please find the attached photo. I thought it was a good idea how the new building looks from the windows. It's flashy as it stands, not very harmonious in our residential area. I hope this would take to the better decisions.

Jamie

Sent from my iPhone

> On Feb 14, 2023, at 8:29 PM, Jamie Katayama <<u>chiemi.katayama@gmail.com</u>> wrote:

> > Dear City Council,

> DC

>

> Please do not allow Public Storage to have illuminated signage facing the freeway until 11pm daily. This signage would be visible from my property. It will surely disrupt the quality of life.

> The proposed lighted sign is 165 square feet on an orange background measuring over 800 square feet. In October, the Planning Commission denied any signage facing the freeway per CMC 19.104; in February, the City Council ignored their decision.

> As a compromise, I am respectfully requesting that the signage have no illumination. The sign does not help prospective customers to find the building and is big enough for advertising the business during daylight hours.

>

> Best regards,

>

> Jamie Katayama

> (408) 598-7184

From:	rennberg@earthlink.net
То:	Hung Wei; Sheila Mohan; J.R. Fruen; Liang Chao; Kitty Moore; City Clerk; City Council
Cc:	rennberg@earthlink.net
Subject:	Please rescind approval for Public Storage"s illuminated sign
Date:	Tuesday, March 7, 2023 4:26:35 PM

### Dear City Council:

We are deeply disappointed and troubled that the City Council has allowed Public Storage to install very large illuminated signage, that will face the 280 freeway and our condo at the De Anza Forge. We implore you to please rescind the approval, since the huge bright sign will be detrimental for the residents and homeowners of the De Anza Forge community.

The bright and disturbing indoor lights of the Public Storage buildings, which are left on 24/7, are already really disruptive for the De Anza Forge residents. However, adding huge illuminated lettering, spelling out "Public Storage", would only further increase the buildings brightness and make it an even bigger visual eyesore. Public storage doesn't care about what their impact is on the neighborhood or community, they only care about making money. Nor can they be trusted to follow Cupertino Sign Ordinances, which require them to turn off their illuminated signs at 11pm. Public Storage currently has an east-facing sign, which is illuminated all night long and shines directly into the windows of the adjacent condos. We fear this same scenario will occur with the newly approve sign. The illuminated sign shouldn't have been allowed, nor should Public Storage's bright indoor lights be allowed to be left on all night long.

When the newly approved sign is erected, it will further increase the amount of light pollution the De Anza Forge residents will be subjected to, coming inside our homes. Not to mention, it will make our homes less desirable and decrease our property values, if we were to rent or sell it in the future. The light emanating from the Public Storage buildings and sign are not a nightlight we want in our homes.

Unfortunately, the two newly-built, 4-story Public Storage buildings are now the first thing you see when you look out of our bedroom and living-room widows, since they are now at eye level with our condo. We bought our condo in 1985, even before the Cupertino Hotel (formerly Cupertino Inn) was built, when our condo still had the beautiful unobstructed views of the mountains and there was a lot more greenery. I think around that time, the one-story Public Storage facility was originally built, as well. In fact, in all the 40 years that it's been at that location, Public Storage has never had a sign facing the freeway to advertise its location, much less needed one that was illuminated. We don't think it should have been necessary for them to have one now. Plus, due to the large size of both buildings and their trademark burnt orange and grey color, they are very hard to be missed from the freeway and have easy brand recognition from the building's color scheme. The buildings are the sign. (A sign that sticks out like a sore thumb.)

The problem is, we have put the wants of a corporation over the wellbeing of the Cupertino residents. We fear, we are also setting a dangerous precedent for future businesses to erect similar, very large illuminated signs, at the expense of the community. Once completed, Vallco will surely be the next location, where businesses will be requesting freeway-visible sign approval from the City Council. Let's leave the bright lights and lit signs for Las Vegas and not Cupertino. The only entity benefiting from the approved illuminated signage is Public Storage; not OUR overall community. We respectfully implore you to please rescind the approval of Public Storage's illuminated sign.

Sincerely,

Rolf and Karin Meyer

20271 Reinell Place

Cupertino, CA 9504

Owners of: 20696 Celeste Circle Cupertino, CA 95014

From:	Rhoda Fry
To:	Kirsten Squarcia; City Clerk
Subject:	FOR CUPERTINO CITY COUNCIL ORAL COMMUNICATIONS 3/7/2023
Date:	Tuesday, March 7, 2023 4:00:11 PM
Attachments:	Presentation1.pptx

Hi Kirsten,

FOR CUPERTINO CITY COUNCIL ORAL COMMUNICATIONS 3/7/2023

Thank You!

Rhoda

## "The Sign Ordinance provides the regulations that the City has adopted to ensure that signage does not impinge upon the aesthetics of the city and does not inconvenience the public"

https://www.cupertino.org/our-city/departments/community-development/planning/non-residential-mixed-use-development/sign-information

Public Storage already has a FREEWAY-FACING sign and it is a Public Nuisance The lights are on ALL NIGHT LONG and shining into resident's homes next door (Light on sign appears brighter than the building)









Aerial View – off of the picture is De Anza. Next to the "P" are adjacent condos

Daytime Highway View Lights and Sign are off



Nightime Highway View Existing sign is prominent Interior lighting facing condos are prominent What the People Across the Freeway See at Night upper stories illuminated







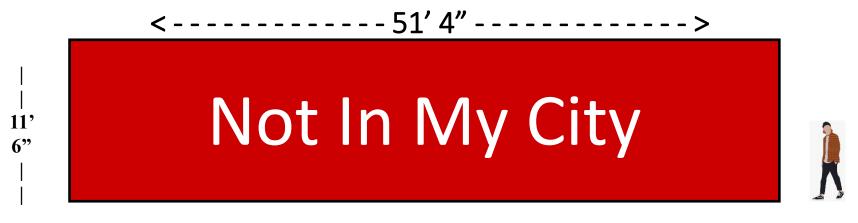
But here is the very modest directional sign on Valley Green and the back of the building during the day and at night







Now they want an even BIGGER sign facing Highway 280! 4'6" tall letters until 11PM (the other is on all night long – not okay)



Person is about 6' tall

## Let's Fix this!

Turn off the lights on the side of the building adjacent to the condos. It is good enough for someone looking for the building

Turn off the lights inside of the building so that residents are not bothered at night

No not allow a big new freeway facing sign

If you allow a freeway-facing sign - - - then everyone will want one! We don't want Cupertino to look like Las Vegas.



## In 2006, the Planning Department recommended against a replacement that would have been 3X the original size (the new building is 4X larger!).

Staff was concerned that a new 3-story tall building would be prominently visible from Interstate 280. "The proposed ministorage facility is a non-office use that does not promote these General Plan policies for maintaining cohesive office parks and, therefore, staff believes that the project, which will significantly intensify the use of the site as a mini-storage facility by almost tripping the amount of existing mini-storage building area, will conflict with these policies."

## ... the applicant has not met the burden of proof required to support said application; and has not satisfied the following requirements:

1) The proposed use, at the proposed location, will not be detrimental or injurious to property or improvements in the vicinity, and will not be detrimental to the public health, safety, general welfare, or convenience;

2) The proposed use will be located and conducted in a manner in accord with the Cupertino Comprehensive General Plan and the purpose of this title; and

3) The proposed development is consistent with the North De Anza Boulevard Special Center area.

	Original	2006	2019
Square Feet	53,890	155,253	263,671
Stories	1	3	4
Parking		80	32
Units		1168	2600
Tree Removal		0	17 Protected Trees

## What Now? City Must Keep the 2019 Promise Resolution No. 19- 072

### Minimize Impact of Lighting

"Lighting for the development has been reviewed and design to minimize impacts to adjacent developments by preventing spillover light to adjacent properties."

### Advertising Signs in Harmony with Neighborhood

The number, location, color, size, height, lighting and landscaping of outdoor advertising signs and structures shall minimize traffic hazards and shall positively affect the general appearance of the neighborhood and harmonize with adjacent development

### Protect Residents from Light and Visually Intrusive Effects

With respect to new projects within existing residential: neighborhoods, new development should be designed to protect residents from noise, traffic, light and visually intrusive effects . . .

### • Improve Look of Building Facing Adjacent Condos

EAST ELEVATION The applicant shall work with the City to neutralize the building color and materials along the eastern elevation, and shall modify the vegetation, as necessary, to improve the aesthetics of the project. The modification shall be reviewed and approved by the Director of Community Development prior to the issuance of building permits. Adding Insult to Injury – no reason to have lights on the building on the upper stories annoying residents across freeway

Applicant's Desires are at odds with Community's Needs

We don't want to turn 280 into Las Vegas

If you approve this, then you will have a hard time rejecting other freeway signs

What makes Public Storage different? Faces Residents Non-Conforming Use – needs to look like an office

The sign parallel to the freeway is not needed to find the business

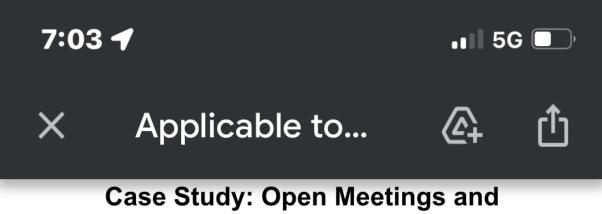
Take a Tour and See for Yourself

WE CAN FIX THIS!!! : )

From:	Tessa Parish
То:	City Clerk; City Attorney''s Office; Cupertino City Manager''s Office; City Council
Subject:	Electronics during City Council Meetings?
Date:	Tuesday, March 7, 2023 7:56:09 PM
Attachments:	IMG-6922.PNG

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I'm not saying that this is happening but I have heard some public say it appears comments are being exchanged during the City Council meeting. Please remember it could a Brown Act Violation if there is a chain message or 3 members on the same topic. This is from the Ethics course 1234 Local.



## Electronic Devices

During a recent board of supervisors meeting, members of the board were seen typing furiously on their tablets and smart phones. At one point three members of the five member board were observed lifting their heads, looking at each other, and nodding knowingly.

If the three members were sending text messages among themselves during the meeting, would they be violating the law? If the three members were receiving messages from a permit applicant in the audience, would they be violating the law?

When a morum of a hody (three in the case

νποπ α γανιαπι σι α υναγ (απος πι αις σαος of a five-member body) participates in communications through an intermediary or technological device, they are participating in a meeting. If that meeting is not properly noticed and accessible to the public, it is in violation of the law. In this example, three members of the board are conducting a textmessage conversation about an item on the meeting agenda in a way that does not involve traditional forms of spoken communications that the public can hear and observe. As such, we think a court would likely conclude the board members are violating both the letter and the spirit of the open meetings laws.

What if a permit applicant was communicating simultaneously with the supervisors? The law regarding third-party contacts with elected officials is quite technical and esoteric, but such a situation is questionable at best.

In any event, secret text-message conversations in the course of an open, noticed, public meeting are incomsistent with USPTO TTABVUE. Trademark Trial and Appeal Board Inquiry System

United States Patent and Trademark Office

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### TTABVUE. Trademark Trial and Appeal Board Inquiry System



v2.3.0

### Opposition

Number: 91269608

Status: Pending

Filing Date: 05/29/2021 Status Date: 05/11/2022

General Contact Number: 571-272-8500 Interlocutory Attorney: <u>YONG OH (RICHARD) KIM</u> Paralegal Name: CHAUNTE T AUSTIN

Defendant Serial/Reg. No. also in pending case(s): 91269607

Defendant

Name: <u>Nikolai Fedak</u> Correspondence: <u>WILLIAM E O OBRIEN</u> OBRIEN GLOBAL LAW 2 CONNECTOR ROAD, SUITE 200 WESTBOROUGH, MA 01581 UNITED STATES william@masstechlawyer.com, vk989@viktorknapp.com Phone: 781-956-5363

Serial #: 88805531

Application File

Assignment

**Due Date** 

Application Status: Opposition Pending Mark: YIMBY

Plaintiff

Name: <u>YIMBY Action</u> Correspondence: <u>JOSEPH RYAN FRUEN</u> MARKS MATTER - SP 6445 BOLLINGER RD CUPERTINO, CA 95014 UNITED STATES jrfruen@marksmatter.com, jrfruen@gmail.com Phone: 408-828-2859

#### **Prosecution History**

#	Date	History Text
<u>17</u>	05/11/2022	PROCEEDINGS RESUMED
<u>16</u>	03/24/2022	P RESP TO BD ORDER/INQUIRY
<u>15</u>	03/04/2022	SUSPENDED
<u>14</u>	12/27/2021	SUSP PEND DISP OF OUTSTNDNG MOT
<u>13</u>	12/15/2021	D MOT TO STRIKE #11
<u>12</u>	12/09/2021	P MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS
<u>11</u>	12/07/2021	P MOT FOR EXT W/O CONSENT
<u>10</u>	10/08/2021	SUSPENDED
<u>9</u>	10/08/2021	P MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS
<u>8</u>	08/05/2021	SUSPENDED
Ζ	08/05/2021	P MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS
<u>6</u>	07/06/2021	ANSWER

5 07/06/2021 <u>D APPEARANCE / POWER OF ATTORNEY</u>

https://ttabvue.uspto.gov/ttabvue/v?pno=91269608

3/7/23, 10:26 AM

USPTO TTABVUE. Trademark Trial and Appeal Board Inquiry System

Pr	osecution His	tory	
*#	Date	History Text	Due Date
<u>4</u>	07/06/2021	D CHANGE OF CORRESP ADDRESS	
3	05/30/2021	INSTITUTED	
<u>2</u>	05/30/2021	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	07/09/2021
1	05/29/2021	FILED AND FEE	

Results as of 03/07/2023 01:24 PM

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UNITED STATES PATENT AND TRADEMARK OFFICE Trademark Trial and Appeal Board P.O. Box 1451 Alexandria, VA 22313-1451 General Contact Number: 571-272-8500 General Email: TTABInfo@uspto.gov

May 11, 2022

Opposition No. 91269608

YIMBY Action

υ.

Nikolai Fedak

Jennifer L. Elgin, Interlocutory Attorney:

On March 4, 2022, the Board requested information regarding the possible relatedness of the parties and consolidation of Opposition Nos. 91269607 and 91269608. 15 TTABVUE 4.<sup>1</sup> On March 24, 2022, the opposers filed identical responses in each proceeding. 16 TTABVUE.

As an initial matter, the Board notes that Opposer's filings are not double spaced as required by Trademark Rule 2.126, 37 C.F.R. § 2.126, and do not include proof of service on Applicant as required by Trademark Rule 2.119(a), 37 C.F.R. § 2.119(a). *See also* TRADEMARK TRIAL AND APPEAL BOARD MANUAL OF PROCEDURE (TBMP) §§ 110.03, 113.01, and 110.02(b) (June 2021). The Board exercises its discretion to

JLE

<sup>&</sup>lt;sup>1</sup> Record citations are to TTABVUE, the Board's publicly available docket history system. See, e.g., New Era Cap Co. v. Pro Era, LLC, 2020 USPQ2d 10596, at \*2 n.1 (TTAB 2020).

Opposition No. 91269608

consider the filings,<sup>2</sup> but any future submission that is not properly formatted and does not include proof of service may be denied consideration.

It appears to the Board that the proceedings may have significant overlap in witnesses, documents, and other matters. However, given the parties' representations that their legal theories may conflict, the Board declines to consolidate the proceedings at this time.

Accordingly, proceedings are **resumed**. Trial dates are **reset** as set forth below.

E-m aut Dia la com D	11/11/0000
Expert Disclosures Due	11/11/2022
Discovery Closes	12/11/2022
Plaintiff's Pretrial Disclosures Due	1/25/2023
Plaintiff's 30-day Trial Period Ends	3/11/2023
Defendant's Pretrial Disclosures Due	3/26/2023
Defendant's 30-day Trial Period Ends	5/10/2023
Plaintiff's Rebuttal Disclosures Due	5/25/2023
Plaintiff's 15-day Rebuttal Period Ends	6/24/2023
Plaintiff's Opening Brief Due	8/23/2023
Defendant's Brief Due	9/22/2023
Plaintiff's Reply Brief Due	10/7/2023
Request for Oral Hearing (optional) Due	10/17/2023

Generally, the Federal Rules of Evidence apply to Board trials. Trial testimony is taken and introduced out of the presence of the Board during the assigned testimony periods. The parties may stipulate to a wide variety of matters, and many requirements relevant to the trial phase of Board proceedings are set forth in Trademark Rules 2.121 through 2.125. These include pretrial disclosures, matters in

<sup>&</sup>lt;sup>2</sup> A copy of the filings may be viewed on TTABVUE.

Opposition No. 91269608

evidence, the manner and timing of taking testimony, and the procedures for submitting and serving testimony and other evidence, including affidavits, declarations, deposition transcripts and stipulated evidence. Trial briefs shall be submitted in accordance with Trademark Rules 2.128(a) and (b). Oral argument at final hearing will be scheduled only upon the timely submission of a separate notice as allowed by Trademark Rule 2.129(a).

## CC 3-7-2023

## Item No. 3

## Consider approval of February 21 City Council minutes

Written Communications

From:	Peggy Griffin
То:	<u>City Council; City Clerk</u>
Subject:	2023-03-07 City Council Mtg Agenda Item 3 - DRAFT Minutes from Feb 21 2023 misleading
Date:	Sunday, March 5, 2023 5:30:55 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Please include this email as part of the 3-7-2023 City Council Meeting Written Communications for Agenda Item #3 DRAFT Minutes for Feb 21, 2023 City Council Meeting.

Dear City Council and City Clerk,

In reviewing the DRAFT Minutes for the Feb. 21, 2023 City Council meeting, the <u>description of</u> <u>Agenda Items #12 (Monthly Treasurer's Report) and #13 (Main Street Retail Square Footage) are</u> <u>misleading</u>. These 2 items were also skipped so they should also indicate that "Council did not hear this item." Just like it says for all the other items that were skipped that night. If you do not add this statement, it implies it was heard which is false.

The Council just ended the meeting without covering the remainder of the meeting from "COUNCIL REPORTS AND COMMENTS" on down to "ADJOURNMENT". The minutes need to reflect that in the minutes!

REQUEST: For Items 12 and 13, please add "Council did not hear this item." In front of the existing sentence "The information was provided to Council."

Sincerely, Peggy Griffin COUNCIL REPORTS AND COMMENTS

Council did not hear this item.

CITY MANAGER REPORT

Council did not hear this item.

ORAL COMMUNICATIONS - CONTINUED - None

INFORMATIONAL ITEMS

12. <u>Subject</u>: Consider the Monthly Treasurer's Report for December 2022 (continued from February 7)

Recommended Action: Receive the Monthly Treasurer's Report for December 2022

The information was provided to Council.

 <u>Subject</u>: Informational memorandum regarding retail square footage analysis of Main Street (continued from February 7)

Recommended Action: Receive the informational memorandum on the retail square

Page 12

City Council Minutes February 21, 2023 footage analysis and the provisions for restaurant use at the Main Street Cupertino project The information was provided to Council.

COUNCIL AND STAFF COMMENTS AND FUTURE AGENDA ITEMS

Council did not hear this item.

## CC 3-7-2023

## Item No. 4

Consider amending the Cupertino Municipal Code to repeal ERC, DRC, and EDC

Written Communications

From:	Peggy Griffin
То:	<u>City Council</u>
Cc:	<u>City Clerk</u>
Subject:	2023-03-07 City Council Mtg Agenda Item 4 - FIRST READING of committee eliminations and changes
Date:	Saturday, March 4, 2023 3:45:43 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Please include this email as part of the 3-7-2023 City Council Meeting Written Communications for Agenda Item 4 on CONSENT CALENDAR.

Dear City Council,

When reading the agenda for the upcoming City Council Meeting, it was not clear to me that Agenda Item #4 was a SECOND READING. Nothing in the description of this agenda item specified that it was a SECOND READING.

4. <u>Subject</u>: Consider amending the Cupertino Municipal Code to repeal Chapters 2.84 (Environmental Review Committee), 2.90 (Design Review Committee), and 2.96 (Economic Development Committee); to adopt Chapter 17.02 (California Environmental Quality Act), regarding local environmental review procedures; and to amend Chapters 2.32, 2.88, 9.20, 19.08, 19.12, 19.28, 19.104, and 19.124, regarding the duties of the Planning Commission, Audit Committee, and Local Assessment Committee

<u>Recommended Action</u>: Adopt Ordinance No. 23-2247 repealing Municipal Code Chapters 2.84, 2.90, and 2.96, adopting Municipal Code Chapter 17.02, and amending Municipal Code Chapters 2.32, 2.88, 9.20, 19.08, 19.12, 19.28, 19.104, and 19.124, the title of which is as follows: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CUPERTINO TO REPEAL MUNICIPAL CODE CHAPTERS 2.84, 2.90, AND 2.96; TO ADOPT MUNICIPAL CODE CHAPTER 17.02; AND TO AMEND MUNICIPAL CODE CHAPTERS 2.32, 2.88, 9.20, 19.08, 19.12, 19.28, 19.104, AND 19.124, REGARDING CITY COMMISSIONS AND COMMITTEES

Staff Report

A - Draft Ordinance (Commissions and Committees) Redlined

B - Draft Ordinance (Commissions and Committees) Clean

SUGGESTION: In the future, please indicate FIRST and SECOND readings of ordinances in their agenda item description.

For people who attend meetings sporadically, this is very important and will save time and reduce frustrations. Also, since just about anything has appeared under the Consent Calendar recently, it can't be assumed that just because an item is under Consent that it is actually a second reading. Thank you.

Sincerely,

Peggy Griffin

From:	<u>Jenny Griffin</u>
То:	City Clerk
Cc:	grenna5000@yahoo.com
Subject:	Fwd: City Council Agenda Issues
Date:	Saturday, March 4, 2023 3:44:12 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

FYI. Please add to the Public Record for the City Council Agenda on March 7, 2023, Especially per items (currently 11) concerning the removal of Mr. Wang from the Planning Commission, Item Number 4 on Consent Calendar concerning dissolving the ERC, the DRC, the LRC and the Audit Committees, Item 10 on the Consent Calendar About the Housing Element Consultants and Item Number 15 about the Chamber of Commerce.

Thank you very much.

------ Original Message -----Subject: City Council Agenda Issues
From: Jenny Griffin <grenna5000@yahoo.com>
Sent: Saturday, March 4, 2023, 3:36 PM
To: citycouncil@cupertino.org
CC: grenna5000@yahoo.com

Dear City Council:

The Cupertino City Council Agenda for March 7, 2023 is unprofessional and confusing.

The item (now 11) attempting to remove Mr. Wang from his Planning Commission seat is extremely

unprofessional in every sense of the word. This is bordering on a creating a circus scandal in the City

Council Chambers. This item should be removed from the agenda.

Why is Number 4 on the Consent Calendar again? This item is attempting to dissolve the ERC, the DRC,

The LRC and the Audit Committee. No one from the public can pull the item to discuss it So why is it back on the Consent Calendar? To just show the public they can't speak on anything

Anymore and every commission t hat we had in the city has been dissolved?

Again, why is Item 10 under the Consent Calendar? No one from the public can talk about the Housing Element or the Consultants? So the public spent a great deal of their time and effort Participating in the supposed public meetings from the Housing Elements. We did our time. We

Did our duty. We sat through through meeting after meeting as dictated by the Housing Element agenda. We apparently wasted our time as we are apparently not going to be allowed To speak on the Housing Element now. This item needs to be pulled to allow the public to Speak or I guess we wasted our entire spring, summer and fall and winter of 2022 attending to The tirades of the RHNA and the never ending rules from HCD over the Housing Element. The Housing Element apparently tells the public when they get to say anything about what happens

In their city.

Also, why is Item 15 under an Informational item? Doesn't the public get to ask questions on Things pertaining to such things as the Chamber of Commerce or as was listed in the last City Council Agenda under informational The request to increase restaurant space at Main Street? What ever happened to that item?

Please put the City Council Agenda back to the sensible order that it used to have and please Remove the highly embarrassing and unprofessional item (Now Number 11) accusing Mr. Wang of all manner of outrageous things and trying to remove him from his Planning Commission seat. This item is highly irregular, unorthodox and deeply disturbing to be Appearing in a City Council Agenda. Indeed, it is highly shocking.

Sincerely,

Jennifer Griffin

## CC 03-07-2023

## #5

## Accounts Payable

## Response to Councilmember Questions

Desk Item

3/7//2023 City Council Meeting Item #5 Consider ratifying Accounts Payable for the periods ending...

### Staff's responses to questions received from councilmember are shown in *italics*.

Q1: Please note that Accounts Payable reports <u>SHALL BE presented to City Council for ratification "not</u> less often than once a month". These reports continue to be late!

It's March and Staff is presenting January's Accounts Payable reports. Even the report ending Feb. 3, 2023 is late.

Q1: When will this be corrected? (Wei)

Staff response:

Q1: Per Resolution 5939, "All checks so issued shall be serially numbered and a report thereof as to date, payee, amount and purpose shall be presented to the City Council not less often than once a month for ratification." In the preceding 12 months Accounts payable have been reported monthly in all but two occasions. In March 2022 as the City transitioned after the Finance Manager resigned and reporting was delayed and December 2022, when the reports were moved from the December 20, 2022, agenda to the January 17, 2023, agenda.

In addition, at the July 19, 2022, City Council approved recommendations the by the Treasurers Report subcommittee that included to have Audit Committee review the Accounts Payable as part of the Treasurers Report before coming to City Council.

*The accounts payables included in the 3/7/2023 agenda were presented to the Audit Committee on February 27, 2023. The March 7, 2023, Council meeting is the earliest these could be brought before the City Council.* 

Lastly, staff has placeholders in future agendas thru October 2023 to ensure consistent reporting.

## CC 3-7-2023

## Item No. 5

# Consider ratifying Accounts Payable for the periods ending Jan. 6, 13, 20, 27, and Feb. 3, 2023

## Written Communications

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Please include this email in the 3-7-2023 City Council Meeting Written Communications for Agenda Item #5 Accounts Payable for the periods ending Jan. 6, 2023 through Feb. 3, 2023.

Dear City Council and City Manager,

During the Feb. 21, 2023 when Agenda Item #5 Accounts Payable for Nov. 22, 2022 was discussed (months late), the frequency of the Accounts Payable reports coming to Council was brought up to Staff. City Manager Wu insisted that these reports would adhere to the requirements specified in Resolution 5939, Section D Number 3. She repeatedly said this.

Below is a summary of City Council Resolution 5939:

Please note that Accounts Payable reports <u>SHALL BE presented to City Council for ratification "not less often than once a</u> <u>month"</u>. These reports continue to be late!

It's March and Staff is presenting January's Accounts Payable reports. Even the report ending Feb. 3, 2023 is late.

Q: When will this be corrected?

Sincerely, Peggy Griffin

## CC 03-07-2023

## #8

## SCVURPPP Amendment

## Response to Councilmember Questions

Desk Item

#### 3/7/2023 City Council Meeting Item #8 SCVURPPP Amendment

#### Staff's responses to questions received from councilmember are shown in *italics*.

Q1: If the current permit ends in 2027, why do we want to extend by one fiscal year now? (Mohan)

Staff response: The City's current MOA with SCVURPPP covers the term of the previous Municipal Regional Permit (MRP 2.0) plus one additional year, which results in the MOA expiring June 30, 2023. MRP3.0 went into effect July 1, 2022 and is anticipated to expire June 30, 2027. Staff is requesting that City Council approve an amendment to the MOA, which would extend the term of the agreement to one year beyond the expiration of MRP3.0, which would result in an anticipated end date of the MOA to June 30, 2028.

## CC 03-07-2023

#9

# Contract with Nomad Transit LLC

# Response to Councilmember Questions

Desk Item

3/7/2023 City Council Meeting Item #9 Contract with Nomad Transit LLC (Via)

#### Staff's responses to questions received from councilmember are shown in *italics*.

Q1: Will this be going out to bid? If so, when? If not, why? (Moore)

Staff response: The charging station construction work would go out to bid per the public contracting code. This will be put out to bid as soon as is feasible, but design drawings need to be prepared before that can happen.

Q2: Is there a City cost to expanding Via to Santa Clara plus 2 sites in Mtn View? (Mohan)

Staff response: There is no cost (to Cupertino) to expand into Santa Clara. Adding the Mountain View Caltrain and El Camino Hospital stops may necessitate more driver hours be allocated to the project. If more hours are needed, there would be an additional cost. Cupertino would be responsible for 25% of this additional cost (50% to TIRCP, 25% to Santa Clara, 25% to Cupertino).

Q3: I would like to know how the cost share formula is determined between Cupertino and Santa Clara? Will it be adjusted periodically based on usage data. **(Chao)** 

Staff Response: The Cost Share Formula was based on anticipated ridership. Cupertino has an established ridership which has taken a few years to grow, and Santa Clara will need to grow their program. This is why Cupertino has a higher allocation in years 1 through 3. It is anticipated that Santa Clara may have larger usage in year 4, and thus has a larger allocation then.

It should be noted that phase 1 of Santa Clara expansion includes approximately ½ of the area of the City. Phase 2 would incorporate approximately another 25% of the City so that after year 4, the expansion would include ¾ of the City area.

After year 4, contracts with both Via and Santa Clara would be renegotiated providing for an opportunity to true up usage data and therefore potential cost allocations in the future. However, the allocations indicated in the staff report are set by the terms of the TIRCP Grant and are "not to exceed" amounts. The totals between the Cities are independent of each other, meaning that Cupertino would pay only for those costs associated with Cupertino trips, and Santa Clara would pay for those trips in Santa Clara.

## CC 3-7-2023

## Item No. 9

Consider a four-year contract with Nomad Transit LLC (Via) for the Transit & Intercity Rail Capitol Program

Written Communications

From:	Peggy Griffin
To:	City Council
Cc:	<u>City Clerk</u>
Subject:	2023-03-07 City Council Mtg Agenda Item 9-Via Shuttle Expansion-EV stations out to bid?
Date:	Saturday, March 4, 2023 8:01:03 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Please include this email in the 3-7-2023 City Council Meeting Written Communications for Agenda Item 9-Extension of Via Shuttle.

Dear City Council,

I am in support of this expansion of Via and the addition stops at El Camino Hospital and the Mountain View CalTrain station.

At the bottom of Page 4 of 5 of the Staff Report (Fiscal Impact) it indicates that staff is requesting \$350,000 to pay for the installation of EV charging stations at the Cupertino Sports Center.

Q: Will this be going out to bid? If so, when? If not, why?

Sincerely, Peggy Griffin

## CC 3-7-2023

## Item No. 10

# Consider a contract with Placeworks for the remainder of Housing Element

Written Communications

From:	<u>Jenny Griffin</u>
То:	City Clerk
Cc:	grenna5000@yahoo.com
Subject:	Fwd: City Council Agenda Issues
Date:	Saturday, March 4, 2023 3:44:12 PM

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Thank you very much.

------ Original Message -----Subject: City Council Agenda Issues
From: Jenny Griffin <grenna5000@yahoo.com>
Sent: Saturday, March 4, 2023, 3:36 PM
To: citycouncil@cupertino.org
CC: grenna5000@yahoo.com

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Sincerely,

Jennifer Griffin

## CC 3-7-2023

## Item No. 11

# Removal of Planning Commissioner R Wang

Written Communications

ruen
<u>Clerk; Kirsten Squarcia</u>
la Wu; Christopher Jensen; City Council
mentary Memorandum for Written Communications, Item No. 11
day, March 7, 2023 3:57:30 PM
<u>Memo.pdf</u>

Ms. Squarcia:

Please include the attached for written communications for today's meeting at Item No. 11.

### Many thanks,

|--|

- To: City Clerk Kirsten Squarcia, City of Cupertino
- CC: City Manager Pamela Wu

City Attorney Christopher Jensen

**City Council** 

By email only

## Documentary Memorandum for Written Communications for Regular City Council Meeting of March 7, 2023, re Item No. 11

Honorable colleagues:

The purpose of this memorandum is to offer a more fulsome record for the consideration of Item No. 11 on tonight's agenda. I've undertaken to locate the following documents and sources that have been referenced at various times in public communications to the City Council with respect to the behavior and actions of Planning Commissioner R "Ray" Wang. My intention herewith is to provide context around relevant documents so that Council is well situated to make a decision. I will not be engaging in a lengthy narrative, rather cataloging the various claims made and the sources and documents that support them that are available in the public realm.

### 1. Persistent misapprehension of the role of the Planning Commission and its members

The Municipal Code defines the Planning Commission and its functions at Section 2.23.070. Various parallel provisions of the Government Code enumerate the powers of planning commissions. As such, neither individual commissioners, nor commissions as a whole have any power to direct the City Manager or the City Attorney. The Municipal Code assigns no power to Planning Commission to conduct oversight of staff activities. The Commissioner's Handbook (at pp. 2 & 9) reaffirms the advisory role that the Planning Commission performs.

- a. Despite the above, Commissioner Wang, during a Planning Commission meeting emphatically insisted that oversight of staff and consultants is part of his job on the Planning Commission. (See Video of Planning Commission Meeting of May 24, 2022, Item 1 at 35:45.) During the exchange, he repeatedly talked over the Chair and the Assistant City Attorney, ignoring the attorney's advice to remain on the agendized subject.
- b. On February 17, 2021, Commissioner Wang sent an email to then-City Manager Deb Feng claiming powers over the agenda of the Planning Commission as a basis for filing a complaint against the Assistant City Manager. (<u>See Tran Nguyen</u>,

### "Cupertino official faces calls to quit" San Jose Spotlight, March 4, 2023 (reproducing said email).)

- c. Numerous form emails submitted in relation to today's item demand that Commissioner Wang should be retained to perform oversight that is not part of the Commission's remit.
- 2. Creating exposure to litigation risk
  - a. On <u>December 14, 2021</u>, Commissioner Wang publicly excoriated Senior Planner Eric Serrano because he was dissatisfied with Mr. Serrano's performance and the Commission's inability to reject two residential projects: Employees such as Mr. Serrano, represented by a collective bargaining unit are entitled to contractually defined processes if they are to be reprimanded.
  - b. On September 13, 2022, and December 14, 2021 (among other occasions), Commissioner Wang voted against recommending the approval of legally compliant housing projects protected by the Housing Accountability Act (McClellan Road; Bateh Brothers). See Minutes of Planning Commission Meeting of September 13, 2022 at Item 4; Minutes of Planning Commission Meeting of November 23, 2021 at Item 2. As recently as last October, Commissioner Wang voted to deny a commercial sign application acting in a quasi-judicial capacity in a decision the City Attorney described from the dais as "not legally justifiable." (See Video of Cupertino City Council Meeting of February 7, 2023, part 1, at 2:07:10.)
  - c. On September 14, 2021, Commissioner Wang pressed for the city to violate AB 2345 and reject amendments to its Density Bonus Ordinance that would comply with the law.
- 3. Alleged violations of the Ethics Policy

The Ethics Policy requires the following of commissioners per Resolution 20-011; councilmembers and the public may compare these policies against the actions cited above.

- a. Per Paragraph A: City elected/appointed officials and staff comply with the laws of the nation, the State of California and the City in the performance of their public duties. These laws include, but are not limited to: the United States and California constitutions, the Cupertino Municipal Code, City ordinances and policies, and laws pertaining to conflicts of interest, election campaigns, financial disclosures, employer responsibilities and open processes of governments. The City ensures its elected/appointed officials and staff receive regular training on ethics as required by state law.
- b. Per Paragraph B: The professional and personal conduct of City elected/ appointed officials and staff should be respectful of others, recognizing that individuals can respectfully disagree with each other. City elected/appointed

officials and staff should refrain from abusive conduct, personal charges, or verbal attacks upon the character or motives of others, including members of the Council, boards and commissions, the staff, or the public.

- c. Per Paragraph C: City elected/appointed officials and staff perform their duties in accordance with various processes and rules of order established from time to time by the City Council governing the deliberation of public policy issues, conduct of quasi-judicial proceedings, meaningful involvement of the public, and implementation of policy decisions of the City Council by City staff
- d. Per Paragraph J: City elected/appointed officials and staff support the maintenance of a positive and constructive work place environment for City employees and for citizens and businesses dealing with the City. City elected/ appointed officials recognize their special role in dealings with City staff, taking care not to create any perception of inappropriate direction to staff.
- 4. Claims surrounding comportment toward the public
  - a. On or about June 22, 2019, Commissioner Wang wrote on Nextdoor to encourage locals to attend a meeting featuring a representative of the Vallco property owner discussing the project. See The Fly, "Cupertino Planning Official Faces Backlash for Calling Pro-Growth Activists 'Neoliberal Fascists'," San Jose Inside, July 3, 2019 (reproducing initial Nextdoor and Twitter posts). Said Nextdoor post was reposted on Twitter, where housing advocate Richard Mehlinger commented calling it an "unhinged rant." By way of response, Commissioner Wang menaced: "Well that's fun =) we'll have to talk to Richard's employer, DropBox. =)" Later, he expanded, "Next time you get harassed by a YIMBY track down their employer and send their HR, Legal, and CEO a letter outlining their YIMBY stance, and all their tweets, their digital and social comms to show their lack of civility. It goes a long way to getting them reprimanded and in some cases a dose of reality."
  - b. On November 12, 2019, when Commissioner Wang was challenged by a resident, again on Nextdoor, this time about his criminal history and acts in relation to then-Redwood City Planning Commissioner Rosanne Foust, he responded by threatening legal process against said resident. (See J. Bitters, "Cupertino commissioner threatens lawsuit for Nextdoor posts," San Jose Spotlight, November 15, 2019 (reproducing cease-and-desist letter).)
  - c. As recently as the last two days, Commissioner Wang similarly forwarded legal correspondence from his attorney to three specific commissioners and admonishing them to be mindful of what they say. See Email of R Wang dated March 6, 2023; Attachment 1. It's clear that at least one said commissioner regarded the comments as an attempt at intimidation. See Email of Jennifer Shearin dated March 6, 2023.; Attachment 2.
- 5. Claims surrounding prior criminal conviction

Two separate cases, one civil and one criminal involving Commissioner Wang's actions in relation to then-Redwood City Planning Commissioner Rosanne Foust. The criminal case record is attached herewith (Attachment 3) and highlighted below.

- a. Ms. Foust details her experience first-hand in a letter submitted to council with respect to today's item. Attachment 4; see also Civil Complaint, Attachment 5
- b. On September 19, 2003, the District Attorney in San Mateo County filed a criminal action against Mr. Wang for two felony counts, including one for identity theft, and one misdemeanor count under a cyberstalking statute.
- c. On the eve of trial, Mr. Wang pled no contest to the misdemeanor cyberstalking charge as part of a negotiated plea deal to avoid trial on the felony charges. A no contest plea results in a conviction as a matter of law.
- d. Mr. Wang was provided with a custodial sentence, with said jail time subsequently commuted to community service.
- e. Despite a later expungement proceeding, the criminal record remains with California Department of Justice and must be disclosed in order to access certain public benefits.
- f. Subsequent to these proceedings, Mr. Wang changed his domicile from San Mateo County to Santa Clara County and changed his name from "Ray" to the single letter "R". See Name Change Petition filed March 22, 2006; Attachment 6.

Submitted by,

Councilmember J.R. Fruen

#### J.R. Fruen

From: Sent: To: Cc: Subject: Attachments: R Wang Sunday, March 5, 2023 10:11 AM John Zhao; Connie Cunningham; Jennifer Shearin City Clerk; Kirsten Squarcia; City Council With regards to the facts 20230302\_KLB\_Cupertino\_City\_Council.pdf

I thought I'd share with you some facts from my lawyer. I wanted to make sure you have the latest information that the city councili has before you continue to speak in public or write to the council, or even become quoted in the press.

I wouldn't want you to be accused of violating any provisions of our new ethics handbook with regards to attacking another member or public without the facts.

Please feel free to ask me any questions.





#### J.R. Fruen

From:	J Shearin <shearin.jen@gmail.com></shearin.jen@gmail.com>
Sent:	Monday, March 6, 2023 10:35 AM
То:	City Council; Cupertino City Manager's Office; City Clerk
Subject:	Agenda item #11, Personal Experience regarding Commissioner R Wang

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Honored City Council Members and Mayor Wei:

I write to you regarding agenda item number 11 for the City Council meeting on March 7, 2023. I am writing today only as a resident of Cupertino and not on behalf of any other body or organization.

There are ethical and neighborly people on the sides of every issue in our city, including development and city policies. However, this agenda item is not about development or city policies, as was clear from the public comment prior to its placement on this month's Council meeting agenda. It is instead about the conduct of a commissioner toward the public and city staff.

People in our city may not always agree on issues, but we have generally been able to maintain appropriate conduct towards one another regardless of that disagreement. The Commissioner's handbook has more stringent rules than just trying to be polite. It requires:

"The professional and personal conduct of City elected/appointed officials and staff should be above reproach and avoid even the appearance of impropriety. City elected/appointed officials and staff should refrain from abusive conduct, personal charges, and verbal attacks upon the character or motives of others, including members of the Council, boards, and commission, the staff, or the public."

It does not say that these requirements can be ignored if you write afterward, "speaking for myself."

My personal experience with Commissioner R Wang has shown me that he has not and is not meeting this standard that is required of all commissioners.

Over the last few years, I have been rudely dismissed and belittled by Mr. Wang on NextDoor on several occasions and was a witness to the same behavior toward other residents. I was also threatened with a lawsuit via a direct personal message because I mentioned a publicly available Mercury News article.

Just a few days ago, I faced further intimidation as a commissioner through an email from Mr. Wang entitled, "With Regard to the Facts" with an attachment from his lawyer. It is well known that Mr. Wang is a very wealthy individual and has previously sued other individuals. It was clearly meant to intimidate me.

For those that don't consider personal testimony believable, I have screen shots of these incidents.

These conduct issues are not about *Saving Cupertino from Aggressive Development,* as the title of the email campaign in support of Mr. Wang states or anything political at all. It is rather about whether a commissioner has consistently violated the standard of conduct expected and required per our city's Ethics code.

"The ends do not justify the means" is a common phrase, and it is apt here. Regardless of whether you agree with Mr. Wang's positions on development, it is still important that his conduct in the performance of his duties be above

reproach and without any personal charges or attacks. I have now given you several instances where he has not met this standard that all commissioners are required to meet. I ask that you consider this information in your decision.

Thank you for considering my concerns, and your work on behalf of the City of Cupertino and its residents.

Sincerely,

Jennifer Shearin 19511 Howard Court, Cupertino

-----

This message is from my personal email account and I only am writing as myself, not as a representative or spokesperson for any other organization.

# **Case Information**

# SM328047A | The People of the State of California vs. RAY KUANG WANG

Case Number SM328047A Court Criminal File Date 09/19/2003 Case Type Complaint Case Status Adjudicated

# Party

Defendant WANG, RAY KUANG DOB XX/XX/XXXX

# Charge

Charges WANG, RAY KUANG

		Statut		
	Description	е	Level	Date
00	PC653M(B)-MISD-ANNOYING TELEPHONE CALL TO	653M(	Misdemea	06/26/2
1	PLACE OF WORK	B)	nor	003
00			- 1	06/26/2
2	PC529(3)-FEL-PERSONATE TO MAKE OTHER LIABLE	529(3)	Felony	003
00	PC530.5-FEL-UNAUTHORIZED USE OF PERSONAL			06/26/2
3	IDENTIFICATION	530.5	Felony	003

# **Disposition Events**

#### 01/13/2004 Plea Judicial Officer SUPERIOR COURT JUDGE, SAN MATEO COUNTY 00 PC653M(B)-MISD-ANNOYING TELEPHONE CALL TO PLACE OF No Contest / Nolo 1 WORK Contendere 10/27/2003 Plea **Judicial Officer** SUPERIOR COURT JUDGE, SAN MATEO COUNTY 002 PC529(3)-FEL-PERSONATE TO MAKE OTHER LIABLE Not Guilty 10/27/2003 Plea **Judicial Officer** SUPERIOR COURT JUDGE, SAN MATEO COUNTY 003 PC530.5-FEL-UNAUTHORIZED USE OF PERSONAL IDENTIFICATION Not Guilty 03/13/2006 Disposition 001 PC653M(B)-MISD-ANNOYING TELEPHONE CALL TO PLACE OF WORK Dismissal: 1203.4 01/13/2004 Disposition 002 PC529(3)-FEL-PERSONATE TO MAKE OTHER LIABLE **Dismissal: Negotiated Plea** 01/13/2004 Disposition 00 PC530.5-FEL-UNAUTHORIZED USE OF PERSONAL **Dismissal:** Negotiated 3 **IDENTIFICATION** Plea

# **Events and Hearings**

 09/19/2003 Conversion Event Comment FDSAW: DECLARATION UNDER PENALTY OF PERJURY IN SUPPORT OF ARREST WARRANT, FILED.

- 09/19/2003 Conversion Event Comment
   MISEN: FILE SENT TO JUDGE ELLIS
- 09/19/2003 Conversion Event Comment OTHER: TO SIGN A/W
- 09/22/2003 Conversion Event Comment
   MIRFL: FILE RETURNED TO CLERK'S OFFICE.
- 09/22/2003 Conversion Event Comment AWAWA: ARREST WARRANT ISSUED TO RC ON 09/22/2003 . BAIL SET AT \$5,000.00 . WARRANT SIGNED BY ELLIS, H. JAMES .
- 09/23/2003 Conversion Event Comment MISEN: FILE SENT TO JUDGE ELLIS
- 09/23/2003 Conversion Event

Comment OTHER: SENT MEMO TO JUDGE ELLIS REQUESTING THAT ARREST WARRANT BE RECALLED DUE TO D.A.'S ERROR IN ASKING FOR ARREST WARRANT RATHER THAN AN NTA.

- 09/25/2003 Conversion Event Comment
   MIRFL: FILE RETURNED TO CLERK'S OFFICE.
- 09/25/2003 Conversion Event

Comment OTHER: PER JUDGE ELLIS, O.K. TO RECALL ARREST WARRANT.

- 09/25/2003 Conversion Event Comment WWIRO: ARREST WARRANT ISSUED ON 09/22/2003 . RECALLED ON 09/25/2003 .
- 10/14/2003 Conversion Event Comment SHNTC: NOTICE TO APPEAR SENT TO DEFENDANT ON 10/14/2003 TO APPEAR ON 10/27/2003 AT 9:00 A.M. IN SUPERIOR COURT SOUTHERN BRANCH DEPT. AR FOR MISDEMEANOR ARRAIGNMENT.
- 10/24/2003 Conversion Event

SHRES: CASE SHIFTED FROM HEARING ON 10/27/2003 AT 9:00 A.M. IN DEPARTMENT AR OF SUPERIOR COURT SOUTHERN BRANCH TO HEARING ON 10/27/2003 AT 9:00 A.M. IN DEPARTMENT 32 OF SUPERIOR COURT SOUTHERN BRANCH .

• 10/27/2003 Conversion Event

Comment HHELD: HEARING HELD ON 10/27/03 AT 9:00 A.M. IN SUPERIOR COURT SOUTHERN BRANCH , D- 32 . HON. SUSAN GREENBERG, COURT COMMISSIONER , PRESIDING. CLERK: ROSA VEGA . REPORTER: BETTY GALIN . CLERK2: SARAI MORENO . DEPUTY D.A. FORD . DEFENSE COUNSEL PRESENT: PLISKA .

- 10/27/2003 Conversion Event Comment HHMAR: MISDEMEANOR ARRAIGNMENT
- 10/27/2003 Conversion Event Comment
   FDSPT: STIPULATION RE: JUDGE PRO TEMPORE HEARING MATTER.
- 10/27/2003 Conversion Event Comment APAFD: DEFENDANT NOT PRESENT, BUT IS REPRESENTED BY ATTORNEY PLISKA.
- 10/27/2003 Conversion Event Comment ARWVD: ARRAIGNMENT AND ADVICE OF RIGHTS WAIVED.
- 10/27/2003 Conversion Event Comment PLCEA: DEFENDANT THROUGH HIS/HER COUNSEL ENTERS A PLEA OF NOT GUILTY TO ALL COUNTS.
- 10/27/2003 Conversion Event Comment JTDEM: DEFENDANT DEMANDS TRIAL BY JURY.
- 10/27/2003 Conversion Event Comment
   WTIMJ: TIME WAIVED FOR JURY TRIAL.
- 10/27/2003 Conversion Event

SHOTA: CASE CONTINUED TO 12/30/2003 AT 8:30 A.M. IN REDWOOD CITY IN DEPT. PT FOR PRETRIAL CONFERENCE. .

- 10/27/2003 Conversion Event Comment SHOTA: CASE CONTINUED TO 01/20/2004 AT 9:00 A.M. IN REDWOOD CITY IN DEPT. JT FOR JURY TRIAL. .
- 10/27/2003 Conversion Event Comment MIENT: ENTERED BY S.MORENO ON 10/27/2003.
- 10/31/2003 Conversion Event Comment SHSET: APPEARANCE SET ON 11/05/2003 AT 9:00 A.M. IN SUPERIOR COURT SOUTHERN BRANCH DEPT. AR FOR TO SET AT REQUEST OF ATTORNEY.
- 11/04/2003 Conversion Event
  - Comment

SHRES: CASE SHIFTED FROM HEARING ON 11/05/2003 AT 9:00 A.M. IN DEPARTMENT AR OF SUPERIOR COURT SOUTHERN BRANCH TO HEARING ON 11/05/2003 AT 9:00 A.M. IN DEPARTMENT 32 OF SUPERIOR COURT SOUTHERN BRANCH .

• 11/05/2003 Conversion Event

Comment

HHELD: HEARING HELD ON 11/05/03 AT 9:00 A.M. IN SUPERIOR COURT SOUTHERN BRANCH , D- 32 . HON. SUSAN GREENBERG, COURT COMMISSIONER , PRESIDING. CLERK: ROSA VEGA . REPORTER: JENELL MULLANEL . CLERK2: MICHAEL BOLANDER . DEPUTY D.A. JOO . DEFENSE COUNSEL PRESENT: PLISKA .

- 11/05/2003 Conversion Event Comment HHTOS: TO SET
- 11/05/2003 Conversion Event Comment FDSPT: STIPULATION RE: JUDGE PRO TEMPORE HEARING MATTER.
- 11/05/2003 Conversion Event

APAFD: DEFENDANT NOT PRESENT, BUT IS REPRESENTED BY ATTORNEY PLISKA .

11/05/2003 Conversion Event
Comment
WTIMD: TIME CONTINUES TO BE

WTIMD: TIME CONTINUES TO BE WAIVED BY DEFENDANT/COUNSEL.

• 11/05/2003 Conversion Event

Comment SHOTA: CASE CONTINUED TO 01/06/2004 AT 8:30 A.M. IN REDWOOD CITY IN DEPT. PT FOR PRE-TRIAL CONFERENCE AND TO SET .

- 11/05/2003 Conversion Event Comment SHOTA: CASE CONTINUED TO 01/13/2004 AT 9:00 A.M. IN REDWOOD CITY IN DEPT. AR FOR DISPOSITION AND TO SET.
- 11/05/2003 Conversion Event Comment MIVJT: JURY TRIAL SET ON 01/20/2004 AT 9:00 A.M. ORDERED VACATED.
- 11/05/2003 Conversion Event Comment MIVOT: PRETRIAL CONFERENCE. SET ON 12/30/2003 AT 8:30 A.M. ORDERED VACATED.
- 11/05/2003 Conversion Event Comment MIENT: ENTERED BY MBOLANDER ON 11/05/2003.
- 01/05/2004 Conversion Event

Comment

SHRES: CASE SHIFTED FROM HEARING ON 01/06/2004 AT 8:30 A.M. IN DEPARTMENT PT OF SUPERIOR COURT SOUTHERN BRANCH TO HEARING ON 01/06/2004 AT 8:30 A.M. IN DEPARTMENT 29 OF SUPERIOR COURT SOUTHERN BRANCH .

• 01/06/2004 Conversion Event

Comment

HHELD: HEARING HELD ON 01/06/04 AT 8:30 A.M. IN SUPERIOR COURT SOUTHERN BRANCH , D- 29 . HON. JOSEPH N GRUBER, COURT COMMISSIONER , PRESIDING. CLERK: SARAI MORENO . REPORTER: TRACY WOOD . CLERK2: LISABETH FALLS . DEPUTY D.A. FEASEL . DEFENSE COUNSEL PRESENT: PLISKA .

- 01/06/2004 Conversion Event Comment HHPTE: PRE TRIAL CONFERENCE AND TO SET
- 01/06/2004 Conversion Event Comment
   FDSPT: STIPULATION RE: JUDGE PRO TEMPORE HEARING MATTER.
- 01/06/2004 Conversion Event
  - Comment APWAT: DEFENDANT APPEARED WITH ATTORNEY PLISKA .
- 01/06/2004 Conversion Event Comment APNAD: NEITHER ATTORNEY NOR DEFENDANT PRESENT WHEN MATTER HEARD ON THE RECORD.
- 01/06/2004 Conversion Event Comment SHPDS: PREVIOUS DATES REMAIN AS SET.
- 01/06/2004 Conversion Event Comment
   MIENT: ENTERED BY L FALLS ON 01/06/2004 .
- 01/12/2004 Conversion Event

Comment

SHRES: CASE SHIFTED FROM HEARING ON 01/13/2004 AT 9:00 A.M. IN DEPARTMENT AR OF SUPERIOR COURT SOUTHERN BRANCH TO HEARING ON 01/13/2004 AT 9:00 A.M. IN DEPARTMENT 31 OF SUPERIOR COURT SOUTHERN BRANCH .

• 01/13/2004 Conversion Event

Comment

HHELD: HEARING HELD ON 01/13/04 AT 9:00 A.M. IN SUPERIOR COURT SOUTHERN BRANCH , D- 31 . HON. CLARK LESLIE, COURT COMMISSIONER , PRESIDING. CLERK: IRMA LOPEZ-OCEGUEDA . REPORTER: RHONDA GUESS . CLERK2: LISABETH FALLS . DEPUTY D.A. FORD . DEFENSE COUNSEL PRESENT: PLISKA .

 01/13/2004 Conversion Event Comment HHDOS: DISPOSITION AND TO SET

- 01/13/2004 Conversion Event Comment FDSPT: STIPULATION RE: JUDGE PRO TEMPORE HEARING MATTER.
- 01/13/2004 Conversion Event Comment APAFD: DEFENDANT NOT PRESENT, BUT IS REPRESENTED BY ATTORNEY PLISKA .
- 01/13/2004 Conversion Event
  - Comment

PLCEF: DEFENDANT THROUGH HIS/HER COUNSEL ENTERS A PLEA OF NOLO CONTENDERE TO COUNT 1 . DEFENDANT FOUND GUILTY BY COURT.

- 01/13/2004 Conversion Event
  - Comment

FDWOR: DEFENDANT IS ADVISED OF, UNDERSTANDS, AND KNOWINGLY AND VOLUNTARILY WAIVES ALL THE FOLLOWING RIGHTS: WAIVES THE RIGHT TO COUNSEL; TO TRIAL BY JURY; TO CONFRONT AND CROSS-EXAMINE ADVERSE WITNESSES; THE PRIVILEGE AGAINST SELF-INCRIMINATION. THE COURT FINDS THAT THE DEFENDANT UNDERSTANDS THE NATURE OF THE CHARGES, THE ELEMENTS OF THE OFFENSE, THE DEFENSE THERETO, THE CONSEQUENCES OF PLEAS AND THE RANGE OF PENALTIES THERETO. WAIVER OF RIGHTS SIGNED.

• 01/13/2004 Conversion Event

Comment CDFRC: UPON MOTION OF PEOPLE ALL REMAINING COUNTS DISMISSED. REASON: NEGOTIATED PLEA.

- 01/13/2004 Conversion Event Comment WTSTB: TIME WAIVED FOR SENTENCING.
- 01/13/2004 Conversion Event Comment ARWFS: DEFENDANT WAIVES FORMAL ARRAIGNMENT FOR SENTENCING.
- 01/13/2004 Conversion Event

SESCB: COUNT 1 IMPOSITION OF SENTENCE SUSPENDED. DEFENDANT IS PLACED ON COURT PROBATION FOR 2 YEARS; 0 MONTHS; 0 DAYS.

• 01/13/2004 Conversion Event

Comment

SECJL: AS TO COUNT 1 , DEFENDANT TO SERVE 0 YEAR(S), 0 MONTH(S), 2 DAY(S), 0 HOUR(S) IN THE COUNTY JAIL.

• 01/13/2004 Conversion Event

Comment

SESEJ: DEFENDANT TO SURRENDER TO COUNTY JAIL ON 02/28/2004 AT 10:00 A.M. .

• 01/13/2004 Conversion Event

Comment

SESWP: DEFENDANT IS RECOMMENDED TO THE SHERIFF'S WORK PROGRAM.

• 01/13/2004 Conversion Event

Comment

SEPFX: TOTAL FINE AMOUNT PAYABLE, INCLUDING ALL ASSESSMENTS, IS \$1,230.00 .

- 01/13/2004 Conversion Event Comment SERET: DEFENDANT ORDERED TO PAY \$110.00 TO STATE RESTITUTION FUND. THIS PAYMENT IS A CONDITION OF PROBATION
- 01/13/2004 Conversion Event Comment SEPRC: DEFENDANT TO PAY FINE AND ASSESSMENTS THROUGH MUNICIPAL COURT CLERK'S OFFICE.
- 01/13/2004 Conversion Event
   Comment

SEOAL: OBEY ALL LAWS. FOLLOW ALL ORDERS OF THE COURT/PROBATION OFFICER AND REPORT AS DIRECTED. NOTIFY THE COURT/ PROBATION OFFICER IMMEDIATELY OF ANY CHANGE OF RESIDENCE ADDRESS.

 01/13/2004 Conversion Event Comment SENOC: DEFENDANT NOT TO CONTACT, CALL OR OTHERWISE COMMUNICATE WITH VICTIM .

- 01/13/2004 Conversion Event Comment MIATS: ATTORNEY MAY SIGN.
- 01/13/2004 Conversion Event Comment MIASE: ALL SENTENCE ELEMENTS FOR THIS PROCEEDING ENTERED.
- 01/13/2004 Conversion Event Comment
   MIENT: ENTERED BY L FALLS ON 01/13/2004 .
- 01/30/2004 Conversion Event Comment SEFCN: FINE PAID THROUGH CLERK'S OFFICE ON 01/30/2004 . RECEIPT NUMBER 41-0005 . AMOUNT PAID \$1,230.00 .
- 01/30/2004 Conversion Event Comment SEFCR: \$110.00 RESTITUTION FUND PAID THROUGH THE CLERKS OFFICE.
- 02/11/2004 Conversion Event Comment HHMOD: MODIFICATION OF SENTENCE
- 02/11/2004 Conversion Event
   Comment

SECSB: DEFENDANT ORDERED TO COMPLETE 50 HOURS OF PUBLIC SERVICE WORK ON OR BEFORE 08/11/2004 AS DIRECTED BY THE PUBLIC SERVICE REPRESENTATIVE.

- 02/11/2004 Conversion Event Comment SEPSA: SUBMIT PROOF OF COMPLETION OF PUBLIC SERVICE WORK TO THE COURT BY 08/11/2004.
- 02/11/2004 Conversion Event Comment MIENT: ENTERED BY IRMA ON 02/11/2004.
- 04/21/2004 Conversion Event
  - Comment CERTC: CERTIFIED COPY OF DOCUMENTS SENT TO DEPARTMENT OF REAL ESTATE . \$0.00 FEE PAID.
- 07/27/2004 Conversion Event

MISEN: FILE SENT TO DEPT 29

- 08/04/2004 Conversion Event Comment SHSET: APPEARANCE SET ON 08/10/2004 AT 9:00 A.M. IN SUPERIOR COURT SOUTHERN BRANCH DEPT. 29 FOR FURTHER PROCEEDINGS. AT REQUEST OF ATTY PLISKA .
- 08/10/2004 Conversion Event
  - Comment

HHELD: HEARING HELD ON 08/10/04 AT 9:00 A.M. IN SUPERIOR COURT SOUTHERN BRANCH , D- 29 . HON. JOSEPH N GRUBER, COURT COMMISSIONER , PRESIDING. CLERK: ROSA VEGA . REPORTER: TRACY WOOD . CLERK2: BIANCA NEDELCU . DEPUTY D.A. BAUM . DEFENSE COUNSEL PRESENT: PLISKA .

- 08/10/2004 Conversion Event Comment HHFUR: FURTHER PROCEEDINGS
- 08/10/2004 Conversion Event Comment FDSPT: STIPULATION RE: JUDGE PRO TEMPORE HEARING MATTER.
- 08/10/2004 Conversion Event Comment APWAT: DEFENDANT APPEARED WITH ATTORNEY PLISKA .
- 08/10/2004 Conversion Event Comment
   PROBE: PROBATION IS MODIFIED.
- 08/10/2004 Conversion Event Comment
   SEOTH: PUBLIC SHERRIF'S WORK SEEMED COMPLETED .
- 08/10/2004 Conversion Event Comment MIASE: ALL SENTENCE ELEMENTS FOR THIS PROCEEDING ENTERED.
- 08/10/2004 Conversion Event
- Comment MIENT: ENTERED BY B NEDELCU ON 08/10/2004 .
- 03/10/2006 Conversion Event Comment OTHER: EXPUNGEMENT FEE OF \$60.00 PAID. RECEIPT #41-0013

- 03/13/2006 Conversion Event Comment
   MIRFL: FILE RETURNED TO CLERK'S OFFICE.
- 03/13/2006 Conversion Event Comment FDPDC: PETITION TO DISMISS COUNT 1 PURSUANT TO SECTION 1203.4/1203.4A PENAL CODE FILED.
- 03/13/2006 Conversion Event Comment FDCOM: ORDER GRANTING AND DISMISSING COUNT 1 PURSUANT TO SECTION 1203.4/1203.4A PENAL CODE, FILED.
- 03/13/2006 Conversion Event Comment
   FDACI: AMENDED CII FORWARDED TO ARRESTING AGENCY.

March 6, 2023

Honorable Mayor Hung Wei and Members of the City Council City of Cupertino 10300 Torre Avenue Cupertino, CA 95014-3202

## Re: City Council Agenda for March 7, 2023 Item #11

Dear Honorable Mayor Wei and Members of the City Council,

I am reaching out today to share a small part of my Ray Wang story with you from over twenty years ago. We were both active in the Redwood Shores neighborhood, I was Chair of the Redwood City Planning Commission, considering a run for City Council, and employed by a European regional government agency promoting economic development.

I was always very careful with email communications and hyper vigilant about signing up for anything. One day during the early stages of my campaign for City Council I noticed emails coming across purporting that I had signed up for pornographic websites. Shocked is an understatement. I had a 3 and 8-year-old, full-time job, I was and still am very well-respected in the community and was truly appalled at what was coming through my computer screen.

After consultations with family, friends, my employer, and trusted mentors I decided to file a police report and hire an attorney. Someone had taken my identity and used it maliciously to try and defame me.

The Redwood City Police Dept. referred the case to the San Mateo County District Attorney's office who decided to pursue this as a case of online identify theft. Ray Wang was identified as the perpetrator. He was charged with three different offenses, paid all my legal fees, was rebuffed in his ask that I never publicly talk about it (this was an initial condition of his wanting to settle the case and I refused) denied he ever did it and said his personal home computer was hacked. As far as I knew after the case was settled, he moved out of the area.

Fast forward to mid-2019 when a reporter from *San Jose Spotlight* contacts me about Ray Wang, now on the Cupertino Planning Commission. I was shocked and saddened as from what I was told and the research I did following the call it appeared that Ray Wang hadn't changed at all. He just moved and was back at personal attacks and unethical behavior.

We are now in 2023 and again I am reliving how I felt when those sign-ups and images came through my computer screen. While his malicious conduct in furthering his civic

and personal aims was nearly 20 years ago against me, it was and still is morally reprehensible. And he continues to do harm to others.

I have always been very clear with my daughters about standing up for themselves. I am now taking my own advice and sharing this with you so you can decide whether his character and values are such that he should be serving now in public office.

Thank you for your service and for taking the time to read this correspondence.

Sincerely,

Fork

Rosanne Foust 204 Upland Court Redwood City, CA 94062 rosannefoust@comcast.net

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address): Peter W. Daniel (SB 179107) Hannig Law Firm LLP 2991 El Camino Real Redwood City, CA 94061	FOR COURT USE ONLY FILED SAN MATEO COUNTY MAY 2 4 2004
ATTORNEY FOR (Name): Plaintiff Roseanne S. Foust Insert name of court and name of judicial district and branch court, if any: San Mateo County Superior Court - Unlimited	Clerk of the Superior Court
PLAINTIFF/PETITIONER: Roseanne S. Foust	DEPUTY CLERK
DEFENDANT/RESPONDENT: Ray Wang and DOES 1 through 10, inclusive, REQUEST FOR DISMISSAL Personal Injury, Property Damage, or Wrongful Death	CASE NUMBER:
Motor Vehicle Other Family Law Eminent Domain Other (specify):	CIV 432736
A conformed copy will not be returned by the clerk unless a method of returned by the clerk unless a method by the clerk un	urn is provided with the document. —
<ul> <li>b. (1) X Complaint (2) Petition</li> <li>(3) Cross-complaint filed by (name):</li> <li>(4) Cross-complaint filed by (name):</li> <li>(5) Entire action of all parties and all causes of action</li> <li>(6) Other (specify):*</li> </ul>	on (date): on (date):
Date: May 24, 2004 Peter W. Daniel (SB 179107)	
* If dismissal requested is of specified parties only, of specified causes of	(SIGNATURE) without attorney for: titioner Defendant/Respondent
the parties, causes of action, or cross-complaints to be dismissed. Cross-com 2. TO THE CLERK: Consent to the above dismissal is hereby given.**	
	(SIGNATURE) without attorney for:
** If a cross-complaint - or Response (Family Law) seeking affirmative relief - is on file, the attorney for cross-complainant (respondent) must sign this consent if required by Code of Civil Procedure section 581(i) or (j).	itioner Defendant/Respondent
<ul> <li>(To be completed by clerk)</li> <li>3. Dismissal entered as requested on (date):</li> <li>4. Dismissal entered on (date):</li> <li>5. Dismissal not entered as requested for the following reasons (specify):</li> </ul>	-
<ul> <li>a. Attorney or party without attorney notified on <i>(date)</i>:</li> <li>b. Attorney or party without attorney not notified. Filing party failed to provide a copy to conform means to return conformed copy</li> </ul>	
Date: MAY 2 4 2004 PEGGY THOMPSON Clerk, by	han beputy
Form Adopted by the Judicial Council of California 982(a)(5) [Rev. January 1, 1997] Mandatory Form	Legal Solutions Cal. Rules & Court, rules 383, 1233

. ]	Ted J. Hannig (SB 111691) Hannig Law Firm LLP 2991 El Camino Real	For Court Unia Only: FILED SAN MATEO COUNTY
	Redwood City, CA 94061	FEB 2 5 2004
	Image many of court, judget desires of branch sour, if any, and Post Office and Barres Address San Mateo County Superior Court - Unlimited 400 County Center Drive	Cleck On the Supprior Court
	Redwood City, CA 94061 PLAINTIFF: Roseanne S. Foust	
5	DEFENDANT Ray Wang and DOES 1 through 10, inclusive,	
-	NOTICE AND ACKNOWLEDGMENT OF RECEIPT	
L	RAY WANG through his attorney, Edward W. Pliska	CIV 432736
	TO:	
	Code of Civil Procedure. Your failure to complete this form and return it to me w the party on whose behalf you are being served) to liability for the payment of an summons on you in any other manner permitted by law. If you are being served on behalf of a corporation, unincorporated association	ny expenses incurred in serving a
	ontity, this form must be eigned by you in the name of such entity or by a perso process on pensif of such antity. In all other osses, this form must be eigned by you p by you to approvide receipt of summons. Section 415.30 provides that this sur	n such of zed to receive service of sersonally of by a person authorized
	deemed served on the data you sign the Acknowledgment of Receipt below, if you re Hannig Law First Dated: February 4, 2004	The form to me.
	Dated: February 4, 2004	tum this form to me.
	Dated: February 4, 2004         ACKNOWLEDGMENT OF RECEIPT         This acknowledges receipt of: (To be completed by sender before mailing)         1,       A copy of the summons and of the completion (Marriage) and:         1,       A copy of the summons and of the Fettilion (Marriage) and:         Blank Confidential Counseling Statement (Marriage)         i       Order to Show Gause (Marriage)         Blank Responsive Declaration	The form to me.
C'ARDI	Dated: February 4, 2004       ACKNOWLEDGMENT OF RECEIPT         This acknowledges receipt of: (To be completed by sender before melling)         1, A copy of the summons and of the completion (Marriage) and:         Blank Confidential Counseling Statement (Marriage)         i Order to Show Cause (Marriage)	c, notice of case DR stipulation and
C. Bridi	Bannig Law Pir Deted: February 4, 2004 ACKNOWLEDGMENT OF RECEIPT This acknowledges receipt of: (To be completed by sender before melling) 1. A copy of the summons and of the completed by sender before melling) 1. A copy of the summons and of the completed by sender before melling) 1. A copy of the summons and of the completed by sender before melling) 1. A copy of the summons and of the completed by sender before melling) 1. A copy of the summons and of the completed by sender before melling) 1. A copy of the summons and of the completed by sender before melling) 2. A copy of the summons and of the completed by sender before melling) 1. A copy of the summons and of the completed by sender before melling) 2. A copy of the summons and of the completed by sender before melling) 2. A copy of the summons and of the completed (Marriage) and: 3. Blank Financial Counseling Statement (Marriage) 3. Other: (Specify) First Amended Summons and Completing 3. We calculation instructions, supplemental rules of 3. telephonic appearance information and form 3. The be completed by respired 3. Date of receipt 2. 2. 9. 0.4 3. Content 2. 9. 0.4 3. Content 2. 9. 0.4 3. Content 2. 9. 0.4 3. Content 2. 0.4 3. C	c, notice of case DR stipulation and
C. J. C. C.	Bannig Law Pirt Deted: February 4, 2004 ACKNOWLEDGMENT OF RECEIPT This acknowledges receipt of: (To be completed by sender before melling) 1. A copy of the summons and of the completent A copy of the summons and of the Pettion (Marriage) and: Blank Confidential Counseling Statement (Marriage) Order to Show Cause (Marriage) Blank Financial Declaration Blank Financial Declaration Blank Financial Declaration Conference, blank CMC statement, AL evaluation instructions, supplemental rules of talephonic appearance information and form (To be completed by respired) Date of receipt 7-19.104 Date this form is signed: 2	Aum this form to me. TH OLP (HOLP (HOLP) (
C. J. C. C.	Bannig Law Pirt Deted: February 4, 2004 ACKNOWLEDGMENT OF RECEIPT This acknowledges receipt of: (To be completed by sender before melling) 1. A copy of the summons and of the completent A copy of the summons and of the Pettion (Marriage) and: Blank Confidential Counseling Statement (Marriage) Order to Show Cause (Marriage) Blank Financial Declaration Blank Financial Declaration Blank Financial Declaration Conference, blank CMC statement, AL evaluation instructions, supplemental rules of talephonic appearance information and form (To be completed by respired) Date of receipt 7-19.104 Date this form is signed: 2	Autom this form to me. IN OUP MEDIA PROTATION of Anton CMC 6/64 421 C. notice of case CR stipulation and COURT, courtoall MANA MANA ON DEFINIT PENANT READ DEFINIT OF RAY Wang MANA ON DEFINIT OF RAY Wang MANA ON DEFINIT OF RAY Wang
North S	Bannig Law Firm Dated: February 4, 2004 ACKNOWLEDGMENT OF RECEIPT This acknowledges receipt of: (To be completed by sender before melling) 1. A copy of the summons and of the completed by sender before melling) 1. A copy of the summons and of the retuinon (Marriage) and: Blank Confidential Counseling Statement (Marriage) Order to Show Cause (Marriage) Blank Responsive Declaration Blank Financial Declaration Cuther: (Specify) First Amended Summons and Complaint management conference, blank CMC statement, AD evaluation instructions, supplemental rules of telephonic appearance information and form (Marriage of melling) Cuther: (Specify) First Amended Summons and Complaint Marriage of the summons and form Cuther: (Specify) First Amended Summons and Complaint Cuther: (Specify) First Amended Summons and Complaint Cuther: (Specify) First Amended Summons and Complaint Cuther: (Specify) First Amended Summons and form Cuthers: (Specify) First Cuthers: (Specify) First Notice And Acknowledgment of Recei Motice And Acknowledgment of Recei	Aum this form to me. THE OLF Provide Provide Provide CMC 6/64 421 C., notice of case DR stipulation and COURT, courtoall Man Man Man Man Man Man Man Man



## SUPERIOR COURT OF CALIFORNIA COUNTY OF SAN MATEO

Civil Division – Room A 400 County Center Redwood City, CA 94063-1655 Tel 650-363-4576

www.sanmateocourt.org

Case Name: FOUST VS. WANG Case Number: CIV432736 Document Title: NOTICE

Date: Monday, February 23, 2004

Dear Sir/Madam:

- (X) The enclosed document is being returned without filing for the reason(s) checked below:
- () Your documents have been received and filed, however:
- () Incorrect fee submitted; see attached Notice of Filing Fees.
- () A signed Civil Case Cover Sheet is not included.
- () Document not signed, re:
- () Document is not an original
- () Proof of service not signed.
- () Proof of service not in correct format.
- () Incorrect information: Case Number Court
- (X) Other: ORIGINAL SIGNATURES OR AN INDICATION OF "FILING BY FAX" ARE REQUIRED TO FILE THIS DOCUMENT.

Sincerely,

PEGGY THOMPSON Court Executive Officer/Clerk

By: <u>M. D. YOUNG</u>

Civil Division, Clerk's Office San Mateo County Superior Court

County

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. 、	500 100					
	1	TED J. HANNIG (SB #111691) H. ANN LIROFF (SB #113180)				
	2	PETER W. DANIÈL (SB #179107) HANNIG LAW FIRM LLP 2991 El Camino Real	FILED SAN MATEO COUNTY			
	3	Redwood City, CA 94061 Telephone: (650) 482-3040	JAN 2 8 2004			
	5	Facsimile: (650) 482-2820	Clerk ei/the Syperior Court			
	6	Attorneys for Plaintiff Rosanne S. Foust	ByDEPSON OLEAN	-		
	7					
	8	SUPERIOR COURT OF	THE STATE OF CALIFORNIA			
	9	COUNTY OF SAN MATEO		ł		
	10		Summons Issued			
	11	ROSANNE S. FOUST,	Case No. CIV-432736			
	12	Plaintiff,	FIRST AMENDED VERIFIED			
	13	VS.	COMPLAINT FOR DAMAGES FOR: (1)			
	14	RAY WANG, and DOES 1 through 10,	NUISANCE; (2) TRESPASS; (3) DEFAMATION; (4) IDENTITY THEFT;			
	15		(5) HARASSMENT AND STALKING			
	16	Defendants.				
	17					
	18	Plaintiff alleges as follows:	TO ALL CAUSES OF ACTION			
	19		TO ALL CAUSES OF ACTION of at all times material herein, was an			
	20			Ø		
	21					
	23	the times described in this complaint.	and capacities of defendants named herein			
		<ul> <li>and fictitiously sued as DOES 1 through 10, inclusive, and therefore sues them by those</li> <li>fictitious names. The names, capacities, and relationships of DOES 1 through 10,</li> </ul>				
. 78	1					
d By Lega	27					
Filed By One Lega	28		nis Complaint when the same are known to			
0		Plaintiff.				
		{FOUS:1187: PWD: H0001157.DOC.2}				
		FIRST AMENDED COMPLAINT -1-				

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Plaintiff is informed and believes and thereon alleges, that at all times material to
 this Complaint, defendants, and each of them, were the agents of their co-defendants and
 In doing the things alleged in this First Amended Complaint, were acting within the course
 and scope of that agency.

5 The events which form the basis of this lawsuit took place in San Mateo County,
6 California.

Plaintiff was the victim of identity theft when a person or persons repeatedly
 <sup>8</sup> impersonated her on the internet resulting in a barrage of unwanted e-mail messages to
 <sup>9</sup> her home computer, including explicit pornographic images. This 'cyber assault' was a
 <sup>10</sup> political smear tactic against Plaintiff, who at the time of the attacks was a member of the
 <sup>11</sup> Planning Commission and a candidate for City Council in Redwood City, California.

The harassment began on about June 26, 2003, and continued, when Plaintiff
received the first of a number of unwanted e-mail solicitations from a variety of sources on
her family home computer. The messages continued to arrive for the next few days, and
then on June 27, 2003 came the first of numerous pomographic solicitations with sexually
explicit images that were displayed on Plaintiff's computer and which were highly offensive
to Plaintiff, who is the mother of two small children.

<sup>18</sup>
8. Had either of her young children been with her at the computer they would have
<sup>19</sup> been exposed to the graphic sexual images. The text of the messages indicate that the
<sup>20</sup> senders believed that they were replying to a request or posting by Plaintiff seeking
<sup>21</sup> images and information as these messages are sent only to a person who actively
<sup>22</sup> requested such images and information. Plaintiff promptly objected to several individual
<sup>23</sup> senders of the messages and requested that such messages cease, but the messages
<sup>24</sup> continued to arrive at her computer.

Plaintiff is informed and believes and thereon alleges that that an individual or
individuals inserted Plaintiff's e-mail address on one or more web sites in order to have the
offensive images sent to her. Another of the business solicitation replies contains
Plaintiff's name, including her maiden name, and her mailing address. The perpetrator(s)

(FOUS:1187:PWD:H0001157.DOC.2) FIRST AMENDED COMPLAINT falsely used this information to impersonate plaintiff and falsely request the business
 solicitations,

10. Plaintiff is informed and believes and thereon alleges that Defendants WANG, and
DOES 1 through 10, inclusive, caused the unwanted electronic messages to be sent to
her. At least one of the pornographic confirmation requests received by PlaIntiff
contained an IP address which was later confirmed to belong to Defendant WANG's
home computer. Plaintiff also received confirmation that at least two of the other
messages originated from the computer with the same IP address.

9 11. Defendant Wang and DOES 1 through 10, inclusive, have been vociferous political
opponent(s) of Plaintiff who has vigorously campaigned against her in the past. Plaintiff is
informed and believes and thereon alleges that Defendants RAY WANG, and DOES 1
through 10 planned the cyber attack in order to place Plaintiff in a false light and damage
her reputation in the community and as a candidate in the pending City Council election,
and also to harass and annoy Plaintiff and her family.

15 12. On or about July 4, 2003, Plaintiff's computer was infected with a virus attached to
16 an e-mail. The virus attacked Plaintiff's computer and caused e-mails to be sent to
17 everyone on Plaintiff's electronic address book with the virus attached.

18 13. This virus infected and damaged Plaintiff's computer and may have consequently
19 infected and damaged computers of Plaintiff's friends and associates. Plaintiff ultimately
20 closed her e-mail address as a result of the cyber attack and the virus.

14. Because of the proximity in time of the virus attack to the cyber attack, Plaintiff is
 informed and believes and on that basis alleges that Defendants WANG, and DOES 1
 through 10 were responsible for the virus attack as well.

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15. As a direct and proximate result of the acts of Defendants WANG, and DOES 1 through 10, and each of them, Plaintiff was forced to immediately retain legal counsel to investigate the source of the attack, to take time from her business and expend costs to formulate a campaign response and to repair damage to her computer system. As a result she has incurred legal fees and costs, in an amount according to proof.

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#### FIRST CAUSE OF ACTION Nuisance

16. Plaintiff refers to and incorporates by reference as if fully set forth herein the allegations contained in paragraphs 1 through 15, inclusive.

Plaintiff is informed and believes and thereon alleges that Defendants WANG, and
DOES 1 through 10, and each of them, intentionally or negligently caused unwanted
electronic communications and pornographic images to be sent into Plaintiff's home,
which caused substantial interference with Plaintiff's private use and enjoyment of her
property in that she could no longer feel secure in her own home or allow her children to

- 11 access the computer unsupervised.
- 12 18. As a result of the conduct of Defendants, and each of them, Plaintiff has suffered
  13 general damages in an amount to be proven at trial.
- 14
  19. The acts as set forth above were oppressive, malicious, and fraudulent and done
  with a conscious disregard for the rights and safety of plaintiff. As a result, Plaintiff is
  entitled to an award of punitive and exemplary damages in an amount sufficient to punish
  and make and example of Defendants, and each of them.
- As a result of the conduct of Defendants, and each of them, Plaintiff has incurred
  and will continue to incur special damages including loss of use of property and account(s)
  in an amount that will be proven at trial.
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#### SECOND CAUSE OF ACTION Trespass

25 21. Plaintiff refers to and incorporates by reference as if fully set forth herein the
26 allegations contained in paragraphs 1 through 20, inclusive.

- Plaintiff is informed and believes and thereon alleges that Defendants WANG, and
   Plaintiff is informed and believes and thereon alleges that Defendants WANG, and
  - UDOES 1 through 10, and each of them, intentionally and negligently caused unwanted

-4-

PAGE 06

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1	electronic communications and a virus to be sent to Plaintiff's home computer, causing
2	damage to the computer itself and impairing its functioning.
3	23. As a result of the conduct of Defendants, and each of them, Plaintiff has suffered
4 5	general damages in an amount to be proven at trial.
6	24. The acts as set forth above were oppressive, malicious, and fraudulent and done
7	with a conscious disregard for the rights and safety of plaintiff. As a result, Plaintiff is
8	entitled to an award of punitive and exemplary damages in an amount sufficient to punish
9	and make and example of Defendants, and each of them.
10 11	25. As a result of the conduct of Defendants, and each of them, Plaintiff has incurred
12	and will continue to incur special damages including loss of use of property and account(s)
13	in an amount that will be proven at trial.
14	WHEREFORE, Plaintiff prays for judgment as set forth below.
15 16	THIRD CAUSE OF ACTION Defamation
17	26. Plaintiff refers to and incorporates by reference as if fully set forth herein the
18	allegations contained in paragraphs 1 through 25, inclusive.
19	27. Plaintiff is informed and believes and thereon alleges that Defendants WANG, and
20 21	DOES 1 through 10, and each of them, intentionally and maliciously caused to be
22	published a false and unprivileged writing concerning Plaintiff, to wit: the writing or
23	insertion of her e-mail address and personal information in a manner that gave the false
24	appearance that she was requesting that pornographic material be provided to her.
25	28. Plaintiff is informed and believes and thereon alleges that Defendants WANG, and
26	DOES 1 through 10, and each of them, ascribed false statements to Plaintiff In writing
27 28	with knowledge that the statement was false and of its defamatory meaning and acted
	with reckless disregard of these matters. This false publication presented Plaintiff in a

[FOUS:1187:PWD:H0001157.DOC.2] FIRST AMENDED COMPLAINT

-5-

1	false light, and exposed her to embarrassment the electronic publication further injured
2	Plaintiff in respect to her office, profession, trade and business, by imputing to Plaintiff
3	general disqualification in those respects which the offices or occupations she held and
4 5	those she sought generally require.
6	29. As a result of the conduct of Defendants, and each of them, Plaintiff has suffered
7	general damages in an amount to be proven at trial.
8	30. The acts as set forth above were oppressive, malicious, and fraudulent and done
9 10	with a conscious disregard for the rights and safety of plaintiff. As a result, Plaintiff is
10	entitled to an award of punitive and exemplary damages in an amount sufficient to punish
12	and make and example of Defendants, and each of them.
13	31. As a result of the conduct of Defendants, and each of them, Plaintiff has incurred
14	and will continue to incur special damages including loss of use of property and account(s)
15 16	in an amount that will be proven at trial.
17	WHEREFORE, Plaintiff prays for judgment as set forth below.
18	FOURTH CAUSE OF ACTION Identity Theft
19	32. Plaintiff refers to and incorporates by reference as if fully set forth herein the
20	allegations contained in paragraphs 1 through 31, inclusive.
21 22	33. Plaintiff is informed and believes and thereon alleges that Defendants, and each of
23	them, appropriated Plaintiff's identity and falsely represented themselves to be Plaintiff on
24	the internet for their own purposes, which included political gain, harassment, and to
25	solicit business under false pretenses, and without Plaintiff's consent.
26	34. The theft of her identity caused damage to Plaintiff's reputation and caused her to
27 28	incur attorney's fees and expend costs to investigate the source of the attacks and rectify
44	the situation.
	(FOUS: 1187: PWD: H0001157. DOC. 2)

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{FOUS:1187:PWD:H0001157.DOC.2} FIRST AMENDED COMPLAINT

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1	35. As a result of the conduct of Defendants, and each of them, Plaintiff has suffered
2	general damages in an amount to be proven at trial.
3	36. The acts as set forth above were oppressive, malicious, and fraudulent and done
4 5	with a conscious disregard for the rights and safety of plaintiff. As a result, Plaintiff is
6	entitled to an award of punitive and exemplary damages in an amount sufficient to punish
7	and make and example of Defendants, and each of them.
8	37. As a result of the conduct of Defendants, and each of them, Plaintiff has incurred
9	and will continue to incur special damages including loss of use of property and account(s)
10	in an amount that will be proven at trial.
11 12	WHEREFORE, Plaintiff prays for judgment as set forth below.
12	FIFTH CAUSE OF ACTION
14	Harassment / Stalking
15	38. Plaintiff refers to and incorporates by reference as if fully set forth herein the
16	allegations contained in paragraphs 1 through 37, inclusive.
17	39. Plaintiff is informed and believes and thereon alleges that Defendants WANG, and
18	DOES 1 through 10, and each of them, engaged in a pattern of conduct showing a
19	continuity of purpose to harass, caused unwanted electronic communications and
20	pornographic images to be sent into Plaintiff's home, which caused Plaintiff to fear for her
21	safety and the safety, well-being and security of her family.
22 23	40. Plaintiff felt scared and suffered substantial emotional distress that an anonymous
24	person would harass her. Plaintiff was especially alarmed, shocked and offended
25	because Plaintiff's child has access to the computer and could be exposed to the
.26	pornography. The harassing messages continued to arrive despite plaintiff's objections to
27	the business solicitors.
28	

{FOUS:1187:PWD:H0001157.DOC.2} FIRST AMENDED COMPLAINT

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42. The acts as set forth above were oppressive, malicious, and fraudulent and done
with a conscious disregard for the rights and safety of plaintiff. As a result, Plaintiff is
entitled to an award of punitive and exemplary damages in an amount sufficient to punish
and make and example of Defendants, and each of them.

- 8
  43. As a result of the conduct of Defendants, and each of them, Plaintiff has incurred
  9
  and will continue to incur special damages including loss of use of property and account(s)
  10
  11
  11 In an amount that will be proven at trial.
- 12 44. As a result of the conduct of Defendants, and each of them, Plaintiff has incurred
  13 and will continue to incur legal fees and costs in an amount to be proven at the trial herein.
  14 Plaintiff requests an award of attorneys' fees.
- WHEREFORE, Plaintiff prays for judgment against Defendants, and each of them,
  as set forth below.
- 18 1. For compensatory damages in an amount according to proof;
- 19 2. For special damages, in an amount according to proof;
- 20 3. For punitive and exemplary damages according to proof;
- <sup>21</sup> 4. For attorneys' fees and costs;
  - 5. For costs of suit incurred herein; and
  - 6. For such other and further relief as this Court deems just and proper.
- 25 Dated: January 26, 2004

HANNIG LAW FIRM LLP

Attorneys for Plaintiff Rosanne S. Foust

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#### VERIFICATION

I, ROSANNE S. FOUST, make the following verification:

I have read the First Amended Complaint and know the contents thereof. The contents of this document are true of my own knowledge, except as to those matters stated on information and belief, and as to those matters, I believe them to be true. I declare under penalty of perjury that the foregoing is true and correct.

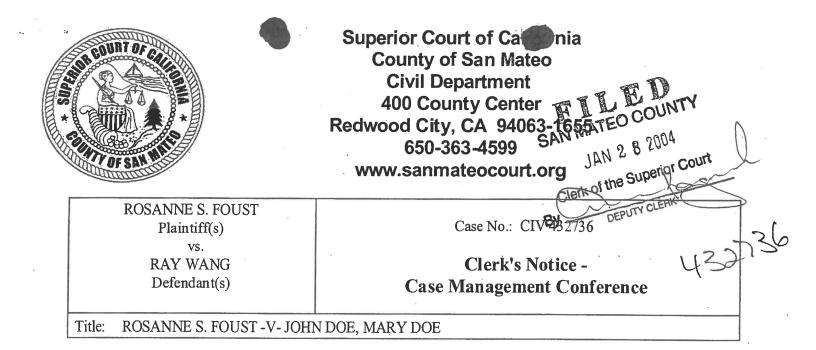
Executed this <u>27</u> day of January, 2004, at <u>Redwood Gty</u>, California.

es forst

## **ROSANNE S. FOUST**

-9-

(FOUS:1187: PWD; H0001157.DOC.2 FIRST AMENDED COMPLAINT



**Please take notice:** On **06/04/04** at **9:00 AM** in **Department 21** of the above-entitled Court at the Hall of Justice and Records, 400 County Center, Redwood City, California, a **case management conference** will be held pursuant to San Mateo County Local Rules of Court No. 2.3.

All attorneys of record and self-represented parties are required to attend this conference.

All parties shall complete a case management questionnaire and file it with the clerk's office in Redwood City fifteen (15) days before the conference.

Counsel or parties are also directed to comply with the time requirements for service of process and responses set forth in San Mateo County Local Rule of Court 2.3(D). At the case management conference the Court will inquire into compliance with the local rules regarding service of process and responses and issue appropriate sanctions for failure to comply with the San Mateo County Local Rules of Court.

#### Date: 01/30/04

By Order of the Presiding Judge

## **CLERK'S CERTIFICATE OF MAILING**

I hereby certify that I am the clerk of this Court, not a party to this cause; that I served a copy of this notice on the above date, by placing a copy thereof in separate sealed envelopes addressed to the address shown by the records of this Court, and by then sealing said envelopes and depositing same, with postage fully pre-paid thereon, in the United States Mail at Redwood City, California.

Date: 01/30/04

Peggy Thompson, Court Executive Officer

By: <u>ANNE KACZMAREK</u> Deputy Clerk



H. ANN LIROFF 2991 EL CAMINO REAL REDWOOD CITY CA 94062

FILI SAN MATEO	COUNTY
NOTICE OF CASE MANAGEM	2004
NUTICE OF CASE MANAGEM	ENT CONFERENCE
cterk of the Sul	perior outre h
FOUST BY DEPUTYO	
VS.	JUN - 4 2004
	Time: 9:00 a.m.
wang	Dept. 6 – on Tuesday & Thursday Dept. 21 – on Wednesday & Friday

You are hereby given notice of your Case Management Conference. The date, time and department have been written above.

1. In accordance with applicable California Rules of Court and Local Rules 2.3(d)1-4 and 2.3(m), you are hereby ordered to:

- a. Serve all named defendants and file proofs of service on those defendants with the court within 60 days of filing the complaint (CRC 201.7).
- b. Serve a copy of this notice, Case Management Statement and ADR Information Sheet on all named parties in this action.
- c. File and serve a completed Case Management Statement at least 15 days before the Case Management Conference [CRC 212(g)]. Failure to do so may result in monetary sanctions.
- d. Meet and confer, in person or by telephone, to consider each of the issues identified in CRC 212(f) no later than 30 days before the date set for the Case Management Conference.

2. If you fail to follow the orders above, you are ordered to show cause why you should not be sanctioned. The Order To Show Cause hearing will be at the same time as the Case Management Conference hearing. Sanctions may include monetary, evidentiary or issue sanctions as well as striking pleadings and/or dismissal.

3. Continuances of case management conferences are highly disfavored unless good cause is shown.

4. Parties may proceed to an appropriate dispute resolution process ("ADR") by filing a Stipulation To ADR and Proposed Order (see attached form.). If plaintiff files a Stipulation To ADR and Proposed Order electing to proceed to judicial arbitration, the Case Management Conference will be taken off the court calendar and the case will be referred to the Arbitration Administrator. If plaintiffs and defendants file a completed stipulation to another ADR process (e.g., mediation) 10 days prior to the first scheduled case management conference, the case management conference will be continued for 90 days to allow parties time to complete their ADR session. The court will notify parties of their new case management conference date.

- 5. If you have filed a default or a judgment has been entered, your case is not automatically taken off the Case Management Conference Calendar. If "Does", "Roes", etc. are named in your complaint, they must be dismissed in order to close the case. If any party is in bankruptcy, the case is stayed only as to that named party.
- 6. You are further ordered to appear in person\* (or through your attorney of record) at the Case Management Conference noticed above. You must be thoroughly familiar with the case and fully authorized to proceed.
- 7. The Case Management judge will issue orders at the conclusion of the conference that may include:
  - a. Referring parties to voluntary ADR and setting an ADR completion date;
  - b. Dismissing or severing claims or parties;
  - c. Setting a trial date.

8. The Case Management judge may be the trial judge in this case.

For further information regarding case management policies and procedures, see the court website at <u>www.sanmateocourt.org</u>.

\* Telephonic appearances at case management conferences are available by contacting CourtCall, LLC, an independent vendor, at least 5 business days prior to the scheduled conference (see attached CourtCall information).

	1:38003 1:38001 MHNNIG LAW FIRN LLE סטט־40ב-בסמ	20			
			· · · · · · · · · · · · · · · · · · ·		
	ATTORNEY OR PARTY WITHOUT ATTORNEY (NAME AND ADDRESS)	TELEPHONE ) 482-3040	FOR COURT USE ONLY		
	Peter W. Daniel, (SB #179107) HANNIG LAW FIRM LLP	,,			
	2991 El Camino Real				
	Redwood City, CA 94061				
	ATTORNEY FOR (NAME) Plaintiff ROSANNE S. FOUST				
	SUPERIOR COURT OF CALIFORNIA				
·	COUNTY OF SAN MATEO				
	400 County Center				
	Redwood City, CA 94063-1655		FILED		
	PLAINTIFF: ROSANNE S. FOUST		SAN MATEO COUN	TY	
			OCT 2 3 2003		
			EG1		
	DEFENDANT: JOHN DOE, MARY DOE, and DOES 3 through	h 10,	Cleric in the Superior Co	purt	6
	inclusive,	Ć	DEPUTY CLERK		C
	AMENDMENT TO COMPLAINT		CIV 432736	FAX	
1	FICTITIOUS NAME (no order required)				
,	Upon filing the complaint herein, plaintiff(s) being ignorant of the t	ruenameofad	lefendant and having des	signated	
1	said defendant in the complaint by the fictitious name of JOHN DO		lorondurit, and narring oot		
	and having discovered the true name of said defendant to be RAY	WANG			
	nereby amends the complaint by inserting such true name in plac	e and stead o	f such fictitious name	herever	
	t appage in sold complaint	LAW FIRM I			
			/////		

DATED: October 23, 2003

	HANNIC		W_FIRM	LLP		
÷			ATTORN	EY(S) FOR	PLAINTIFF(S)	
	Peter	W.	Daniel,	(SB	#179107)	

## INCORRECT NAME (requires order thereon)

Plaintiff(s) having designated a defendant in the complaint by the incorrect name of

and having discovered the true name of the said defendant to be

hereby amends the complaint by inserting such true name in place and stead of such incorrect name wherever it appears in said complaint.

Filed By		attorney(s) for plaintiff(s) is / are allowed to file the above amendment to the complaint.	
	DATED:	JUDGE	
	CV/1 REV 1/00	AMENDMENT TO COMPLAINT	-1M

	982(a)(15.2
ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address):	FOR COURT USE ONLY
L TED J. HANNIG (SB#111691)	FOR COORT USE ONLY
PETER W. DANIEL (SB#179107)	
HANNIG LAW FIRM LLP	
2991 El Camino Real	
Redwood City, CA 94061	
TELEPHONE NO.: (650) 482-3040 FAX NO.: (650) 482-2820	
ATTORNEY FOR (Name): Plaintiff, Rosanne S. Foust	
NAME OF COURT: SUPERIOR COURT OF CALIFORNIA	
STREET ADDRESS: SAN MATEO COUNTY	
MAILING ADDRESS: 400 County Center	
CITY AND ZIP CODE: Redwood City, CA 94063	
BRANCH NAME: Southern District	
PLAINTIFF/ PETITIONER: ROSANNE S. FOUST	
DEFENDANT/RESPONDENT: JOHN DOE, MARY DOE AND DOES 3-10, INC	
DEPOSITION SUBPOENA	CASE NUMBER:
For Production of Business Records	CIV 432736
THE PEOPLE OF THE STATE OF CALIFORNIA, TO (name, address, and telephone num	ber of deponent, if known):

## SHARMA AUSTIN, POLICY ABUSE LEGAL ANALYST, COMCAST, 3 EXECUTIVE CAMPUS, FIFTH FLOOR, CHERRY HILL, NJ 08002

1. YOU ARE ORDERED TO PRODUCE THE BUSINESS RECORDS described in item 3, as follows:

To (name of deposition officer): Ted J. Hannig, Esq. On (date): No later than 8/6/03 At (time): 9:00 a.m. Location (address): 2991 El Camino Real, Redwood City, CA 94061

Do not release the requested records to the deposition officer prior to the date and time stated above.

- a. X by delivering a true, legible, and durable **copy** of the business records described in item 3, enclosed in a sealed inner wrapper with the title and number of the action, name of witness, and date of subpoena clearly written on it. The inner wrapper shall then be enclosed in an outer envelope or wrapper, sealed, and mailed to the deposition officer at the address in item 1.
- b. \_\_\_\_ by delivering a true, legible, and durable copy of the business records described in item 3 to the deposition officer at the witness's address, on receipt of payment in cash or by check of the reasonable costs of preparing the copy, as determined under Evidence Code section 1563(b).
- c. by making the **original** business records described in item 3 available for inspection at your business address by the attorney's representative and permitting **copying** at your business address under reasonable conditions during normal business hours.
- 2. The records are to be produced by the date and time shown in item 1 (but not sooner than 20 days after the issuance of the deposition subpoena, or 15 days after service, whichever date is later). Reasonable costs of locating records, making them available or copying them, and postage, if any, are recoverable as set forth in Evidence Code section 1563(b). The records shall be accompanied by an affidavit of the custodian or other qualified witness pursuant to Evidence Code section 1561.
- 3. The records to be produced are described as follows: SEE ATTACHED

#### X Continued on attachment 3.

4. IF YOU HAVE BEEN SERVED WITH THIS SUBPOENA AS A CUSTODIAN OF CONSUMER OR EMPLOYEE RECORDS UNDER CODE OF CIVIL PROCEDURE SECTION 1985.3 OR 1985.6 AND A MOTION TO QUASH OR AN OBJECTION HAS BEEN SERVED ON YOU, A COURT ORDER OR AGREEMENT OF THE PARTIES, WITNESSES, *AND* CONSUMER OR EMPLOYEE AFFECTED MUST BE OBTAINED BEFORE YOU ARE REQUIRED TO PRODUCE CONSUMER OR EMPLOYEE RECORDS.

DISOBEDIENCE OF THIS SUBPOENA MAY BE PUNISHED AS CONTEMPT BY THIS COURT. YOU WILL ALSO BE LIABLE FOR THE SUM OF FIVE HUNDRED DOLLARS AND ALL DAMAGES RESULTING FROM YOUR FAILURE TO DEEY.

Date issued: July 16, 2003 Peter W. Daniel, Esq.

PR	6
(SIGN/	TURE OF PERSON ISSUING SUBPOENA)

Attorney for Petitioner

(TITLE)

(Proof of service on reverse)

Form Adopted for Mandatory Use Judicial Council of California 982(a)(15.2) [Rev. January 1, 2000]

2.4

DEPOSITION SUBPOENA FOR PRODUCTION OF BUSINESS RECORDS Legal Solutions & Plus Code of Civil Procedure, §§ 2020, 2025; Government Code § 68097.1



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# ROSANNE S. FOUST v. JOHN DOE, MARY DOE AND DOES 3-10, INCLUSIVE SUPERIOR COURT, SAN MATEO COUNTY, CASE NO. CIV 432736

#### DEPOSITION SUBPOENA FOR PRODUCTION OF BUSINESS RECORDS CASE

Attachment 3

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1. All documents that identify the user or owner of I.P. address:

12.236.54.95

- 2. All documents relating to I.P. Address 12.236.54.95 including, but limited to, subscriber or customer agreements.
- 3. All logs showing usage of I.P. address 12.236.54.95 from June 1, 2003, to present.
- 4. All documents that refer or relate to the hostname:

12-236-54-95.client.attbi.com.

5. Any documents relating to the user of I.P. address 12.236.54.95 submitting the email address rosanne@rosannefoust.com to any party.

Attachment 3 {FOUS:1187:MH:MH0242.DOC.1}

### **PROOF OF SERVICE BY FAX TRANSMISSION**

SAN 21 2003.

#### DECLARATION OF SERVICE BY FAX

The undersigned certifies and declares as follows:

- (1) At the time of the facsimile transmission described below I was at least 18 years of age and not a party to this legal proceeding.
- (2) On July 16, 2003 , at 3:00 p.m., I transmitted by facsimile (date) (time) transmission from a facsimile transmission machine whose telephone number is (650) 482-2820 to Sharma Austin (sender's fax number) (name of person served) whose facsimile transmission telephone number is (856) 324-2071 (recipient's fax number) the following described document or documents and an unsigned copy of this declaration: Deposition Subpoena for Production of Business Records (description of documents served)
- (3) The above-described transmission was reported as complete without error by a transmission report issued by the facsimile transmission machine upon which the said transmission was made immediately following the transmission. A true and correct *copy of the said transmission report is attached hereto* and incorporated herein by this reference.

#### ATTACH COPY OF TRANSMISSION REPORT

I certify and declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on <u>July 16</u>, 2003

(sianature)

(NAME TYPED) Mary Harrington



Rev. #1 2001 LS-146





STATE OF CALIFORNIA, COUNTY OF

I have read the foregoing \_\_\_\_

• • • • •

and know its c	ontents.
CHECK APPLICABLE PARAGRAPHS	27
I am a party to this action. The matters stated in the foregoing document are true of my own knowledge exce	pt as to
those matters which are stated on information and belief, and as to those matters I believe them to be true.	
I am         a partner         a         of	
a party to this action, and am authorized to make this verification for and on its behalf, and I make this verification	
reason.	
true The matters stated in the foregoing document are true of my own knowledge, except as to those matters w	nich are
stated on information and belief, and as to those matters I believe them to be true.	
I am one of the attorneys for	
a party to this action. Such party is absent from the county of aforesaid where such attorneys have their offices, and	l make
this verification for and on behalf of that party for that reason. I am informed and believe and on that ground alle	ege that
the matters stated in the foregoing document are true.	
Executed on, at, Ca	alifornia.
I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.	
Type or Print Name Signature	
PROOF OF SERVICE	
1013a (3) CCP Revised 5/1/88	
STATE OF CALIFORNIA, COUNTY OF SAN MATEO	
I am employed in the county of SAN MATEO	alifornia
I am over the age of 18 and not a party to the within action; my business address is: 2991 EL CAMINO REAL	
REDWOOD CITY, CA 94061	
On, JULY 16, 2003, I served the foregoing document described as DEPOSITION SUBPO	
FOR PRODUCTION OF BUSINESS RECORDS (ALSO SERVED BY FACSIMILE THIS SAME I	DAY)
on SHARMA AUSTIN in thi	s action
	s acuon
by placing the true copies thereof enclosed in sealed envelopes addressed as stated on the attached mailing list:	
X by placing the original X a true copy thereof enclosed in sealed envelopes addressed as follows:	
SHARMA AUSTIN	
POLICY ABUSE LEGAL ANALYST	
COMCAST	
3 EXECUTIVE CAMPUS, FIFTH FLOOR	
CHERRY HILLS, NJ 08002	
X BY MAIL	
*I deposited such envelope in the mail at, Ca	lifornia.
The envelope was mailed with postage thereon fully prepaid.	
X As follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for	mailing.
Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully pre	paid at
REDWOOD CITY California in the ordinary course of business. I am aware that on motio	•
party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after	
deposit for mailing in affidavit.	
Executed on <u>JULY 16, 2003</u> , at <u>REDWOOD CITY</u> , Ca	lifornia
**(BY PERSONAL SERVICE) I delivered such envelope by hand to the offices of the addressee.	morrita.
	lifornia.
X (State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct	
(Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the servi	
made.	ce was
Made.	
MARY HARRINGTON	
Type or Print Name Signatúre	
*(BY MAIL SIGNATURE MUST BE OF REASON DEPOSITING ENVELOPE II MAIL-SLOT, BOX, OR BAG)	4
**(FOR PERSONAL SERVICE SIGNATURE MUST BE THAT OF MESSENGER	.)
Legal	ev. 7/99
Solutions- Co Plus	

NAME OF PARTY OR ATTORNEY (and state bar number if attorney):	FOR COURT USE ONLY
ADDRESS WHERE YOU WANT MAIL SENT: TED J. HANNIG (SB#111691) HANNIG LAW FIRM LLP	
2991 El Camino Real Redwood City, CA 94061	مستنبط طنية ملطه المستنه
TELEPHONE NUMBER (Optional): (650) 482-3040 FAX NUMBER (Optional): (650) 482-2820 E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): Petitioner, Rosanne S. Foust	FILED SAN MATEO COUNTY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN MATEO	JUL 1 5 2003
MAILING ADDRESS: 400 County Center CITY AND ZIP CODE: Redwood City, CA 94063	Clerk of the threnot court
BRANCH NAME: Southern Branch	Den and a service of the service of
DEFENDANT: JOHN DOE, MARY DOE AND DOES 3-10, INCLUSIVE	
PETITION FOR INJUNCTION PROHIBITING HARASSMENT	CASE NUMBER: CIV 4 3 2 7 3 6
Application for Temporary Restraining Order	
(THIS IS NOT AN ORDER) Read the Instructions for Lawsuits to Prohibit Harassment (form CH-150) before completing th	in form
1. Plaintiff (name each): ROSANNE S. FOUST	
2. X       OTHER PERSONS TO BE PROTECTED (List names and ages of all family or hous plaintiff and are to be protected by the requested orders and their relationship to pla Name Joseph Foust         Age       Age         Joseph Foust       38         Name Withheld       under       12         Name Withheld       under       12	<i>intiff): lift an</i> <u>nship to plaintiff</u> and d
3. a. Defendant (name): JOHN DOE, MARY DOE AND DOES 3-10, INCLUS	IVE
Sex: M F Ht.:Wt.: Hair color: Eye color: Race:	Age: Date of birth:
b. Defendant's residence address (if known):c. Defendant's workTO BE DETERMINED	address and name of business (if known):
<ul> <li>4. This action is filed in this county because</li> <li>a. defendant resides in this county.</li> <li>b. X defendant has caused physical or emotional injury to plaintiff in this county.</li> <li>c. other (specify):</li> </ul>	
5. Describe how plaintiff knows defendant (e.g., landlord/tenant, neighbor, etc.): TO BE DE	TERMINED
<ul> <li>6. Defendant has</li> <li>a threatened to commit acts of violence against plaintiff as described in item 10.</li> <li>b committed acts of violence against plaintiff as described in item 10.</li> <li>c. X not threatened to commit and has not committed any acts of violence.</li> </ul>	

Form Adopted for Mandatory Use
Judicial Council of California
CH-100 [Rev. July 1, 2001]

PETITION FOR INJUNCTION PROHIBITING HARASSMENT (CIVIL HARASSMENT)

Code of Civil Procedure, § 527.6

_ PLAINTIFF (Name): ROSANNE S. FOUST	CASE NUMBER:
DEFENDANT (Name): JOHN DOE, MARY DOE AND DOES 3-10, INCLUSIVE	

- 7. Defendant has committed a series of acts that seriously alarm, annoy, or harass plaintiff as described in item 10.
- 8. Plaintiff has actually suffered substantial emotional distress as a direct result of defendant's conduct described in item 10, and defendant's conduct would have caused a reasonable person to suffer substantial emotional distress.
- 9. Defendant's continuing course of conduct has been directed specifically against plaintiff and is knowing, willful, not constitutionally protected, and without legitimate purpose.

#### 10. DESCRIPTION OF CONDUCT

Describe in detail the harassment (including the dates, who did what to whom, and any injuries):

1. Plaintiff is a victim of "cyber attack" which Plaintiff believes is intended to annoy, harass, and intimidate her. Plaintiff brings this action because her identity has been falsely taken and used in a repeated pattern to cause graphic pornographic material and other unwanted messages to be sent to her e-mail account via the Internet. A computer virus was also sent which infected and damaged Plaintiff's computer and may have consequently infected computers of Plaintiff's friends and associates.

2. On or about June 26, 2003, Plaintiff began to receive unwanted e-mail solicitations from a variety of businesses and organizations. It is clear from the messages that the senders believed Plaintiff had requested the information and that Plaintiff's identity was being falsely used without her permission.

3. The pattern of unwanted messages continued to come with increasing frequency for two days, and then on June 27, 2003, Plaintiff began to receive pornographic solicitations with sexually explicit images. Plaintiff was

X (If more space is needed, check the box and add additional pages as Attachment 10.)

## PLAINTIFF REQUESTS THE COURT TO MAKE THE ORDERS INDICATED BY THE CHECK MARKS IN THE BOXES BELOW.

#### 11. X PERSONAL CONDUCT ORDERS

To be ordered now and effective until the hearing.

Defendent models to the transformed as the test of tes	-
Defendant must not contact, molest, harass, attack, strike, threaten, sexually assault, batter, telephone, send any me	ssages
to, follow, stalk, destroy any personal property, disturb the peace, keep under surveillance, or block movements in put	blic
places or thoroughfares, or otherwise harass plaintiff X and the other protected persons identified in ite	m 2.

#### 12. X STAY-AWAY ORDERS

To be ordered now and effective until the hearing

a. Defendant must stay at least (*specify*): <u>50</u> **yards** away from the following persons and places (*the addresses* of the places are optional and you do not have to reveal them):

(1) Plaintiff X and the other protected persons identified in item 2.

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141	1 45 1	I Idiiiun S	residence	10000000	UNIUNIA	1.
~ /			residence	1		<i>.</i> .

- (3) X Plaintiff's place of work (address optional):
- (4) X Plaintiff's children's school or place of child care (address optional):
- (5) X Plaintiff's vehicle (specify):

(6) X Other (specify): Defendant(s) shall not send or cause to be sent any electronic messages to Plaintiff's computer.

ا اسرا				
_ PLAIN	IFF (Name): ROSANNE S. FOUST			CASE NUMBER:
DEFEND	ANT (Name): JOHN DOE, MARY DO	E AND DOES 3-	LO, INCLUSIVE	
12.	<ul> <li>b. Granting any of the stay-away orde</li> <li>(1) will not interfere with defendance</li> <li>(2) will interfere with defendance</li> </ul>	endant's access to def	endant's residence or ant's residence or plac	place of employment. ce of employment <i>(explain):</i>
13.	Plaintiff will suffer great and irreparable requested above effective now and until	harm before this petitic the hearing <i>(specify th</i>	on can be heard in cou ne harm and why it wil	urt unless the court makes the orders I occur before the hearing):
14. X	There is good cause to include in the ord Plaintiff's family has be forth in item 10.	ders requested above een exposed to	he other protected pe the inapprop	ersons identified in item 2 <i>(explain):</i> riate harassment as set
15. X	ATTORNEY FEES AND COSTS			· . · ·
	Plaintiff requests that defendant be order According: to proof.		orney fees and costs	as follows (specify): Office a set of the se
16.	OTHER ORDERS (specify other orders)	vou are requesting):		
				·

17. Plaintiff requests that copies of orders be given to the following law enforcement agencies: <u>Law enforcement agency</u> <u>Address</u>

£ ... i ... .

ц <u>я                                    </u>	
_ PLAINTIFF (Name): ROSANNE S. FOUST	CASE NUMBER:
DEFENDANT (Name): JOHN DOE, MARY DOE AND DOES 3	- 10, INCLUSIV
18. a. Plaintiff has asked for restraining orders against the defendation	ant before (specify county and case number if known):
b. Defendant has asked for restraining orders against plaintiff t	before (specify county and case number if known):
19. Plaintiff requests additional relief as may be proper.	
20. Plaintiff requests that time for service of the Order to Show they may be served no less than (specify number):	days before the date set for the hearing. The order
21. Plaintiff is not required to pay a fee for filing this petition becaus threatened violence against the plaintiff, or stalked the plaintiff, plaintiff in reasonable fear of violence, and seeks a protective o threats of violence under Code of Civil Procedure section 527.6	or acted or spoken in any other manner that has placed the r restraining order or injunction restraining stalking or future
22. X Number of pages attached: <u>1</u>	
(If the plaintiff is represented by an attorney, the attorney's signature follow	ws):
Date: July 14, 2003	
<u>Ted J. Hanniq, Esq.</u> (TYPE OR PRINT NAME)	(SIGMATURE OF ATTORNEY)
I declare under penalty of perjury under the laws of the State of California	that the foregoing is true and correct.
Date: July 14, 2003	
Rosanne S. Foust (TYPE OR PRINT NAME)	(SIGNATURE OF PLAINTIFF)
(TYPE OR PRINT NAME)	(SIGNATURE OF PLAINTIFF)

PETITION FOR INJUNCTION PROHIBITING HARASSMENT (CIVIL HARASSMENT)

## Plaintiff: ROSANNE S. FOUST Defendant: JOHN DOE, MARY DOE AND DOES 3 - 10, INCLUSIVE

## PETITION FOR INJUNCTION PROHIBITING HARASSMENT (CIVIL HARASSMENT)

Attachment 10 (continued)

Lord " L

3. (continued) especially shocked and offended because Plaintiff's child has access to the computer and could be exposed to the pornography.

4. This wave of unwanted and unsolicited communications from various companies based on the misuse of Plaintiff's name has continued up to the filing of this Petition. At least one of the solicitations included Plaintiff's maiden name in its confirmation request. This is particularly troubling to Plaintiff because Plaintiff does not routinely use her maiden name. It appears that the individual or individuals who have used Plaintiff's identity and caused these messages to be sent have taken the time to become familiar with Plaintiff's personal history and are now utilizing that information to torment Plaintiff.

5. Plaintiff reported this matter to the Redwood City Police Department on June 27, 2003. Plaintiff has obtained the "IP" address of the person(s) responsible for the pattern of harassment and will seek to obtain their identity by subpoena. When the identity is obtained, Plaintiff will amend this Petition to identify the perpetrator(s) and to allege other conduct, causes of action, and damages as appropriate.

6. Over the July 4<sup>th</sup> weekend, Plaintiff's computer was infected with a virus attached to an e-mail. The virus attacked Plaintiff's computer and caused e-mails to be sent to everyone on Plaintiff's electronic address book with the virus attached.

		CM-010
ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, star. par.	number, and address):	FOR COURT USE ONLY
TED J. HANNIG (SB#111691) HANNIG LAW FIRM LLP		
2991 El Camino Real		
Redwood City, CA 94063		
TELEPHONE NO.: (650) 482-3040	FAX NO.: (650) 482-2820	
ATTORNEY FOR (Name): Petitioner, Ros		
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SA	N MATEO	
STREET ADDRESS: MAILING ADDRESS: 400 County Cente:	r	
CITY AND ZIP CODE: Redwood City, CA	94063	
BRANCH NAME: Southern Distric		
CASE NAME: ROSANNE S. FOUST DOES 3-10, INCLUSIVE	JOHN DOE, MARY DOE AND	· .
CIVIL CASE COVER SHEET	Complex Case Designation	CASE NUMBECTV 4 3 2 7 3 6
X Unlimited Limited (Amount (Amount	Counter Joinder	
demanded demanded is	Filed with first appearance by defendant (Cal. Rules of Court, rule 1811)	JUDGE:
exceeds \$25,000) \$25,000 or less)	below must be completed (see instruction	DEPT.:
1. Check <b>one</b> box below for the case type that		is on page 2).
Auto Tort	Contract	Provisionally Complex Civil Litigation
Auto (22)	Breach of contract/warranty (06)	(Cal. Rules of Court, rules 1800–1812)
Uninsured motorist (46)	Collections (09)	Antitrust/Trade regulation (03)
Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort	Insurance coverage (18)	Construction defect (10)
Asbestos (04)	Other contract (37)	Mass tort (40)
Product liability (24)	Real Property	Securities litigation (28)
Medical malpractice (45)	Eminent domain/Inverse condemnation (14)	Environmental/Toxic tort (30) Insurance coverage claims arising from the
Other PI/PD/WD (23)	Wrongful eviction (33)	above listed provisionally complex case
Non-PI/PD/WD (Other) Tort	Other real property (26)	types (41)
Business tort/unfair business practice (07)	Unlawful Detainer	Enforcement of Judgment
Civil rights (08)	Commercial (31)	Enforcement of judgment (20)
Fraud (16)	Residential (32)	Miscellaneous Civil Complaint
Intellectual property (19)	Drugs (38)	RICO (27)
Professional negligence (25)	Judicial Review	Other complaint (not specified above) (42)
Other non-PI/PD/WD tort (35)		Miscellaneous Civil Petition
Employment	Petition re: arbitration award (11)	Partnership and corporate governance (21) X Other petition (not specified above) (43)
Wrongful termination (36)	Writ of mandate (02)	
Other employment (15)	Other judicial review (39)	
<ol> <li>This case isX is not complerequiring exceptional judicial management:</li> </ol>	ex under rule 1800 of the California Rules	of Court. If case is complex, mark the factors
a Large number of separately repres	ented parties d. 🔄 Large number o	fwitnesses
b. Extensive motion practice raising d		h related actions pending in one or more courts
issues that will be time-consuming	to resolve in other counties	s, states or countries, or in a federal court
c. Substantial amount of documentar		-judgment judicial supervision
3. Type of remedies sought (check all that app		1
a. X monetary b. X nonmonetary 4. Number of causes of action ( <i>specify</i> ): TO	; declaratory or injunctive relief c.	punitive
	s action suit.	Λ
Date: July 14, 2003	s action suit.	ΛΙΛ
TED J. HANNIG (SB#111691)		A HA
(TYPE OR PRINT NAME)	(SIGNA	DURE OF PARTY OR ATTORNEY FOR PARTY)
<ul> <li>Plaintiff must file this cover sheet with the fir under the Probate, Family, or Welfare and In</li> </ul>	NOTICE st paper filed in the action or proceeding	except small claims cases or cases filed
sanctions.		
<ul> <li>File this cover sheet in addition to any cover</li> <li>If this case is complex under rule 1800 et se</li> </ul>	g, of the California Rules of Court, vou m	ust serve a copy of this cover sheet on all
other parties to the action or proceeding.	genter and the second	
Unless this is a complex case, this cover she Form Adopted for Mandatory Use	eet shall be used for statistical purposes of CIVIL CASE COVER SHEET	
Judicial Council of California CM-010 [Rev. July 1, 2003]	CIVIL CASE COVER SHEET	Legal Cal. Rules of Court, rules 201.8, 1800 –1812: Solutions Co Plus

## CIVIL/SMALL CLAIMS

## CASE NUMBER:

NAME:

	<u></u>	
SMA	LL CLAIMS FILING FEES	
А.	NOT filed more than 12	
B.	HAS filed more than 12	
C.	Defendants claim	
D.	Svc by Clerk/request cert mail	e. 14
E.	Cert/xmit pprs of appeal	
F.	Request postpone hearing date	
MISC A.	ELLANEOUS FEES Issue writs exec/poss/etc	
B.	Issue abstract of judgment	· ·
F.	Search records or files	
H.	Returned check service charge	
J.	General Fees	
• •		
	•	5 - F 5
CERI	IFICATION & COPING FEES	8 v 9.
Α.	Photocopying document	
B.	Issuing exempl of record	
C.	Issue cert copy of record	
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DEPO	SITS/JURY/WITNESS FEES	-
Α.	Xfer to a civil action	
B.	Trust Account	
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	TOTAL	•
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Case: CIV4327 Pyr P	36	1598	
Complaint Total due Check Rcpt 47-0025 Oper 0015		228.00 228.00 228.00 07/16/03 1234	
		2 9	

# VISA [ ]

MASTERCARD	<b>)</b> [··]
Cr. Card #	8
Exp. Date	
Dr.Lic.#	12 <sup>-</sup>
Amount	· · · ·

Check No.	£
Amount	. the second

Coin	Curren	cy
.50		\$100
.25		\$50
.10	• • •	\$20
.05		\$10
.01		\$5
	•	\$1
Total Cash		6

AC-9SC Revised 8/95

DATE:

Clerk's Initial:

All Cupertino City Council,

Dear Cupertino City Council, City Attorney, City Manager, and City Clerk

Please include my letter as written communication for the 3/7/2023 City Council meeting, Agenda Item 11, RETAIN, do not remove, Planning Commissioner Ray Wang."

Stop The Divisiveness And Dirty Politics - Do Not Remove Planning Commissioner Wang

The attempted removal of Commissioner Wang is unjust and politically motivated by the two newly elected City Council member Sheila Mohan and J.R. Fruen, who was elected by a thin margin of less one percent of votes casted. But under the leadership of Mayor Hung Wei, this 3-person WMF (Wei, Mohan, Fruen) Council Majority has taken swift actions to change long-standing city practices in less than 3 months. They are causing massive levels of mistrust.

Your actions are divisive for Cupertino residents and in total disregard to the few thousand residents who voted for your opponents, We are your constituents too. Will you do everything in your power to gain majority control, not only in the City Council, but also in every commission? Are you this shameless?

The 2023 WMF Council Majority :

-have removed the resident-focused council members from key committees.
-have adopted procedures to shut down commissions where their views do not prevail.
-have adopted procedures to silence public commentary on agenda items at council and - commission meetings in the "name of efficient meetings"

You have lost the community's trust and faith by breaking your campaign promises to be collaborative and be inclusive and to bring the community together. Instead, every action you have taken so far seems to show that you are unwilling to compromise and work with the other side, which still represents almost 50% of Cupertino residents.

I urge you to do due diligence to investigate any allegations made against a city official so that your one-sided perception, often taken out of context, and often politically motivated won't become the grounds for your decision to remove a beloved Planning Commissioner.

I urge you to give any city official a warning with findings and recommendations based on solid evidence before you take any formal action for removing anyone from their appointed position.

This is the basic decency that Cupertino voters expected of you, yet you were so eager to agendize this item without a proper inquiry.

As the City Attorney has confirmed that in the "A House Divided" report, the Civil Grand Jury's accusation of a Council member's action to direct staff was mistaken. Many of the other claims made in the Civil Grand Jury's report about the City of Cupertino were false too since they rely on one-sided interviews without any cross examination. The Civil Grand Jury is limited in what they could do, but Cupertino City Council has the ability to conduct an investigation. Why have you not done so?

The City of Los Gatos has formed a subcommittee to investigate an accusation on their Planning Commissioner, even when the accusation is based on an email with written evidence. Eventually the Los Gatos City Council decided to censure the Commissioner.

The accusations you have received on Planning Commissioner R. Wang have been anecdotal and made by people with clear political motives (follow the money and the donations in the last election). We have the campaign disclosure forms.

Wouldn't it be much more necessary for Cupertino to form a subcommittee with balanced members to investigate the accusations made before the Council take any formal action?

Anything less would appear to demonstrate that the WMF Cupertino City Council is politically motivated to remove a commissioner for political gain and that the Cupertino City Council does not care about the truth nor cares about hurting the reputation of one of their own citizens based on potentially false accusations by a vindictive council member in Sunnyvale and one in Cupertino?

Mayor Wei, can we put our renewed trust in you to do the right thing and not remove a Planning Commissioner without an investigation to establish evidence?

Vice Mayor Mohan and council member Fruen, can we put our trust in you that you will serve ALL Cupertino residents whether they support your political views or not?

Can we trust all of you to do the diligence before taking drastic actions, in response to those who are politically motivated to remove their opponents?

Here are all the contributions of Commissioner Wang, which you should take into consideration before taking any action:

+ Continued perseverance, hard work and determination to represent the resident's interests.

+ Wang and the current planning commissioners Steven Scharf and Muni Madhdhipatla have worked hard for sensible growth:

- Approved the Westport Project, which provides a large contingent of the housing that is mandated by the State of California. The project is sensible because it does not jeopardize future housing elements by adding excessive office space.

- Approved the new hotel at Cupertino Village, which provides a plentiful tax revenue stream to Cupertino.

- Approved the Bateh Brothers site for new mixed-use housing. The developer followed appropriate processes and did not insist on overbuilding.

- Completed their duty in housing element site selection.

+ Commissioner Wang has a long history of defending his community from developers and business interests who seek to take advantage of residents and their rights. Wang has been a strong advocate for resident-focused causes and keeping the city staff accountable.

+ Wang questioned why staff have taken no action to create 5G tower architectural standards to protect our neighborhoods. The community has been frustrated with the lack of action by the city.

+ Wang asks tough questions that both the residents and the decision makers need in order to have sufficient information. Wang pushes to get more information and to speed up the site selection for Housing Element, while providing ample time for the residents to comment.

+ His care for public concerns are well appreciated by many who spend time attending these meetings.

+ We need officials like Wang who keep the consultants and staff accountable in order to provide excellent services to the city residents.

+ We need more residents like Wang who represent the interests of residents. We feel Wang has represented us well and should continue to serve as our voice on the Planning Commission.

Commissioner Wang should serve out his term and continue his oversight of the cities planning activities.

Please reconsider the council's actions to remove Wang from the Planning Commission.

Do not remove him!

Kenneth Solnit ksolnit@gmail.com 21103 Fenway Ct Cupertino, California 95014

City Clerk Kirsten Squarcia,

I am a Cupertino homeowner.

I am writing to support the removal of R. Wang as Cupertino Planning Commissioner.

By his actions he has brought shame on our city, impeded progress in our city's development, and mistreated staff and members of the public. This is intolerable.

I trust in Cupertino's new leadership to continue to show by its actions the future ethical and democratic direction of our fair city by holding Commissioner Wang accountable.

Thank you for your attention. Together, let's bring dignity back to Cupertino.

Marilyn Sherry marilyn.s.sherry@gmail.com 10213 Miller Ave Cupertino, California 95014

<u>kar</u>
<u>ouncil</u>
erk; <u>Cupertino City Manager"s Office;</u> <u>Muni</u>
a Item 11 from City Council Meeting March 7, 2023
ay, March 7, 2023 3:08:09 PM

Good evening Mayor and the City Council.

My name is Muni Madhdhipatla, and I am a Cupertino Resident. I also serve on the Planning Commission, but I am here today representing myself as a concerned resident. I humbly request and encourage you to vote NO on agenda item 11 as it is a politically motivated vindictive item. Ray is being accused of harassing staff in the May 24<sup>th</sup> 2022 planning commission meeting. I attended that meeting and watched the video again today before this meeting. In my humble opinion, Ray was demanding accountability from the staff and the consultants as there was literally no progress over a month. Please note we were paying thousands of tax-payers \$\$s to these consultants. BTW, these consultants were fired subsequently by the staff.

It is a politically motivated agenda item to remove Mr. Ray Wang because one of the council members and his founding organization hate Ray for standing up for residents. Ray Wang is a well accomplished individual, founder and chairman of well-respected technology research firm called Constellation Research. Ray is often seen live on CNBC and Fox Business channels commenting about the latest industry direction.

I worked in the Tech Industry for over 20+ years in various leadership roles and I know the difference between holding someone accountable vs. harassment. Those that are accusing Ray of harassment probably haven't held any meaningful job in their life.

Please don't bring vindictive politics into Cupertino; we are better than that. Let us keep the civility of elected and appointed offices intact.

Thank you for your consideration; hopefully, you will do the right thing.

Warm Regards

Muni Madhdhipatla

**Cupertino Resident** 

From:	Pam Hershey
То:	City Council; City Clerk; Cupertino City Manager"s Office
Subject:	Commissioner Ray Wang
Date:	Tuesday, March 7, 2023 2:34:06 PM

Mayor Wei and Council Members,

Tonight, I am requesting you to NOT remove commissioner Ray Wang from the planning committee.

There are many reasons I state that but the one nearest and dearest to my heart is the Vallco project site. I live within a stone throw away from Vallco, therefore, what is going to be built there impacts me every moment of the day as it is literally in my front yard.

Thankfully, Ray was also critical of the fact that certain council members and staff had no qualms about putting residents in harms way on the Vallco site – now a listed Cortese site for hazardous materials. That site needs to be cleaned up before anyone can build yet we have legislators trying to write in a way to bypass the cleanup and a builder who attempted to cover it up rather than clean it up.

Covering it up is not acceptable to my family or the residents of Cupertino.

That is why we need a commissioner like Ray that is focused on the health and safety of the current and future residents of Cupertino and does not cave in to big money from developers.

Please keep Ray Wang!

Thank you Pamela Hershey resident since 1967

All Cupertino City Council,

Dear Cupertino City Council, City Attorney, City Manager, and City Clerk

Please include my letter as written communication for the 3/7/2023 City Council meeting, Agenda Item 11, RETAIN, do not remove, Planning Commissioner Ray Wang."

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-have adopted procedures to shut down commissions where their views do not prevail.
-have adopted procedures to silence public commentary on agenda items at council and - commission meetings in the "name of efficient meetings"

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The accusations you have received on Planning Commissioner R. Wang have been anecdotal and made by people with clear political motives (follow the money and the donations in the last election). We have the campaign disclosure forms.

Wouldn't it be much more necessary for Cupertino to form a subcommittee with balanced members to investigate the accusations made before the Council take any formal action?

Anything less would appear to demonstrate that the WMF Cupertino City Council is politically motivated to remove a commissioner for political gain and that the Cupertino City Council does not care about the truth nor cares about hurting the reputation of one of their own citizens based on potentially false accusations by a vindictive council member in Sunnyvale and one in Cupertino?

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Can we trust all of you to do the diligence before taking drastic actions, in response to those who are politically motivated to remove their opponents?

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+ Continued perseverance, hard work and determination to represent the resident's interests.

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+ His care for public concerns are well appreciated by many who spend time attending these meetings.

+ We need officials like Wang who keep the consultants and staff accountable in order to provide excellent services to the city residents.

+ We need more residents like Wang who represent the interests of residents. We feel Wang has represented us well and should continue to serve as our voice on the Planning Commission.

Commissioner Wang should serve out his term and continue his oversight of the cities planning activities.

Please reconsider the council's actions to remove Wang from the Planning Commission.

Do not remove him!

Rpxamme Beverstein rbeverstein@gmail.com 1061 November Dr., Cupertino, California 95014

All Cupertino City Council,

Dear Cupertino City Council, City Attorney, City Manager, and City Clerk

Please include my letter as written communication for the 3/7/2023 City Council meeting, Agenda Item 11, on RETAIN Planning Commissioner Ray Wang.

The attempted removal of Commissioner Wang is unjust without deliberation.

Wouldn't it be much more necessary for Cupertino to form a subcommittee with balanced members to investigate the accusations made before the Council take any formal action?

Otherwise, your actions would be divisive for Cupertino residents and in total disregard to the few thousand residents who voted for your opponents, We are your constituents too. Will you do everything in your power to gain majority control, not only in the City Council, but also in every commission?

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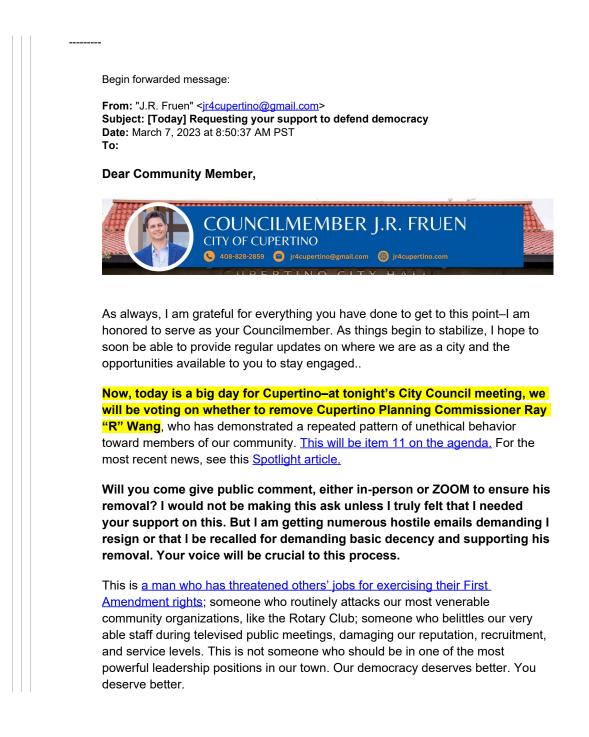
Do not remove him!

Xiaolin Du

xdu@yahoo.com Vicksburg Drive Cupertino, California 95014

Please include this informational item in the written comments for March 7, 2023 City Council Reg Meeting Item #11

Thank you.



The meeting begins at 6:45, but public comment is likely to begin between 7-7:30. If you would like to speak in person, come to Cupertino Community Hall (<u>10350</u> <u>Torre Ave, Cupertino, CA 95014</u>). If you can only speak via ZOOM, here is the link:

https://cityofcupertino.zoom.us/webinar/register/WN\_qjAbNad7Srqs5BuCMmU8MQ

*I am no longer in the leadership of Cupertino for All*, but I support much of their language and advice for speaking tomorrow. You can find their summary post with facts, helpful suggestions and more: https://www.cupertinoforall.org/updates/news/march-7-show-up-to-remove-commissioner-ray-wang

Thank you, J.R. Fruen Councilmember, Cupertino

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Please reconsider the council's actions to remove Wang from the Planning Commission.

Do not remove him!

Creighton Galloway CreightonGalloway4@gmail.com 20924 Elenda Dr. Cupertino, California 95014

City Clerk Kirsten Squarcia,

I am a Cupertino community member. This community means a lot to me, and I believe we are home to some of the brightest and most compassionate minds in California. Unfortunately, we are still recovering from prior leadership that has greatly damaged our reputation, including the past actions of Planning Commissioner R. Wang. That is why I am here today to voice my strong support for the removal of Planning Commissioner R. Wang.

While a sitting Planning Commissioner City official, he urged fellow residents to call the employers of pro-housing activists to try to get them fired from their jobs. He has disrespected, insulted, and alleged conspiracy theories against core community partners like Cupertino Rotary and the Cupertino Chamber of Commerce. He continually harassed a City Councilmember in Redwood City (was a planning commissioner), signing her up for porn. Instead of admitting the truth, he lied that developer interests hacked his computer.

Commissioner Wang even acts on misinformation to propel his political agenda, instead of listening to legal advice, putting the city at risk of being sued. For example, when the City sought to fix a density bonus ordinance to comply with state law, he compared this to free and fair democratic elections in the Soviet Union."

I believe in Cupertino and its future—that's why I am here speaking for democracy and for ethical leadership. It's past time for the Council to hold Commissioner Wang accountable. Please honor the lived experiences of those who have been personally harmed by Mr. Wang and do the right thing. Please honor the intelligence and character of our good residents, who deserve to have genuine trust in their officials.

Thank you for your time. It's time to bring dignity back to Cupertino.

Christopher Robinson chris.robins1@gmail.com

Cupertino, California 95014

All Cupertino City Council,

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Holly Loc hollyloc@yahoo.com 10225 Glencoe Dr Cupertino , California 95014

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Kevin Xu kevinxu321@gmail.com

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Commissioner Wang should serve out his term and continue his oversight of the cities planning activities.

Please reconsider the council's actions to remove Wang from the Planning Commission.

Do not remove him!

Tiffany Colantuono tiffanyco2357@gmail.com

Cupertino, California 94086

City Clerk Kirsten Squarcia,

I am a Cupertino community member. This community means a lot to me, and I believe we are home to some of the brightest and most compassionate minds in California. Unfortunately, we are still recovering from prior leadership that has greatly damaged our reputation, including the past actions of Planning Commissioner R. Wang. That is why I am here today to voice my strong support for the removal of Planning Commissioner R. Wang.

While a sitting Planning Commissioner City official, he urged fellow residents to call the employers of pro-housing activists to try to get them fired from their jobs. He has disrespected, insulted, and alleged conspiracy theories against core community partners like Cupertino Rotary and the Cupertino Chamber of Commerce. He continually harassed a City Councilmember in Redwood City (was a planning commissioner), signing her up for porn. Instead of admitting the truth, he lied that developer interests hacked his computer.

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Thank you for your time. It's time to bring dignity back to Cupertino.

Cathy Chamberlain cachamberlain@yahoo.com 10268 Creston Dr Cupertino , California 95014

All Cupertino City Council,

Dear Cupertino City Council, City Attorney, City Manager, and City Clerk

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-have removed the resident-focused council members from key committees.
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You have lost the community's trust and faith by breaking your campaign promises to be collaborative and be inclusive and to bring the community together. Instead, every action you have taken so far seems to show that you are unwilling to compromise and work with the other side, which still represents almost 50% of Cupertino residents.

I urge you to do due diligence to investigate any allegations made against a city official so that your one-sided perception, often taken out of context, and often politically motivated won't become the grounds for your decision to remove a beloved Planning Commissioner.

As the City Attorney has confirmed that in the "A House Divided" report, the Civil Grand Jury's accusation of a Council member's action to direct staff was mistaken. Many of the other claims made in the Civil Grand Jury's report about the City of Cupertino were false too since they rely on one-sided interviews without any cross examination. The Civil Grand Jury is limited in what they could do, but Cupertino City Council has the ability to conduct an investigation. Why have you not done so?

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The accusations you have received on Planning Commissioner R. Wang have been anecdotal and made by people with clear political motives (follow the money and the donations in the last election). We have the campaign disclosure forms.

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Latha Govindaraju lathagovindaraju@gmail.com

Cupertino, California 95014

City Clerk Kirsten Squarcia,

## Howdy y'all!

I live in Cupertino, actively participate in our community, and speak here for myself and myself alone. As someone who lives here, I feel I have a strong interest in the competence and character of our city government.

To cut to the chase, I write this letter in support of Item 11, the removal of Ray "R" Wang as Cupertino's Planning Commissioner. Independent of our agreements and disagreements on political issues, I'm deeply uncomfortable with Ray Wang's actions, his approach to political conflict, and his general treatment of people.

You've likely already received many letters about abstract concepts like "aggressive development" and "dignity and decency in politics," but I hope to use mine to ground this discussion in the actions and revealed incompetence of Ray Wang.

As you already know, as a grown man in a position of power, Ray signed up a Redwood City Council member up for pornography as retaliation for disagreement on some minor local dispute. You've heard a lot about what that means in terms of freedom of speech, workplace harassment, and dignified governance, but I'd like to step back and ask a much simpler question: "Who does that?" What kind of person thinks it's a good idea to harass a colleague and then sign them up for porn over a tiny disagreement on a local issue?

For that same incident, Ray Wang pled no contest to a cyberstalking/harassment charge; then, he denied the incident by saying his computer was hacked by property developers. What I hope y'all ask yourselves here is: "Who thinks this is a believable defense?" What kind of person repeats this blatant, fantastical alibit to the public with a straight face?

Moving to more recent times, as a public official in Cupertino, Ray Wang has pushed for people to get fired over political disagreements on local and state issues. Now, in our state of California, employees are legally protected from workplace retaliation over political engagement outside of work. In other words, not only is Ray Wang's approach to political conflict undignified, but it's also a foolish, misguided attempt to get people to break the law. Let's step back and once again ask ourselves: What kind of person thinks this is a good response to political disagreement? What kind of person deals with political opponents like this? What kind of person thinks this is a smart thing to do? What kind of person has this

pattern of retaliatory harassment over local issues?

What kind of person corners people after in-person public comment on city council meetings?

What kind of person trafficks in wild conspiracy theories about- of all things- Rotary Club?

What kind of person rants about "neo liberal fascists" over the slightest disagreement on local issues?

What kind of person intimidates, berates, and attempts to humiliate city staff in public meetings?

What kind of person dismisses legal advice and gets the city sued?

What kind of person compares California's anti-segregation housing laws to elections in the genocidal, totalitarian Soviet Union?

What kind of man has to change his legal name to the letter "R" to run from his past?

Cupertino has no shortage of brilliant, sensible people. This city raises some of the smartest kids on earth; its economy is driven by some of the most brilliant talent in America; and it's known worldwide due to nurturing some of the most brilliant entrepreneurs of all time. Surely, we have much better candidates for this role, with much clearer thinking and much higher standards in terms of character, civility and competence than Ray Wang.

I hope y'all don't let yourselves get intimidated by Ray Wang, the folks who have empowered this man and kept him in power, and the confused residents who have been manipulated into thinking this is about "aggressive development." I hope y'all ask yourselves: What kind of people become complacent & complicit about Ray Wang? What kind of people do the right thing in spite of an intimidation campaign to protect an abuser? Which kind of people do y'all want to be?

No matter the anger and political pressure y'all may face today- for doing the right thing- I hope y'all remember that Cupertino is full of brilliant, well-adjusted, sensible people, and most all of them have got much better things to do on a Tuesday night than speak at city council. I promise you, this city as a whole will appreciate having a Planning Commissioner with character and competence.

Cupertino has a lot of things to be proud of. Let's make our city government one of them!

Thank you for your time & the care with which you execute your responsibilities.

Faithfully, Rajat Mehndiratta

PS: Commissioner Wang, if you ever read this, please feel free to contact me for my employer's information; you can email me at raywang@rajats.site. I would love to have something new to laugh about with my manager.

Rajat Mehndiratta pleaseremovecreepyray@rajats.site 19608 Pruneridge Avenue #8303 Cupertino, California 95014

From:	Eric Schaefer
То:	<u>City Council; City Clerk; Pamela Wu; City Attorney"s Office</u>
Cc:	Phyllis Dickstein
Subject:	Written communication, Council Meeting, 3/7/2023, Agenda Item 11, in support of Planning Commissioner R "Ray" Wang
Date:	Tuesday, March 7, 2023 11:26:49 AM

Dear Cupertino City Council, City Attorney, City Manager, and City Clerk

Please include my letter as written communication for the 3/7/2023 City Council meeting, Agenda Item 11, RETAIN, do not remove, Planning Commissioner Ray Wang."

I am posting the following message on behalf of a neighbor. Thank you. Eric Schaefer

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Dear Council Members,

With respect to agenda item 11, I should like to remind you that Council membership changes from term to term, but common decency does not.

When resident-focused members held a 4-1 majority, they did not remove Commission members who disagreed with their views mid-term. Nor did they seek to inhibit the freedom of expression or the freedom to seek information of their fellow Council members or members of the public. They did not seek to change the rules of the game in their favor. They behaved like ladies and gentlemen.

I sincerely hope that members of the current Council will do the same.

Sincerely,

Phyllis Dickstein Resident, Travigne Villas

City Clerk Kirsten Squarcia,

I am a Cupertino community member. This community means a lot to me, and I believe we are home to some of the brightest and most compassionate minds in California. Unfortunately, we are still recovering from prior leadership that has greatly damaged our reputation, including the past actions of Planning Commissioner R. Wang. That is why I am here today to voice my strong support for the removal of Planning Commissioner R. Wang.

While a sitting Planning Commissioner City official, he urged fellow residents to call the employers of pro-housing activists to try to get them fired from their jobs. He has disrespected, insulted, and alleged conspiracy theories against core community partners like Cupertino Rotary and the Cupertino Chamber of Commerce. He continually harassed a City Councilmember in Redwood City (was a planning commissioner), signing her up for porn. Instead of admitting the truth, he lied that developer interests hacked his computer.

Commissioner Wang even acts on misinformation to propel his political agenda, instead of listening to legal advice, putting the city at risk of being sued. For example, when the City sought to fix a density bonus ordinance to comply with state law, he compared this to free and fair democratic elections in the Soviet Union."

I believe in Cupertino and its future—that's why I am here speaking for democracy and for ethical leadership. It's past time for the Council to hold Commissioner Wang accountable. Please honor the lived experiences of those who have been personally harmed by Mr. Wang and do the right thing. Please honor the intelligence and character of our good residents, who deserve to have genuine trust in their officials.

Thank you for your time. It's time to bring dignity back to Cupertino.

Michaela Murphy michaelamurphy97@gmail.com

Los Angeles, California 90046

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I urge you to do due diligence to investigate any allegations made against a city official so that your one-sided perception, often taken out of context, and often politically motivated won't become the grounds for your decision to remove a beloved Planning Commissioner.

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Li Chen Ichen502@gmail.com

Cupertino, California 95014

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Jerry Lu jclu888@icloud.com 1152 Candlelight Way Cupertino, California 95014

City Clerk Kirsten Squarcia,

I am a long-time Cupertino community member. I want Ray Wang out. b (betsy collins shafer, Cupertino)

betspix@gmail.com 19919 Pear Tree Ln, 19919 Pear Tree Lane Cupertino, California 95014

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I urge you to give any city official a warning with findings and recommendations based on solid evidence before you take any formal action for removing anyone from their appointed position.

This is the basic decency that Cupertino voters expected of you, yet you were so eager to agendize this item without a proper inquiry.

As the City Attorney has confirmed that in the "A House Divided" report, the Civil Grand Jury's accusation of a Council member's action to direct staff was mistaken. Many of the other claims made in the Civil Grand Jury's report about the City of Cupertino were false too since they rely on one-sided interviews without any cross examination. The Civil Grand Jury is limited in what they could do, but Cupertino City Council has the ability to conduct an investigation. Why have you not done so?

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- Approved the new hotel at Cupertino Village, which provides a plentiful tax revenue stream to Cupertino.

- Approved the Bateh Brothers site for new mixed-use housing. The developer followed appropriate processes and did not insist on overbuilding.

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Al-Husein Madhany madhany@gmail.com

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-have adopted procedures to shut down commissions where their views do not prevail.
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You have lost the community's trust and faith by breaking your campaign promises to be collaborative and be inclusive and to bring the community together. Instead, every action you have taken so far seems to show that you are unwilling to compromise and work with the other side, which still represents almost 50% of Cupertino residents.

I urge you to do due diligence to investigate any allegations made against a city official so that your one-sided perception, often taken out of context, and often politically motivated won't become the grounds for your decision to remove a beloved Planning Commissioner.

I urge you to give any city official a warning with findings and recommendations based on solid evidence before you take any formal action for removing anyone from their appointed position. This is the basic decency that Cupertino voters expected of you, yet you were so eager to agendize this item without a proper inquiry.

As the City Attorney has confirmed that in the "A House Divided" report, the Civil Grand Jury's accusation of a Council member's action to direct staff was mistaken. Many of the other claims made in the Civil Grand Jury's report about the City of Cupertino were false too since they rely on one-sided interviews without any cross examination. The Civil Grand Jury is limited in what they could do, but Cupertino City Council has the ability to conduct an investigation. Why have you not done so?

The City of Los Gatos has formed a subcommittee to investigate an accusation on their Planning Commissioner, even when the accusation is based on an email with written evidence. Eventually the Los Gatos City Council decided to censure the Commissioner.

The accusations you have received on Planning Commissioner R. Wang have been anecdotal and made by people with clear political motives (follow the money and the donations in the last election). We have the campaign disclosure forms.

Wouldn't it be much more necessary for Cupertino to form a subcommittee with balanced members to investigate the accusations made before the Council take any formal action?

Anything less would appear to demonstrate that the WMF Cupertino City Council is politically motivated to remove a commissioner for political gain and that the Cupertino City Council does not care about the truth nor cares about hurting the reputation of one of their own citizens based on potentially false accusations by a vindictive council member in Sunnyvale and one in Cupertino?

Mayor Wei, can we put our renewed trust in you to do the right thing and not remove a Planning Commissioner without an investigation to establish evidence?

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Here are all the contributions of Commissioner Wang, which you should take into consideration before taking any action:

+ Continued perseverance, hard work and determination to represent the resident's interests.

+ Wang and the current planning commissioners Steven Scharf and Muni Madhdhipatla have worked hard for sensible growth:

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+ We need more residents like Wang who represent the interests of residents. We feel Wang has represented us well and should continue to serve as our voice on the Planning Commission.

Commissioner Wang should serve out his term and continue his oversight of the cities planning activities.

Please reconsider the council's actions to remove Wang from the Planning Commission.

Do not remove him!

Anjana Choudhury anjanachoudhury@yahoo.com 7475 Rainbow Drive Cupertino, California 95014

All Cupertino City Council,

Dear Cupertino City Council, City Attorney, City Manager, and City Clerk

Please include my letter as written communication for the 3/7/2023 City Council meeting, Agenda Item 11, RETAIN, do not remove, Planning Commissioner Ray Wang."

Stop The Divisiveness and Dirty Politics - Do Not Remove Planning Commissioner Wang

The attempted removal of Commissioner Wang is unjust and politically motivated by the two newly elected City Council member Sheila Mohan and J.R. Fruen, who was elected by a thin margin of less one percent of votes casted. But under the leadership of Mayor Hung Wei, this 3-person WMF (Wei, Mohan, Fruen) Council Majority has taken swift actions to change long-standing city practices in less than 3 months. They are causing massive levels of mistrust.

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Do not remove him!

Kishore Choudhury kishorec2003@yahoo.com 7475 Rainbow Drive Cupertino, California 95014

City Clerk Kirsten Squarcia,

I am a Cupertino community member for over 49 years. This community means a lot to me, and I believe we are home to some of the brightest and most compassionate minds in California. Unfortunately, we are still recovering from prior leadership that has greatly damaged our reputation, including the past actions of Planning Commissioner R. Wang. That is why I am here today to voice my strong support for the removal of Planning Commissioner R. Wang.

Those elected and appointed for city, county or state government have an obligation to represent their constituents in a respectful and professional manner. Using insulting and/or disrespectful language while serving in any representative capacity violates all norms of conduct and indicates the need for removal from this role.

Following the Golden Rule of treating others as you yourself want to be treated is a valid guideline. Commissioner Wang should resign or be removed from any City role.

I believe in Cupertino and its future—that's why I am here speaking for democracy and for ethical leadership. It's past time for the Council to hold Commissioner Wang accountable. Please honor the lived experiences of those who have been personally harmed by Mr. Wang and do the right thing. Please honor the intelligence and character of our good residents, who deserve to have genuine trust in their officials.

It's time to return respect and dignity in government to Cupertino.

Thank you, Marieann Shovlin

Marieann Shovlin m.shovlin@comcast.net 10277 Vista Knoll Blvd. Cupertino, California 95014

From:	Cupertino ForAll
То:	City Clerk; Cupertino City Manager"s Office; City Council
Subject:	Joint Letter: Organizations Call on Council to Remove R Wang
Date:	Tuesday, March 7, 2023 10:02:26 AM
Attachments:	Sign on letter .pdf

Dear Cupertino City Council,

Please see the attached letter from several organizations in our region calling for the removal of Planning Commissioner R Wang. This is in support of item #11.

Cupertino for All

Democratic Activists for Women Now-DAWN

South Bay YIMBY

Silicon Valley Young Democrats

South Bay Youth Changemakers

Silicon Valley Asian Pacific American Democratic Club

Ava Chiao, Teacher, Cupertino resident



# Community Letter: Removal of Planning Commissioner R "Ray" Wang

We support the March 7 Cupertino City Council agenda item to remove Planning Commissioner R "Ray" Wang—a long overdue ordeal as he has repeatedly abused his position of power to harass residents and leaders in the community. Cupertino needs elected and appointed representatives to adopt an approach to public policy that is fair, unlocks opportunity for all, commits to conducting the people's business in public, and ensures City Hall represents all of Cupertino, not just a chosen few. To be clear—this is not an instance 20 years ago; **this is a repeated pattern of behavior**.

Cupertino is a role model for other cities to follow-with a newly-elected, strong, diverse city council, and excellent city staff. Unfortunately, it is still recovering from prior leadership that has greatly damaged its reputation, including the past actions of Planning Commissioner Wang.

The new City Council has begun to undo the damage of the former Council with a powerful governance reform package and a response to the Civil Grand Jury Report which reprimanded the former Council. For Cupertino and its democracy to truly move forward–where all voices feel valued and respected–they must hold their appointed officials accountable for past actions. That is why Cupertino voices have repeatedly demanded the removal of Planning Commissioner R Wang. The repeated behaviors of Commissioner Wang exhibit an inability to work with others in a leadership capacity—he aggressively lashes out at others who disagree with him and seeks to damage others' livelihood when he does not get what he wants. His actions are wide-ranging, showing intent to intimidate and stifle public participation. Specifically:

#### 1. Alleged Sexual Harassment

Commissioner Wang harassed a City Councilmember in Redwood City (who was a planning commissioner at the time), signing her up for porn. Instead of admitting the truth, he lied that developer interests hacked his computer. He took a plea deal, avoiding felony charges for impersonation and unauthorized use of another person's personal identification. He also placed a threatening call to this same individual. He took a negotiated plea deal, allowing him to avoid trial on felony identity theft charges and pled no contest to a cyberstalking misdemeanor for which he was originally given a custodial sentence (jail time).

### 2. Harassment of Community Members

While a Planning Commissioner, Wang urged fellow residents to call the employers of pro-housing activists to try to get them fired from their jobs. He said, verbatim ("Next time you get harassed by a YIMBY, track down their employer and send their HR, Legal, and CEO a letter outlining their YIMBY stance, and all their tweets, their digital and social comms to show their lack of civility. It goes a long way to getting them reprimanded and in some cases a dose of reality.")

**3.** Antagonized key City Staff using his role as Planning Commissioner On May 24, 2022, Commissioner Wang used his position as Planning Commissioner at a Planning Commission meeting to try to rudely discredit the work of the Housing Element Consultant and City staff. He also excoriated Senior Planner Eric Serrano during the Canyon Crossing and Bateh Brothers project review at the Planning Commission.

#### 4. Violations of Commissioner's Handbook

On February 17, 2021, as Chair of the Planning Commission, R Wang wrote a letter directly to the City Manager with scathing input on the performance of a

high level employee. He acted well outside the bounds of his authority as stated in the 2021 Commissionier's Handbook. The Handbook clearly states that Commissioners cannot direct, prioritize, or supervise city staff.

## 5. Spreading Lies

On the Vallco redevelopment—he said that we must "save the suburbs from an onslaught of anarchists and YIMBY Neo Liberal fascists." This is a clear misrepresentation of activists' honest attempts to engage in meaningful dialogue pertaining to issues of affordable housing.

When the City sought to fix a density bonus ordinance to comply with state law, he compared this to "free and fair democratic elections in the Soviet Union."

He has downplayed the reality of the housing crisis, spreading lies such as: "Just to correct the record, we don't have a homeless problem... We had a manufactured homeless crisis sponsored by some individuals."

We support the Agenda Item to remove Planning Commissioner R "Ray" Wang.

#### In Community,

Cupertino for All

Democratic Activists for Women Now-DAWN

South Bay YIMBY

Silicon Valley Young Democrats

South Bay Youth Changemakers

Silicon Valley Asian Pacific American Democratic Club

Ava Chiao, Teacher, Cupertino resident

From:	Rosanne Foust
То:	City Council; Hung Wei; Sheila Mohan; J.R. Fruen; Liang Chao; Kitty Moore
Subject:	Fwd: City Council Meeting March 7 2023 Agenda Item #11
Date:	Tuesday, March 7, 2023 9:59:09 AM
Attachments:	Cupertino City Council Meeting 3.7.2023 Item 11 Comments.pdf

Please see the attached that was sent yesterday to the <u>citycouncil@cupertino.org</u> email address. Thank you.

----- Original Message ------From: Rosanne Foust <rosannefoust@comcast.net> To: "citycouncil@cupertino.org" <citycouncil@cupertino.org> Date: 03/06/2023 1:11 PM Subject: City Council Meeting March 7 2023 Agenda Item #11

Please see my attached letter to the Cupertino City Council for Item #11 on March 7, 2023.

Thank you,

**Rosanne Foust** 

March 6, 2023

Honorable Mayor Hung Wei and Members of the City Council City of Cupertino 10300 Torre Avenue Cupertino, CA 95014-3202

#### Re: City Council Agenda for March 7, 2023 Item #11

Dear Honorable Mayor Wei and Members of the City Council,

I am reaching out today to share a small part of my Ray Wang story with you from over twenty years ago. We were both active in the Redwood Shores neighborhood, I was Chair of the Redwood City Planning Commission, considering a run for City Council, and employed by a European regional government agency promoting economic development.

I was always very careful with email communications and hyper vigilant about signing up for anything. One day during the early stages of my campaign for City Council I noticed emails coming across purporting that I had signed up for pornographic websites. Shocked is an understatement. I had a 3 and 8-year-old, full-time job, I was and still am very well-respected in the community and was truly appalled at what was coming through my computer screen.

After consultations with family, friends, my employer, and trusted mentors I decided to file a police report and hire an attorney. Someone had taken my identity and used it maliciously to try and defame me.

The Redwood City Police Dept. referred the case to the San Mateo County District Attorney's office who decided to pursue this as a case of online identify theft. Ray Wang was identified as the perpetrator. He was charged with three different offenses, paid all my legal fees, was rebuffed in his ask that I never publicly talk about it (this was an initial condition of his wanting to settle the case and I refused) denied he ever did it and said his personal home computer was hacked. As far as I knew after the case was settled, he moved out of the area.

Fast forward to mid-2019 when a reporter from *San Jose Spotlight* contacts me about Ray Wang, now on the Cupertino Planning Commission. I was shocked and saddened as from what I was told and the research I did following the call it appeared that Ray Wang hadn't changed at all. He just moved and was back at personal attacks and unethical behavior.

We are now in 2023 and again I am reliving how I felt when those sign-ups and images came through my computer screen. While his malicious conduct in furthering his civic

and personal aims was nearly 20 years ago against me, it was and still is morally reprehensible. And he continues to do harm to others.

I have always been very clear with my daughters about standing up for themselves. I am now taking my own advice and sharing this with you so you can decide whether his character and values are such that he should be serving now in public office.

Thank you for your service and for taking the time to read this correspondence.

Sincerely,

Fork

Rosanne Foust 204 Upland Court Redwood City, CA 94062 rosannefoust@comcast.net

City Clerk Kirsten Squarcia,

I am a Cupertino community member. This community means a lot to me, and I believe we are home to some of the brightest and most compassionate minds in California. Unfortunately, we are still recovering from prior leadership that has greatly damaged our reputation, including the past actions of Planning Commissioner R. Wang. That is why I am here today to voice my strong support for the removal of Planning Commissioner R. Wang.

While a sitting Planning Commissioner City official, he urged fellow residents to call the employers of pro-housing activists to try to get them fired from their jobs. He has disrespected, insulted, and alleged conspiracy theories against core community partners like Cupertino Rotary and the Cupertino Chamber of Commerce. He continually harassed a City Councilmember in Redwood City (was a planning commissioner), signing her up for porn. Instead of admitting the truth, he lied that developer interests hacked his computer.

Commissioner Wang even acts on misinformation to propel his political agenda, instead of listening to legal advice, putting the city at risk of being sued. For example, when the City sought to fix a density bonus ordinance to comply with state law, he compared this to free and fair democratic elections in the Soviet Union."

I believe in Cupertino and its future—that's why I am here speaking for democracy and for ethical leadership. It's past time for the Council to hold Commissioner Wang accountable. Please honor the lived experiences of those who have been personally harmed by Mr. Wang and do the right thing. Please honor the intelligence and character of our good residents, who deserve to have genuine trust in their officials.

Thank you for your time. It's time to bring dignity back to Cupertino.

Norma Goorvitch ngoorvitch@hotmail.com 22116 Linda Vista Place Cupertino , California 95014

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While he was a sitting Planning Commissioner City official, he urged fellow residents to call the employers of pro-housing activists to try to get them fired from their jobs. He has disrespected, insulted, and alleged conspiracy theories against core community partners like Cupertino Rotary and the Cupertino Chamber of Commerce. He continually harassed a City Council member in Redwood City (who was a planning commissioner), signing her up for porn. Instead of admitting the truth, he lied that developer interests had hacked his computer.

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I believe in Cupertino and its future – that's why I am here speaking for democracy and for ethical leadership, which we have in our current Council and Mayor. It is past time for the Council to hold Commissioner Wang accountable. Please honor the experiences of those who have been personally harmed by Mr. Wang and remove him from his current position. Honor the intelligence and character of our residents, who deserve to have genuine trust in their officials. This is not a political move, as Mr. Wang claims, but one that is needed to re-establish our city's integrity.

It's time to bring dignity back to Cupertino.

Adrienne Harber adrienneharber@yahoo.com 18900 Pendergast Ave Cupertino, California 95014

From:	<u>Yi Ding</u>
То:	City Council
Subject:	on the subject of the Cupertino Planning Commission
Date:	Tuesday, March 7, 2023 9:15:55 AM

Dear City Council Members of the City of Cupertino,

I understand you are considering the composition of your planning commission tonight. Unfortunately I will not be able to attend, but wanted to offer a few comments:

Surely tonight you will hear many details about the virtues and vices of Mr. Wang and I will not bother to repeat them here.

The more important issue, in my opinion, is the proper functioning of your planning commission, an essential government organ for every city. Since governance is your primary charge, I hope you keep that top of mind tonight. From my outsider perspective, and indeed by any objective measure, your previous planning commission has demonstrated a complete lack of aptitude and indeed inclination to not only follow the relevant laws, but also discharge the basic responsibilities of the planning commission. This, of course, has caused many difficulties for the administration of your city, and I'm sure your staff would gladly discuss those with you at length. Therefore, I would urge you to seriously consider removing all three holdovers from the previous commission.

Good governance is important. Sometimes the only way to achieve that is with a clean start.

Respectfully, Yi Ding

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Joan Bodway joanbodway@gmail.com 20142 Pacifica Drive Cupertino, California 95014

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Archana Chilukuri archanaacqua@gmail.com 10275 moretti dr Cupertino , California 95014

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Do not remove him!

Bing Rui bingarita@gmail.com

Cupertino, California 95014

City Clerk Kirsten Squarcia,

I am a Cupertino community member and long time student of De Anza College. This community means a lot to me, and I believe we are home to some of the brightest and most compassionate minds in California. Unfortunately, we are still recovering from prior leadership that has greatly damaged our reputation, including the past actions of Planning Commissioner R. Wang. That is why I am here today to voice my strong support for the removal of Planning Commissioner R. Wang.

While a sitting Planning Commissioner City official, he urged fellow residents to call the employers of pro-housing activists to try to get them fired from their jobs. He has disrespected, insulted, and alleged conspiracy theories against core community partners like Cupertino Rotary and the Cupertino Chamber of Commerce. He continually harassed a City Councilmember in Redwood City (was a planning commissioner), signing her up for porn. Instead of admitting the truth, he lied that developer interests hacked his computer. As a survivor of sexual assault myself, I do not believe these actions should be taken so lightly that they may be swept under the rug.

Commissioner Wang even acts on misinformation to propel his political agenda, instead of listening to legal advice, putting the city at risk of being sued. For example, when the City sought to fix a density bonus ordinance to comply with state law, he compared this to free and fair democratic elections in the Soviet Union."

I believe in Cupertino and its future—that's why I am here speaking for democracy and for ethical leadership. It's past time for the Council to hold Commissioner Wang accountable. Please honor the lived experiences of those who have been personally harmed by Mr. Wang and do the right thing. Please honor the intelligence and character of our good residents, who deserve to have genuine trust in their officials.

Thank you for your time. It's time to bring dignity back to Cupertino.

Veronica Harris veronica@goharris.com

Campbell, California 95008

City Clerk Kirsten Squarcia,

As a community member that lives on Wolfe Road, I am writing to voice my strong support for the removal of planning commissioner Ray Wang.

As a sitting planning commissioner, he has called our neighbors "anarchists" and "Neo Liberal fascists," and has even urged residents to call the employers of those that have differing opinions than him to try to get them fired from their jobs. While our opinions can differ on how we might feel is the right course of action, rather than listening to these opinions, he has continuously resorted to intimidation, bullying, and harassment of people whose opinions do not align with his. To belittle those that you don't agree with is not conducive to a democratic society, and it dissuades everyday people from taking part in the political process. In fact, in all honestly, I was nervous to write this email because I considered the retribution I could face. But that isn't how anyone should have to feel engaging in government.

The behavior he resorts to, the type of language he uses, and the polarization he exacerbates is unbecoming of a planning commissioner. I am especially disheartened that Cupertino leadership has continued to give further leadership opportunities to a person who has been shown to antagonize others, including women in leadership roles. He has a demonstrated pattern of harassment — including a time he had a female Redwood City planning commissioner's business email sent porn. An investigation connected his home computer IP address to the pornographic email, and instead of apologizing for his actions, he blatantly lied and blamed developer interests for hacking his computer.

How can we meaningfully address our issues when our appointed officials resort to deflection, misdirection, and flat out lying?

While I feel that his removal is long overdue, as his behavior has demonstrated little remorse time and time again, I believe this is a necessary action and I thank you for your consideration.

Charlsie Chang CHARLSIECHANG@GMAIL.COM 1382 S Wolfe Road Sunnyvale, California 94087

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Jayson Chao jaysonchao@gmail.com 22334 Cupertino Road Cupertino, California 95014

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Please reconsider the council's actions to remove Wang from the Planning Commission.

Do not remove him!

Signed, Susan Candell

Susan Candell thecandells@comcast.net 1085 Martino Road Lafayette, California 94549

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Jim Wheeler jimwwh@gmail.com 22238 Hammond Way Cupertino, 9t014

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Please include my letter as written communication for the 3/7/2023 City Council meeting, Agenda Item 11, RETAIN, do not remove, Planning Commissioner Ray Wang."

Stop The Divisiveness And Dirty Politics - Do Not Remove Planning Commissioner Wang

The attempted removal of Commissioner Wang is unjust and politically motivated by the two newly elected City Council member Sheila Mohan and J.R. Fruen, who was elected by a thin margin of less one percent of votes casted. But under the leadership of Mayor Hung Wei, this 3-person WMF (Wei, Mohan, Fruen) Council Majority has taken swift actions to change long-standing city practices in less than 3 months. They are causing massive levels of mistrust.

Your actions are divisive for Cupertino residents and in total disregard to the few thousand residents who voted for your opponents, We are your constituents too. Will you do everything in your power to gain majority control, not only in the City Council, but also in every commission? Are you this shameless?

The 2023 WMF Council Majority :

-have removed the resident-focused council members from key committees.
-have adopted procedures to shut down commissions where their views do not prevail.
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You have lost the community's trust and faith by breaking your campaign promises to be collaborative and be inclusive and to bring the community together. Instead, every action you have taken so far seems to show that you are unwilling to compromise and work with the other side, which still represents almost 50% of Cupertino residents.

I urge you to do due diligence to investigate any allegations made against a city official so that your one-sided perception, often taken out of context, and often politically motivated won't become the grounds for your decision to remove a beloved Planning Commissioner.

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Shirish Seetharam shirishs@gmail.com 10198 Richwood Dr Cupertino, California 95014

City Clerk Kirsten Squarcia,

I am a Cupertino community member. This community means a lot to me, and I believe we are home to some of the brightest and most compassionate minds in California. Unfortunately, we are still recovering from prior leadership that has greatly damaged our reputation, including the past actions of Planning Commissioner R. Wang. That is why I am here today to voice my strong support for the removal of Planning Commissioner R. Wang.

While a sitting Planning Commissioner City official, he urged fellow residents to call the employers of pro-housing activists to try to get them fired from their jobs. He has disrespected, insulted, and alleged conspiracy theories against core community partners like Cupertino Rotary and the Cupertino Chamber of Commerce. He continually harassed a City Councilmember in Redwood City (was a planning commissioner), signing her up for porn. Instead of admitting the truth, he lied that developer interests hacked his computer.

Commissioner Wang even acts on misinformation to propel his political agenda, instead of listening to legal advice, putting the city at risk of being sued. For example, when the City sought to fix a density bonus ordinance to comply with state law, he compared this to free and fair democratic elections in the Soviet Union."

I believe in Cupertino and its future—that's why I am here speaking for democracy and for ethical leadership. It's past time for the Council to hold Commissioner Wang accountable. Please honor the lived experiences of those who have been personally harmed by Mr. Wang and do the right thing. Please honor the intelligence and character of our good residents, who deserve to have genuine trust in their officials.

Thank you for your time. It's time to bring dignity back to Cupertino.

Thaddeus Tarshis tjtarshis@gmail.com 22079 San Fernando Ct. Cupertino, California 95014

From:	Liana Crabtree
То:	<u>City Council</u>
Cc:	<u>City Clerk</u>
Subject:	written communication: 3/7/2023 Council Meeting, Agenda Item 11, RETAIN Planning Commissioner R "Ray" Wang for the remainder of his term
Date:	Monday, March 6, 2023 11:58:16 PM

Honorable Mayor Wei, Vice Mayor Mohan, and Council Members Chao, Fruen, and Moore:

Please include this letter as written communication for the 3/7/2023 Council meeting, Agenda Item 11 "Removal of Planning Commissioner R Wang".

## I oppose any decision to remove R "Ray" Wang from the Planning Commission, with or without cause.

Some have cited Commissioner Wang's comments provided at the 5/24/2022 Planning Commission meeting as "justification" for his removal from the commission. However, a determined majority Council is not required to provide a reason to remove an appointed city official. A majority Council's will to remove a commissioner for reasons of political expediency is sufficient.

I have listened to the May 24, 2022 Planning Commission meeting and agree with the concerns Commissioner Wang expressed during the meeting. Specifically, the contractor hired to prepare the Housing Element submission had put the City at risk of missing deadlines by not providing basic deliverables, such as a project timeline with dates and an updated spreadsheet identifying potential housing development sites.

I noted that of the 4 members of the public who commented on the Housing Element agenda item during the 5/24/2022 Planning Commission meeting, 3 expressed support for or thanked Commissioner Wang for his comments.

What stays with me about the 5/24/2022 meeting, however, were Commissioner Wang's prescient comments during the agenda setting-portion of the meeting.

Here are the comments of Chair Scharf, Senior Assistant City Attorney Woo, and Commissioner Wang's during the discussion of future agenda items (time stamp, 1:59:47, <u>5/24/2022 meeting recording</u>):

**Chair Scharf:** Let me ask the City Attorney, for a future agenda item based on what we heard from the public and from some commissioners, can we put an item on the agenda to discuss the timeline and the performance of our consultant, in regards to the Housing Element? Since we obviously were not allowed to discuss it tonight.

**Senior Assistant City Attorney Woo:** Yeah, so Chair you had the discretion to add something to an agenda and then in consultation with the Planning Manager who can set when that will occur, on which agenda.

**Chair Scharf:** Okay, well, yeah we don't have a lot of time here, so, right, I know I can put things on the agenda, so I will do that for the next agenda.

**Senior Assistant City Attorney Woo:** I just want to clarify, I'm sorry, I apologize, but you know it's certainly within your discretion to elect to add an item to an agenda in the future. And when that is actually scheduled, it's a function of a discussion between you and the liaison to the commission, which is the Planning Manager.

Commissioner Wang: May I ask a question to the Senior Assistant City Attorney?

Chair Scharf: Go.

**Commissioner Wang:** I believe that is the case. However, City Council and a council member, I know some of the council members are here, can also request and have that meeting with the City Manager to make sure that is on the agenda. Is that correct as well?

**Senior Assistant City Attorney Woo:** The City Council Members can and should talk to the City Manager, that is correct.

**Commissioner Wang:** Okay. I would encourage that to happen because the performance of this is jeopardizing our ability to be compliant with HCD (Department of Housing and Community Development). And if the idea here is to fail us, fail us, and have HCD take over, I'm very concerned. So, it is a matter of diligence. And, and, I really think it's important that we do our due diligence on our end. So, I would encourage any city council person here to make this a performance issue item, and ask for that to be put on our agenda.

Eight months later, Commissioner Wang's predictions were, regrettably, proven correct. Cupertino failed to meet its Housing Element obligations--including draft and final submission deadlines--and now must deal with litigation from opportunistic groups who favor State control of land use decisions for Cupertino.

Cupertino is fortunate to have dedicated volunteers serve on our city commissions and committees. Planning Commissioner Wang has served the community admirably and should be allowed to complete his term.

Sincerely,

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Cupertino, California 95014

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Dear Cupertino City Council, City Attorney, City Manager, and City Clerk

Please include my letter as written communication for the 3/7/2023 City Council meeting, Agenda Item 11, RETAIN, do not remove, Planning Commissioner Ray Wang."

Stop The Divisiveness And Dirty Politics - Do Not Remove Planning Commissioner Wang

The attempted removal of Commissioner Wang is unjust and politically motivated by the two newly elected City Council member Sheila Mohan and J.R. Fruen, who was elected by a thin margin of less one percent of votes casted. But under the leadership of Mayor Hung Wei, this 3-person WMF (Wei, Mohan, Fruen) Council Majority has taken swift actions to change long-standing city practices in less than 3 months. They are causing massive levels of mistrust.

Your actions are divisive for Cupertino residents and in total disregard to the few thousand residents who voted for your opponents, We are your constituents too. Will you do everything in your power to gain majority control, not only in the City Council, but also in every commission? Are you this shameless?

The 2023 WMF Council Majority :

-have removed the resident-focused council members from key committees.
-have adopted procedures to shut down commissions where their views do not prevail.
-have adopted procedures to silence public commentary on agenda items at council and - commission meetings in the "name of efficient meetings"

You have lost the community's trust and faith by breaking your campaign promises to be collaborative and be inclusive and to bring the community together. Instead, every action you have taken so far seems to show that you are unwilling to compromise and work with the other side, which still represents almost 50% of Cupertino residents.

I urge you to do due diligence to investigate any allegations made against a city official so that your one-sided perception, often taken out of context, and often politically motivated won't become the grounds for your decision to remove a beloved Planning Commissioner.

As the City Attorney has confirmed that in the "A House Divided" report, the Civil Grand Jury's accusation of a Council member's action to direct staff was mistaken. Many of the other claims made in the Civil Grand Jury's report about the City of Cupertino were false too since they rely on one-sided interviews without any cross examination. The Civil Grand Jury is limited in what they could do, but Cupertino City Council has the ability to conduct an investigation. Why have you not done so?

The City of Los Gatos has formed a subcommittee to investigate an accusation on their Planning Commissioner, even when the accusation is based on an email with written evidence. Eventually the Los Gatos City Council decided to censure the Commissioner.

The accusations you have received on Planning Commissioner R. Wang have been anecdotal and made by people with clear political motives (follow the money and the donations in the last election). We have the campaign disclosure forms.

Wouldn't it be much more necessary for Cupertino to form a subcommittee with balanced members to investigate the accusations made before the Council take any formal action?

Anything less would appear to demonstrate that the WMF Cupertino City Council is politically motivated to remove a commissioner for political gain and that the Cupertino City Council does not care about the truth nor cares about hurting the reputation of one of their own citizens based on potentially false accusations by a vindictive council member in Sunnyvale and one in Cupertino?

Mayor Wei, can we put our renewed trust in you to do the right thing and not remove a Planning Commissioner without an investigation to establish evidence?

Vice Mayor Mohan and council member Fruen, can we put our trust in you that you will serve ALL Cupertino residents whether they support your political views or not?

Can we trust all of you to do the diligence before taking drastic actions, in response to those who are politically motivated to remove their opponents?

Here are all the contributions of Commissioner Wang, which you should take into consideration before taking any action:

+ Continued perseverance, hard work and determination to represent the resident's interests.

+ Wang and the current planning commissioners Steven Scharf and Muni Madhdhipatla have worked hard for sensible growth:

- Approved the Westport Project, which provides a large contingent of the housing that is mandated by the State of California. The project is sensible because it does not jeopardize future housing elements by adding excessive office space.

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+ Commissioner Wang has a long history of defending his community from developers and business interests who seek to take advantage of residents and their rights. Wang has been a strong advocate for resident-focused causes and keeping the city staff accountable.

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Patricia Chen floral\_arts@yahoo.com 19503 Howard Ct Cupertino, California 95014

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Do not remove him!

Liping Huang nonohuang123@yahoo.com 1600. 19 Ave San Francisco , California 94112

City Clerk Kirsten Squarcia,

I am a Cupertino community member. This community means a lot to me, and I believe we are home to some of the brightest and most compassionate minds in California. Unfortunately, we are still recovering from prior leadership that has greatly damaged our reputation, including the past actions of Planning Commissioner R. Wang. That is why I am here today to voice my strong support for the removal of Planning Commissioner R. Wang.

While a sitting Planning Commissioner City official, he urged fellow residents to call the employers of pro-housing activists to try to get them fired from their jobs. He has disrespected, insulted, and alleged conspiracy theories against core community partners like Cupertino Rotary and the Cupertino Chamber of Commerce. He continually harassed a City Councilmember in Redwood City (was a planning commissioner), signing her up for porn. Instead of admitting the truth, he lied that developer interests hacked his computer.

Commissioner Wang even acts on misinformation to propel his political agenda, instead of listening to legal advice, putting the city at risk of being sued. For example, when the City sought to fix a density bonus ordinance to comply with state law, he compared this to free and fair democratic elections in the Soviet Union."

I believe in Cupertino and its future, and am disgusted by Commissioner Wang's actions. He is a disgrace to the city and its citizens.

It's past time for the Council to hold Commissioner Wang accountable. Please honor the lived experiences of those who have been personally harmed by Mr. Wang and do the right thing. Please honor the intelligence and character of our good residents, who deserve to have genuine trust in their officials.

Thank you for your time. It's time to bring dignity back to Cupertino.

Joan Trampenau trampenau2000@comcast.net 10141 Colby Ave Cupertino, California 95014-2419

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Commissioner Wang should serve out his term and continue his oversight of the cities planning activities.

Please reconsider the council's actions to remove Wang from the Planning Commission.

Do not remove him!

xinhua wang xinhua2000@hotmail.com 866 Betlin Ave Cupertino, California 95014-4547

From:	Byron P Rovegno
То:	City Council
Subject:	March 7th Agenda Item #11
Date:	Monday, March 6, 2023 9:14:09 PM

Dear Councilmembers,

I am writing to concur with your decision to remove R. Wang from the Planning Commission. We need people on the commission who will work with the council and city staff to solve our housing problem and meet state requirements. There is no excuse for us being in the news as poster boy for how not to do things. Furthermore, I understand that the commissioners are appointed by the council and serve at the pleasure of the council. A public discussion was not held when R. Wang was appointed so it would appear that a public discussion about termination is unnecessary. I think you have better uses for your time and ours.

Thank you for listening. Sincerely,

Byron Rovegno Sent from <u>Mail</u> for Windows

City Clerk Kirsten Squarcia,

I am a Cupertino community member. I went to high school in Cupertino and then stayed in the area at Santa Clara University. Today I work for a tech company and love my community.

This community means a lot to me, and I believe we are home to some of the brightest and most compassionate minds in California I live with my parents because I am saving up for a house in the nearby area.

I went to high school with Neil Park McClintock and people like JR Fruen, Connie Cunningham, and John Zhao. As a member of the LGBQT+ community we all faced massive discrimination in school. Some of us are still angry, others of us have found peace of who we are and know that society now embraces all types of people.

I believe JR Fruen, Richard Mehlinger, and Neil Park McClintock are still angry. I remember a discussion I had where there was a lot of anger at high performing Asians in school. This anger is common among my college classmates in the community. They are taught in school to hate a nuclear family, fight against single family homes, mock high performing AP classes, hate cars, and fight the Cis-Males and Cis Females who are successful. This is not a way to live.

I hope my brothers and sisters in the community find peace and stop their version of discrimination. We should be inclusive of all types of people. But when I hear many of the Cupertino For All people talk, there seems to be a sense of discrimination and bias towards our cis-friends. This is unacceptable. We are one community. We need to hear different voices. We need to respect different views.

The attack on whoever Wang is seems to be motivated by this hate. There is no due process. I've looked at the arguments from both sides. I dislike the smearing of another human being without proof. This vilification of Wang is not right. He's also a human. He hasn't done anything wrong other than espouse a different view of housing.

I share his view. I should not be entitled to live in Cupertino. I have to earn my way hear. I save up and live with my parents so I can build my own life.

I believe in Cupertino and its future–that's why I am here speaking for democracy and for ethical leadership.

While I voted for JR because he supports my LGBQT+ views, I now am ashamed of his behavior trying to set Wang up for removal. That is not what I voted for. That is not who I thought JR was.

Please do not remove Mr. Wang for political reasons. Please don't let people like JR smear people for no reason other than pure discrimination.

It's past time for the Council to hold Councilmember Fruen accountable. Please honor the lived experiences of those who have been personally harmed by JR in this smear campaing and do the right thing.

Please honor the intelligence and character of our good residents, who deserve to have genuine trust in their officials.

Do NOT remove Wang. Please censure JR Fruen for bad behavior.

Thank you for your time. It's time to bring dignity back to Cupertino and this is the right thing to do!

Susana Lee suzyq@protonmail.com

Monte Vista, Baden-Württemberg 95015

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I am a Cupertino community member. This community means a lot to me, and I believe we are home to some of the brightest and most compassionate minds in California. Unfortunately, we are still recovering from prior leadership that has greatly damaged our reputation, including the past actions of Planning Commissioner R. Wang. That is why I am here today to voice my strong support for the removal of Planning Commissioner R. Wang.

While a sitting Planning Commissioner City official, he urged fellow residents to call the employers of pro-housing activists to try to get them fired from their jobs. He has disrespected, insulted, and alleged conspiracy theories against core community partners like Cupertino Rotary and the Cupertino Chamber of Commerce. He continually harassed a City Councilmember in Redwood City (was a planning commissioner), signing her up for porn. Instead of admitting the truth, he lied that developer interests hacked his computer.

Commissioner Wang even acts on misinformation to propel his political agenda, instead of listening to legal advice, putting the city at risk of being sued. For example, when the City sought to fix a density bonus ordinance to comply with state law, he compared this to free and fair democratic elections in the Soviet Union."

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ketaki joshi blackieblossms@gmail.com 10129 S. Blaney Ave Cupertino, California 95014

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Your actions are divisive for Cupertino residents and in total disregard to the few thousand residents who voted for your opponents, We are your constituents too. Will you do everything in your power to gain majority control, not only in the City Council, but also in every commission? Are you this shameless?

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-have removed the resident-focused council members from key committees.
-have adopted procedures to shut down commissions where their views do not prevail.
-have adopted procedures to silence public commentary on agenda items at council and - commission meetings in the "name of efficient meetings"

You have lost the community's trust and faith by breaking your campaign promises to be collaborative and be inclusive and to bring the community together. Instead, every action you have taken so far seems to show that you are unwilling to compromise and work with the other side, which still represents almost 50% of Cupertino residents.

I urge you to do due diligence to investigate any allegations made against a city official so that your one-sided perception, often taken out of context, and often politically motivated won't become the grounds for your decision to remove a beloved Planning Commissioner.

As the City Attorney has confirmed that in the "A House Divided" report, the Civil Grand Jury's accusation of a Council member's action to direct staff was mistaken. Many of the other claims made in the Civil Grand Jury's report about the City of Cupertino were false too since they rely on one-sided interviews without any cross examination. The Civil Grand Jury is limited in what they could do, but Cupertino City Council has the ability to conduct an investigation. Why have you not done so?

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Wouldn't it be much more necessary for Cupertino to form a subcommittee with balanced members to investigate the accusations made before the Council take any formal action?

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Can we trust all of you to do the diligence before taking drastic actions, in response to those who are politically motivated to remove their opponents?

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+ We need more residents like Wang who represent the interests of residents. We feel Wang has represented us well and should continue to serve as our voice on the Planning Commission.

Commissioner Wang should serve out his term and continue his oversight of the cities planning activities.

Please reconsider the council's actions to remove Wang from the Planning Commission.

Do not remove him!

Kathy Wu kathywu88@yahoo.com 18th Ave SF, California 94116

City Clerk Kirsten Squarcia,

Good evening,

The actions of Planning Commissioner R. Wang both during and prior to his time as a commissioner have rendered him unfit to represent Cupertino. That is why I support Cupertino City Council exercising its power to remove Commissioner R. Wang.

While a sitting Planning Commissioner City official, he urged fellow residents to call the employers of local community members with whom he had political disagreements to try to get them fired from their jobs. He contributed to the hostile working environment that led to Cupertino's dysfunction as reported in the Grand Jury Report. He continually harassed a Redwood City planning commissioner by signing her up for porn to undercut her planned run for City Council. Even while pleading no contest to the charge, he lied that developer interests hacked his computer.

Commissioner Wang has also showed that he lacks judgement necessary to help guide Cupertino's planning decisions. For example, when the City sought to fix a density bonus ordinance to comply with state law and avoid legal liability, he compared the decision to comply with state law to Soviet autocracy.

Democracy requires accountability. Please protect Cupertino and its residents by holding Mr. Wang accountable.

Thank you for your time. Eric Crouch

Eric Crouch crouch.eric@gmail.com 10221 Phar Lap Drive, Cupertino, California 95014

All Cupertino City Council,

Dear Cupertino City Council, City Attorney, City Manager, and City Clerk

Please include my letter as written communication for the 3/7/2023 City Council meeting, Agenda Item 11, RETAIN, do not remove, Planning Commissioner Ray Wang."

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Your actions are divisive for Cupertino residents and in total disregard to the few thousand residents who voted for your opponents, We are your constituents too. Will you do everything in your power to gain majority control, not only in the City Council, but also in every commission? Are you this shameless?

The 2023 WMF Council Majority :

-have removed the resident-focused council members from key committees.
-have adopted procedures to shut down commissions where their views do not prevail.
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You have lost the community's trust and faith by breaking your campaign promises to be collaborative and be inclusive and to bring the community together. Instead, every action you have taken so far seems to show that you are unwilling to compromise and work with the other side, which still represents almost 50% of Cupertino residents.

I urge you to do due diligence to investigate any allegations made against a city official so that your one-sided perception, often taken out of context, and often politically motivated won't become the grounds for your decision to remove a beloved Planning Commissioner.

As the City Attorney has confirmed that in the "A House Divided" report, the Civil Grand Jury's accusation of a Council member's action to direct staff was mistaken. Many of the other claims made in the Civil Grand Jury's report about the City of Cupertino were false too since they rely on one-sided interviews without any cross examination. The Civil Grand Jury is limited in what they could do, but Cupertino City Council has the ability to conduct an investigation. Why have you not done so?

The City of Los Gatos has formed a subcommittee to investigate an accusation on their Planning Commissioner, even when the accusation is based on an email with written evidence. Eventually the Los Gatos City Council decided to censure the Commissioner.

The accusations you have received on Planning Commissioner R. Wang have been anecdotal and made by people with clear political motives (follow the money and the donations in the last election). We have the campaign disclosure forms.

Wouldn't it be much more necessary for Cupertino to form a subcommittee with balanced members to investigate the accusations made before the Council take any formal action?

Anything less would appear to demonstrate that the WMF Cupertino City Council is politically motivated to remove a commissioner for political gain and that the Cupertino City Council does not care about the truth nor cares about hurting the reputation of one of their own citizens based on potentially false accusations by a vindictive council member in Sunnyvale and one in Cupertino?

Mayor Wei, can we put our renewed trust in you to do the right thing and not remove a Planning Commissioner without an investigation to establish evidence?

Vice Mayor Mohan and council member Fruen, can we put our trust in you that you will serve ALL Cupertino residents whether they support your political views or not?

Can we trust all of you to do the diligence before taking drastic actions, in response to those who are politically motivated to remove their opponents?

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Do not remove him!

Ranju Rajan ranjur@hotmail.com 10447 N Blaney Ave Cupertino, California 95014

City Clerk Kirsten Squarcia,

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Alex Mao alexmao@gmail.com 10316 Denison Ave Cupertino, California 95014

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Prem Sharma premnathsharma0104@gmail.com

Cupertino, California 95014

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I believe in Cupertino and its future—that's why I am here speaking for democracy and for ethical leadership. It's past time for the Council to hold Commissioner Wang accountable. Please honor the lived experiences of those who have been personally harmed by Mr. Wang and do the right thing. Please honor the intelligence and character of our good residents, who deserve to have genuine trust in their officials.

Thank you for your time. It's time to bring dignity back to Cupertino.

Krista De La Torre kdelatorre@ifpte21.org 4 North Second St San Jose, California 95113

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Romandha Celestin rorobbyxx@gmail.com 415 E Taylor St, Apt 1117 San Jose, California 95112

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Juliana Park jpark142@ucr.edu 343 Cereza Pl San Jose, California 95112

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Vinod Balakrishnan bvinod@hotmail.com 10447 N Blaney Ave Cupertino, California 95014

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Ramesh NAIR RAMESH\_RGN@outlook.com

Cupertino, California 95014

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Pamela Campos PCC2040@gmail.com 434 Hyde Park Drive San Jose, California 95136

From:	Jean Bedord
То:	City Council; Cupertino City Manager"s Office; City Attorney"s Office; City Clerk
Subject:	Agenda Item #11 Ray Wang, Mar. 7, 2023 Fwd: Written Communications: Unacceptable behavior at Planning Commission, May 24, 2022
Date:	Monday, March 6, 2023 11:47:29 AM

Mayor Wei, Vice-Mayor Mohan and councilmembers,

I urge you to vote to remove Commissioner Ray Wang for misconduct and harassment of residents, staff and consultants. In June, I wrote this email to complain to the previous city council about this unacceptable behavior at a Planning Commission meeting, but there was no response and no action taken. This was not the first time that I have observed abuse of staff by Commissioner Wang - it is a consistent pattern of abusive behavior that has been well documented. <u>https://sanjosespotlight.com/cupertino-official-faces-calls-to-quit/</u> Councilmembers Kitty Moore and Liang Chao are complicit in the failure of the council to ensure commissioners adhere to the minimal Ethics Policy that they approved.

Here are the relevant timestamps, keeping in mind that the night before the same staff had been engaged in the AFFH community outreach headed by Councilmember Moore, then Vice-Mayor Chao, Planning Commission Chair Steven Scharf, and Housing Chair Tessa Parish.

Timestamp 35:36 <u>https://www.youtube.com/live/AC4wMTqW7IA?feature=share&t=2136</u> Ray Wang ranting at staff and EMC consulting at beginning of meeting,overriding the chair and legal counsel.

Timestamp 57:41 <u>https://www.youtube.com/live/AC4wMTqW71A?feature=share&t=3461</u> Resident rebuke to Ray's rant

Time stamp 1:04:19 <u>https://www.youtube.com/live/AC4wMTqW7lA?feature=share&t=3864</u> Continued attack

I urge this council to unanimously approve removal of Ray Wang from the Planning Commission.

Thank you for taking action on this matter. Jean Bedord

----- Forwarded message ------

From: Jean Bedord < Jean@bedord.com>

Date: Sun, Jun 12, 2022 at 9:49 PM

Subject: Written Communications: Unacceptable behavior at Planning Commission, May 24, 2022

To: City Council <<u>citycouncil@cupertino.org</u>>, City of Cupertino Planning Dept.

<<u>planning@cupertino.org</u>>, <<u>planningcommission@cupertino.org</u>>, Cupertino City Manager's Office <<u>manager@cupertino.org</u>>, City Attorney's Office <<u>CityAttorney@cupertino.org</u>> Mayor Paul and councilmembers, Planning Commission and Planning Department

I was deeply dismayed at the conduct of this meeting. An inordinate amount of time was spent complaining about the delay in providing minutes for the previous meeting and lack of updates to the Housing Site Selection Inventory, with <u>Commissioner Wang particularly vocal</u>, <u>overriding Chair Scharf and the city attorney</u>. He openly chastised the consultants and staff, clashing over the extent of commission authority vs. council. Chair Steven Scharf knew in advance that the material on the agenda had not changed from the April 26 meeting, yet chose to schedule an unnecessary meeting with no measurable contribution to the Housing Element. A member of the public then gave a very articulate response to Commissioner Wang's "rant", clearly stating a viewpoint consistent with other members of the public engaged with the Housing Element, including myself.

## Council has consistently made changes that impact timelines for the Housing Element, and disrupted the process. Council, not EMC or staff, is responsible for the delays which may result in failure to achieve a certified housing element.

Staff and the consultants were **diverted to the council-led Strategic Advisory Committee** for the previous evening's (May 23) Community Meeting on Cupertino Housing Element, a required component of the Housing Element to meet AFFH guidelines. The <u>YouTube recording of the April 26 planning commission meeting</u> was available on the City of Cupertino channel. This provides a transcript with much better detail than the summary minutes (provided for approval for the June 14 meeting), so the **four absent** / **unengaged commissioners had ample time to review public input in advance of the May 24 meeting. There was no indication that the Planning Commissioners actually visited potential housing sites in the interim between meetings.** 

I am requesting that the council take action with regard to Commissioner Wang's behavior and stop micromanaging the Housing Element process. As noted in the Moss Adams internal audit report, there is confusion about the role of council members as well as the advisory role of commissions, a major governance risk for the city.

Thank you for your attention to this very serious matter. Jean Bedord Cupertino resident over 30 years

City Clerk Kirsten Squarcia,

I am a Cupertino community member. This community means a lot to me, and I believe we are home to some of the brightest and most compassionate minds in California. Unfortunately, we are still recovering from prior leadership that has greatly damaged our reputation, including the past actions of Planning Commissioner R. Wang. That is why I am here today to voice my strong support for the removal of Planning Commissioner R. Wang.

While a sitting Planning Commissioner City official, he urged fellow residents to call the employers of pro-housing activists to try to get them fired from their jobs. He has disrespected, insulted, and alleged conspiracy theories against core community partners like Cupertino Rotary and the Cupertino Chamber of Commerce. He continually harassed a City Councilmember in Redwood City (was a planning commissioner), signing her up for porn. Instead of admitting the truth, he lied that developer interests hacked his computer.

Commissioner Wang even acts on misinformation to propel his political agenda, instead of listening to legal advice, putting the city at risk of being sued. For example, when the City sought to fix a density bonus ordinance to comply with state law, he compared this to free and fair democratic elections in the Soviet Union."

I believe in Cupertino and its future—that's why I am here speaking for democracy and for ethical leadership. It's past time for the Council to hold Commissioner Wang accountable. Please honor the lived experiences of those who have been personally harmed by Mr. Wang and do the right thing. Please honor the intelligence and character of our good residents, who deserve to have genuine trust in their officials.

Thank you for your time. It's time to bring dignity back to Cupertino.

Dorothy Levitan dotbust2@comcast.net 10150 Torre Ave. Apt 251 Cupertino95014, California 95014

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Stanley Young syoung@ifpte21.org

Los Gatos, California 95032

From:	<u>J Shearin</u>
То:	City Council; Cupertino City Manager"s Office; City Clerk
Subject:	Agenda item #11, Personal Experience regarding Commissioner R Wang
Date:	Monday, March 6, 2023 10:35:01 AM

Dear Honored City Council Members and Mayor Wei:

I write to you regarding agenda item number 11 for the City Council meeting on March 7, 2023. I am writing today only as a resident of Cupertino and not on behalf of any other body or organization.

There are ethical and neighborly people on the sides of every issue in our city, including development and city policies. However, this agenda item is not about development or city policies, as was clear from the public comment prior to its placement on this month's Council meeting agenda. It is instead about the conduct of a commissioner toward the public and city staff.

People in our city may not always agree on issues, but we have generally been able to maintain appropriate conduct towards one another regardless of that disagreement. The Commissioner's handbook has more stringent rules than just trying to be polite. It requires:

"The professional and personal conduct of City elected/appointed officials and staff should be above reproach and avoid even the appearance of impropriety. City elected/appointed officials and staff should refrain from abusive conduct, personal charges, and verbal attacks upon the character or motives of others, including members of the Council, boards, and commission, the staff, or the public."

It does not say that these requirements can be ignored if you write afterward, "speaking for myself."

My personal experience with Commissioner R Wang has shown me that he has not and is not meeting this standard that is required of all commissioners.

Over the last few years, I have been rudely dismissed and belittled by Mr. Wang on NextDoor on several occasions and was a witness to the same behavior toward other residents. I was also threatened with a lawsuit via a direct personal message because I mentioned a publicly available Mercury News article.

Just a few days ago, I faced further intimidation as a commissioner through an email from Mr. Wang entitled, "With Regard to the Facts" with an attachment from his lawyer. It is well known that Mr. Wang is a very wealthy individual and has previously sued other individuals. It was clearly meant to intimidate me.

For those that don't consider personal testimony believable, I have screen shots of these incidents.

These conduct issues are not about *Saving Cupertino from Aggressive Development*, as the title of the email campaign in support of Mr. Wang states or anything political at all. It is rather about whether a commissioner has consistently violated the standard of conduct expected and required per our city's Ethics code.

"The ends do not justify the means" is a common phrase, and it is apt here. Regardless of whether you agree with Mr. Wang's positions on development, it is still important that his conduct in the performance of his duties be above reproach and without any personal charges or attacks. I have now given you several instances where he has not met this standard that all commissioners are required to meet. I ask that you consider this information in your decision.

Thank you for considering my concerns, and your work on behalf of the City of Cupertino and its residents.

Sincerely,

Jennifer Shearin 19511 Howard Court, Cupertino

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This message is from my personal email account and I only am writing as myself, not as a representative or spokesperson for any other organization.

All Cupertino City Council,

Dear Cupertino City Council, City Attorney, City Manager, and City Clerk

Please include my letter as written communication for the 3/7/2023 City Council meeting, Agenda Item 11, RETAIN, do not remove, Planning Commissioner Ray Wang."

Stop The Divisiveness And Dirty Politics - Do Not Remove Planning Commissioner Wang

The attempted removal of Commissioner Wang is unjust and politically motivated by the two newly elected City Council member Sheila Mohan and J.R. Fruen, who was elected by a thin margin of less one percent of votes casted. But under the leadership of Mayor Hung Wei, this 3-person WMF (Wei, Mohan, Fruen) Council Majority has taken swift actions to change long-standing city practices in less than 3 months. They are causing massive levels of mistrust.

Your actions are divisive for Cupertino residents and in total disregard to the few thousand residents who voted for your opponents, We are your constituents too. Will you do everything in your power to gain majority control, not only in the City Council, but also in every commission? Are you this shameless?

The 2023 WMF Council Majority :

-have removed the resident-focused council members from key committees.
-have adopted procedures to shut down commissions where their views do not prevail.
-have adopted procedures to silence public commentary on agenda items at council and - commission meetings in the "name of efficient meetings"

You have lost the community's trust and faith by breaking your campaign promises to be collaborative and be inclusive and to bring the community together. Instead, every action you have taken so far seems to show that you are unwilling to compromise and work with the other side, which still represents almost 50% of Cupertino residents.

I urge you to do due diligence to investigate any allegations made against a city official so that your one-sided perception, often taken out of context, and often politically motivated won't become the grounds for your decision to remove a beloved Planning Commissioner.

As the City Attorney has confirmed that in the "A House Divided" report, the Civil Grand Jury's accusation of a Council member's action to direct staff was mistaken. Many of the other claims made in the Civil Grand Jury's report about the City of Cupertino were false too since they rely on one-sided interviews without any cross examination. The Civil Grand Jury is limited in what they could do, but Cupertino City Council has the ability to conduct an investigation. Why have you not done so?

The City of Los Gatos has formed a subcommittee to investigate an accusation on their Planning Commissioner, even when the accusation is based on an email with written evidence. Eventually the Los Gatos City Council decided to censure the Commissioner.

The accusations you have received on Planning Commissioner R. Wang have been anecdotal and made by people with clear political motives (follow the money and the donations in the last election). We have the campaign disclosure forms.

Wouldn't it be much more necessary for Cupertino to form a subcommittee with balanced members to investigate the accusations made before the Council take any formal action?

Anything less would appear to demonstrate that the WMF Cupertino City Council is politically motivated to remove a commissioner for political gain and that the Cupertino City Council does not care about the truth nor cares about hurting the reputation of one of their own citizens based on potentially false accusations by a vindictive council member in Sunnyvale and one in Cupertino?

Mayor Wei, can we put our renewed trust in you to do the right thing and not remove a Planning Commissioner without an investigation to establish evidence?

Vice Mayor Mohan and council member Fruen, can we put our trust in you that you will serve ALL Cupertino residents whether they support your political views or not?

Can we trust all of you to do the diligence before taking drastic actions, in response to those who are politically motivated to remove their opponents?

Here are all the contributions of Commissioner Wang, which you should take into consideration before taking any action:

+ Continued perseverance, hard work and determination to represent the resident's interests.

+ Wang and the current planning commissioners Steven Scharf and Muni Madhdhipatla have worked hard for sensible growth:

- Approved the Westport Project, which provides a large contingent of the housing that is mandated by the State of California. The project is sensible because it does not jeopardize future housing elements by adding excessive office space.

- Completed their duty in housing element site selection.

+ Commissioner Wang has a long history of defending his community from developers and business interests who seek to take advantage of residents and their rights. Wang has been a strong advocate for resident-focused causes and keeping the city staff accountable.

+ Wang questioned why staff have taken no action to create 5G tower architectural standards to protect our neighborhoods. The community has been frustrated with the lack of action by the city.

+ Wang asks tough questions that both the residents and the decision makers need in order to have sufficient information. Wang pushes to get more information and to speed up the site selection for Housing Element, while providing ample time for the residents to comment.

+ His care for public concerns are well appreciated by many who spend time attending these meetings.

+ We need officials like Wang who keep the consultants and staff accountable in order to provide excellent services to the city residents.

+ We need more residents like Wang who represent the interests of residents. We feel Wang has represented us well and should continue to serve as our voice on the Planning Commission.

Commissioner Wang should serve out his term and continue his oversight of the cities planning activities.

Please reconsider the council's actions to remove Wang from the Planning Commission.

Do not remove him!

Ram Sharma ramksharma@yahoo.com 1674 Hollenbeck ave #39 Sunnyvale, California 94087

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Do not remove him!

Praveen Mohanan praveen\_mohanan@outlook.com

Cupertino, California 95014

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I have read the staff report on this item. Under "Reasons for Recommendation," none was given. It simply says that the City Council has the right to do so. Well, that's not good enough.

Back in 2018, former City Attorney Randolph Hom was dismissed by the then-City Council without justification. This led to a lawsuit and cost the City lots of money. Don't make the same mistake again.

If you don't remember the incident, please read:

https://www.sanjoseinside.com/the-fly/cupertino-criticized-for-lack-of-transparency-over-city-attorney-randolph-homs-departure/

https://www.cpmlegal.com/news-Former-City-Attorney-Randolph-Hom-Begins-Process-for-Multimillion-Dollar-Lawsuit-Against-City-of-Cupertino

https://www.mercurynews.com/2018/10/24/cupertino-councilman-says-he-pushed-for-citys-attorneys-ouster-over-vallco-flap/

The last article highlights the City Council and Barry Chang's mistake. When it comes to legal issues, it's not majority rule. The ignorant must accept the advice of legal experts. Therefore, I demand that the City Attorney provide a legal justification for removing Ray Wang.

I have also read the San Jose Spotlight article: https://sanjosespotlight.com/cupertino-official-faces-calls-to-quit/

The only evidence provided is an email from Ray Wang to the City Manager. Is there anything wrong with that? The recent civil grand jury reports said that communication about city staff must go through the City Manager. Isn't this what Ray Wang did?

Furthermore, if Ray Wang's disapproval of reports during official Planning Commission meetings is inappropriate, why is the disapproval of Ray Wang by J. R. Fruen, Connie Cunningham, and Neil Park-McClintick in public appropriate? Why isn't there any discussion about the merit of Ray Wang's disapproval of reports?

Back in 2018, the City Council wanted to remove Mr. Hom. They knew that they didn't have any justification and the City would lose a wrongful termination lawsuit. But they didn't care because they wouldn't be personally held responsible and it's just the City's money. The same scenario is being played out here. Don't make the same mistake again.

Thanks, Luke Lang Cupertino resident

Luke Lang lukelang@yahoo.com 21365 Rumford Dr CUPERTINO, California 95014

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Jean Pommier pommier@us.ibm.com 20025 De Palma Lane Cupertino, California 95014

City Clerk Kirsten Squarcia,

I am not a Cupertino community member. As an outsider I am offended by what your community is reflecting to others. I understand that you are still recovering from prior leadership that has greatly damaged your reputation, including the past actions of Planning Commissioner R. Wang. That is why I am here today to voice my strong support for the removal of Planning Commissioner R. Wang.

While a sitting Planning Commissioner City official, he urged fellow residents to call the employers of pro-housing activists to try to get them fired from their jobs. He has disrespected, insulted, and alleged conspiracy theories against core community partners like Cupertino Rotary and the Cupertino Chamber of Commerce. He continually harassed a City Councilmember in Redwood City (was a planning commissioner), signing her up for porn. Instead of admitting the truth, he lied that developer interests hacked his computer.

Commissioner Wang even acts on misinformation to propel his political agenda, instead of listening to legal advice, putting the city at risk of being sued. For example, when the City sought to fix a density bonus ordinance to comply with state law, he compared this to free and fair democratic elections in the Soviet Union."

I believe in Cupertino and its future-that's why I am here speaking for democracy and for ethical leadership. It's past time for the Council to hold Commissioner Wang accountable. Please honor the lived experiences of those who have been personally harmed by Mr. Wang and do the right thing. Please honor the intelligence and character of our good residents, who deserve to have genuine trust in their officials.

Thank you for your time. It's time to bring dignity back to Cupertino.

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City Clerk Kirsten Squarcia,

I am a Cupertino community member. This community means a lot to me, and I believe we are home to some of the brightest and most compassionate minds in California.

Here's what the public are saying in response to the hit piece on Wang in that Pro-Housing Activist news (is it news) org - San Jose Insider

## Carl Thomas Mar 04, 2023 at 10:19AM

I've known Ray for 20+ years. Whether or not you agree with him, he cares deeply about Cupertino and its residents, and has a lot of support. And the "scathing civil grand jury report" included no names, so I think assigning all the blame to a single person is unfair. Reply

#### Michael Lee Mar 04, 2023 at 12:25PM

Basically, Fruen's progressive buddies want to control the Planning Commission and see Wang as easy target. Fruen and McClintick both run Cupertino for All to support Fruen get highschoolers to do their bidding and do political deals like this to abolish local control and make developers richer. Fruen regularly contacts HCD to put the city staff in hot water. Piece of work, isn't he?

#### Frank Yu Mar 04, 2023 at 12:31PM

Here's a video with R Wang and one of the residents asking why he's on the agenda. A lot of good information about how corrupt Cupertino has become in the past 3 months since JR Fruen came to the scene and Hung Wei became mayor.

You can also see why R Wang is so upset with the staff and how they have been incompetent. I can see why R Wang gets so excited about the incompetence.

The best part is when he says any average high schooler could do a better job then the consultant the city hired and paid hundreds of thousands of dollars for. This is well worth the watch

https://youtu.be/eTK4HfZRcc8

Keep Ray Wang Mar 05, 2023 at 6:24AM This hit piece and others have omitted a key fact: Wang has been elected by his peers on the Planning Commission as Chair twice and as vice-Chair once in his 3 years of service to to Cupertino community.

### Bemused Mar 05, 2023 at 9:16AM

This controversy seems like it's a bunch of privileged children behaving badly in the sandbox. I don't know what the facts are, and this article certainly doesn't come close to enlightening anyone outside of Cupertino what's really going on. Long on opinion, short on evidence. But watching the 'love fest' interview, I am struck most by how well Mr. Wang puts snarky and smarmy together. Just sayin'.

# Cynthia Chiang, resident 44 years Mar 04, 2023 at 12:40PM

Ha! That City letter from Wang was spot on! That assistant got fired from a couple of cities and didn't show up to work in person for a couple of years here during the pandemic, then when it was time to show up she retires. Cupertino Country Club is what City Hall has been called. Complain and staff cries foul and gets the new Council majority to vote as a divisive bloc.

I believe in Cupertino and its future–that's why I am here speaking for democracy and for ethical leadership. It's past time for the Council to hold JR Fruen responsible for a divisive and unnecessarily political Cupertino.

Commissioner Wang should remain. Please honor the lived experiences of those who have been personally harmed by JR Fruen Cupertino For All and do the right thing.

Please honor the intelligence and character of our good residents, who deserve to have genuine trust in their officials.

Thank you for your time. It's time to bring dignity back to Cupertino.

Keep Ray Wang on the Planning Commission

Harish Gupta harish.gupta@protonmail.com

Cupertino, California 95014

All Cupertino City Council,

Dear Cupertino City Council, City Attorney, City Manager, and City Clerk

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It is important to have voices from different perspectives.

Commissioner Wang should serve out his term and continue his oversight of the cities planning activities.

Please reconsider the council's actions to remove Wang from the Planning Commission.

Do not remove him!

Victor Yin

Victor Yin vbyin@yahoo.com 21731 Santa Bella Place Cupertino, California 95014

City Clerk Kirsten Squarcia,

I am a Cupertino community member. This community means a lot to me, and I believe we are home to some of the brightest and most compassionate minds in California. Unfortunately, we are still recovering from prior leadership that has greatly damaged our reputation, including the past actions of Planning Commissioner R. Wang. That is why I am here today to voice my strong support for the removal of Planning Commissioner R. Wang.

While a sitting Planning Commissioner City official, he urged fellow residents to call the employers of pro-housing activists to try to get them fired from their jobs. He has disrespected, insulted, and alleged conspiracy theories against core community partners like Cupertino Rotary and the Cupertino Chamber of Commerce. He continually harassed a City Councilmember in Redwood City (was a planning commissioner), signing her up for porn. Instead of admitting the truth, he lied that developer interests hacked his computer.

Commissioner Wang even acts on misinformation to propel his political agenda, instead of listening to legal advice, putting the city at risk of being sued. For example, when the City sought to fix a density bonus ordinance to comply with state law, he compared this to free and fair democratic elections in the Soviet Union."

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Parth Redkar parth.redkar99@gmail.com 10093 Stern Ave Cupertino, California 95014

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Suyash Ganu suyashganu@hey.com 857 Raintree Dr San Jose, California 95129

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Your actions are divisive for Cupertino residents and in total disregard to the few thousand residents who voted for your opponents, We are your constituents too. Will you do everything in your power to gain majority control, not only in the City Council, but also in every commission? Are you this shameless?

The 2023 WMF Council Majority :

-have removed the resident-focused council members from key committees.
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You have lost the community's trust and faith by breaking your campaign promises to be collaborative and be inclusive and to bring the community together. Instead, every action you have taken so far seems to show that you are unwilling to compromise and work with the other side, which still represents almost 50% of Cupertino residents.

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Vinita Reddy vnitareddy@gmail.com

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David Zhao special4friends@gmail.com

Cupertino, CA

City Clerk Kirsten Squarcia,

I am writing to support the removal of Planning Commissioner Ray "R" Wang for troubling actions in the past, and an ongoing pattern of inappropriate behavior for an appointed government representative.

I do not agree with much of Commissioner Wang's politics or policy decisions, but my support for his removal is focused on a pattern of behavior that frustrates the type of dialogue key to the responsibilities of the planning commission, as well as troubling incidents for any government representative. Despite any predisposed bias you may have, I respectfully ask you to honestly and objectively reflect on his actions listed below, and ask: Is this truly someone fit to represent our City?

- When a sitting Planning Commissioner, he urged "doxxing" of fellow residents, asking people to call the employers of pro-housing activists with the intent to get them fired from their jobs. (Mercury News Article: https://www.mercurynews.com/2019/06/25/yimby-neo-liberal-fascists-comment-perceived-threats-spark-backlash-against-local-planning-commissioner/)

In both personal and professional spheres, Wang leads with extremist language, insults, and conspiracy theories over constructive dialogue. Nextdoor posts frequently use salacious language and in a recent post from last month, he labels housing laws as "Soviet-Style" and supports resistance to the "collusion" of an "unholy alliance" (https://nextdoor.com/p/-92G87mnbsTQ?view=detail). Older Nextdoor posts frame residents who disagree with him as "anarchists" and "fascists" (Shortened Link to Twitter for screenshots of the deleted post: bit.ly/3SNv7Pr). Often, and likely to be heard by supporters on Tuesday, Commissioner Wang frames his actions as "resident-focused", negatively framing residents who disagree with him. Commissioner Wang is entitled to his freedom of speech just like any other individual, but I ask you to consider if this behavior is really beneficial to the function and decision-making capabilities of Cupertino's Planning Commission.

Planning Commission meetings are not absent from this language or behavior. Recent meetings have seen direct violations of Paragraphs C, D, and F of the then-active 2021 Commissioner's Handbook, as he both dominates the conversation, goes off-topic, directs and supervise City staff with instructions like asking them to "do their homework". (2021 instance: https://youtu.be/DRXY2hvx3rw?t=9442 2022 instance: https://youtu.be/AC4wMTqW7IA?t=2147)

This continued and ongoing behavior is frustrating the Commission's core functions, and its essential relationships with City staff.

- While fighting against a common and important water conservation policy in Redwood City, he continually harassed a local City Councilmember. This behavior lead to a no-contest legal finding for an "annoying call" charge, as well as two negotiated plea deals regarding harassment. There has been no apology, only a claim by Commissioner Wang without any public or verifiable evidence to support his defense. Putting aside the fact that a negotiated plea deal is not a "not guilty" finding, even if one assumes a presumption of innocence, is an individual who cannot even apologize for behavior that resulted in two separate court cases really one we want representing Cupertino?

Recent grand jury findings and past audits have long highlighted the need for accountability for the poor working environment and governance practices in Cupertino. It is long past time for the Council to address these conditions, and unfortunately, it seems that Commissioner Wang's behaviors clearly represent a part of these conditions. We deserve to have trust in their officials, and his ongoing behavior makes it difficult to do so. I do not state support for this action lightly, as I value the debate and diversity of thought that are important to governing and finding the best solutions for our community. As such, I hope you, and the Council as a whole, carefully considers Commissioner Wang's removal.

While I anticipate deliberations will become more politically-focused, pitting resident against resident, I hope and thank you for your honest consideration. While the removal of Commissioner Wang alone will not completely solve Cupertino's governance challenges, his removal is a response that actually considers the full record of his past actions and ongoing behavior, and represents a significant step towards creating functioning commissions and the types of constructive dialogues we should aspire to in our government.

Jun-Xiong Hughes jxseanhughes@gmail.com

Cupertino, California 95014

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Do not remove him!

Michelle Esau michellebolong@yahoo.com 18315 Capistrano way Morgan Hill, California 95037

From:	<u>R Wang</u>
To:	John Zhao; Connie Cunningham; Jennifer Shearin
Cc:	City Clerk; Kirsten Squarcia; City Council
Subject:	With regards to the facts
Date:	Sunday, March 5, 2023 10:12:28 AM
Attachments:	20230302 KLB Cupertino City Council.pdf

I thought I'd share with you some facts from my lawyer. I wanted to make sure you have the latest information that the city councili has before you continue to speak in public or write to the council, or even become quoted in the press.

I wouldn't want you to be accused of violating any provisions of our new ethics handbook with regards to attacking another member or public without the facts.

Please feel free to ask me any questions.





177 Post Street, Suite 700 San Francisco, CA 94108

Krista L. Baughman Phone: 415.433.1700 KBaughman@dhillonlaw.com

March 2, 2023

## Via Email

Mayor Hung Wei Vice Mayor Sheila Mohan Cupertino City Council 10300 Torre Avenue Cupertino, CA 95014 <u>hwei@cupertino.org</u> <u>smohan@cupertino.org</u>

## Re: False and Misleading Allegations Against Ray Wang

Dear Mayor Wei and Vice Mayor Mohan:

This firm represents Mr. R. "Ray" Wang in connection with false and misleading allegations that have been circulated about him in anticipation of the City Council meeting scheduled for Tuesday, March 7, 2023. We write to provide you with an accurate account of the events that are the subject of the allegations, such that the Council has before it the full context as opposed to politically motivated accusations that are cherry-picked to paint a false and demeaning narrative of Mr. Wang.

The true facts are as follows: *twenty years ago*, Mr. Wang was charged with three violations of the California Penal Code in an action involving then Redwood City Planning Commissioner Rosanne Foust. <sup>1</sup> As clear from the court docket, Mr. Wang pled "No Contest" to the single misdemeanor charge of Annoying Telephone Call to Place of Work (PC 653m(b)). He pled **Not Guilty** to the remaining two charges. The docket further reflects, without ambiguity, that on January 13, 2004, Mr. Wang entered a plea of no contest to the misdemeanor count, and that all remaining counts were dismissed, without any finding of guilt.

Mr. Wang's political opponents intentionally misinterpret these events from over a decade ago to smear Mr. Wang, arguing that he has engaged in "revenge porn" or that he engaged in "sexual harassment." Patently, an "annoying telephone call" is not the same thing. *See, e.g.*, Cal. Penal Code §647(j)(4) (California's "revenge porn" statute, criminalizing "[a] person who intentionally distributes the image of the intimate body part or parts of another identifiable person, or an image of the person

<sup>&</sup>lt;sup>1</sup> See The People of the State of California vs. Ray Kuang Wang, San Mateo Superior Court, Case No. SM328047A. The docket for this case can be accessed via the San Mateo Superior Court's website http://www.sanmateocourt.org/online\_services/odyssey\_portals.php.

[Addressee] Cupertino City Council March 2, 2023 Page 2 of 2

depicted engaged in an act of sexual intercourse, sodomy, oral copulation, sexual penetration, or an image of masturbation by the person depicted or in which the person depicted participates, under circumstances in which the persons agree or understand that the image shall remain private....").

The blatant mischaracterization of the actual series of events is apparent even from the 2019 news article Mr. Wang's opponents are fond of citing, which confirms that Mr. Wang "pleaded no contest to a misdemeanor charge of 'making annoying telephone calls to a place of work." The article also notes that Mr. Wang vigorously opposed allegations that Ms. Foust made against him in a civil lawsuit, and that the lawsuit ultimately settled with no adjudication of guilt. *See* <u>https://sanjosespotlight.com/cupertino-policymaker-in-hot-water-for-past-sexual-harassment-lawsuit/</u>.

Simply put, the recent attacks on Mr. Wang are false, misleading, and constitute a transparent attempt by those who support his political opponents to smear him in advance of a heated election. This is all the more obvious given that the allegations concern events that transpired two decades ago. We urge the City Council, in its good judgment, to view the events in their proper context in conducting the meeting on March 7, 2023, and any future business.

Regards,

Krista L. Baughman

Cc:

CouncilmemberKittyMoorekmooreCouncilmemberLiangChaoliangchaCouncilmemberJRFruenjrfruenCity ManagerPamelaWupamelaCity AttorneyChrisJensenchristopCity ClerkKirstenSquarciakirstens

kmoore@cupertino.org liangchao@cupertino.org jrfruen@cupertino.org pamelaw@cupertino.org christopherj@cupertino.org kirstens@cupertino.org

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Dear Cupertino City Council, City Attorney, City Manager, and City Clerk

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Stop The Divisiveness And Division in our city- Do Not Remove Planning Commissioner Wang

The discussion of this item will create more polarization in our community.

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If such action is taken, I will actively participate on a recall committee. We need to take a stand and stop these hateful actions against Asians.

Thank you for taking the time to read my letter.

Sincerely, Equity

Equity Furall Equityfurall@gmail.com Equityfurall@gmail.,com Cupertino, California 95014

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Saratoga, California 95070

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Do Not Remove Planning Commissioner Wang

Why would I say that? I'm neither a resident nor do I agree with Planning Commissioner Wang politically on a number of things. However, what I DO know and AGREE with is that he both cares about the people of Cupertino and the district as a whole AND he has taken actions that show he cares and have been effective in both preventing and solving problems. Ray Wang represents the kind of public official that does what a public official is elected or appointed to do - help benefit the people of the area they represent. Local efforts in public service are the heart of the politics of the country and the practical actions taken can transcend the ideologies that are prevalent. I'm a left Democrat - will always be - and politically couldn't differ more than I do with Ray. But I know where his heart is and most of his actions have been effective because they are the right things to do for the constituencies he represents. We need more public officials like this. So, to me, as someone who s ees what is in the national and local interests, you should retain Commissioner Ray Wang.

Sincerely Paul Greenberg

Paul Greenberg paul-greenberg3@verizon.net 9504 Tudor Oaks Dr Manassas, Virginia 20110

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The City of Los Gatos has formed a subcommittee to investigate an accusation on their Planning Commissioner, even when the accusation is based on an email with written evidence. Eventually the Los Gatos City Council decided to censure the Commissioner.

The accusations you have received on Planning Commissioner R. Wang have been anecdotal and made by people with clear political motives (follow the money and the donations in the last election). We have the campaign disclosure forms.

Wouldn't it be much more necessary for Cupertino to form a subcommittee with balanced members to investigate the accusations made before the Council take any formal action?

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Mayor Wei, can we put our renewed trust in you to do the right thing and not remove a Planning Commissioner without an investigation to establish evidence?

Vice Mayor Mohan and council member Fruen, can we put our trust in you that you will serve ALL Cupertino residents whether they support your political views or not?

Can we trust all of you to do the diligence before taking drastic actions, in response to those who are politically motivated to remove their opponents?

Here are all the contributions of Commissioner Wang, which you should take into consideration before taking any action:

+ Continued perseverance, hard work and determination to represent the resident's interests.

+ Wang and the current planning commissioners Steven Scharf and Muni Madhdhipatla have worked hard for sensible growth:

- Approved the Westport Project, which provides a large contingent of the housing that is mandated by the State of California. The project is sensible because it does not jeopardize future housing elements by adding excessive office space.

- Completed their duty in housing element site selection.

+ Commissioner Wang has a long history of defending his community from developers and business interests who seek to take advantage of residents and their rights. Wang has been a strong advocate for resident-focused causes and keeping the city staff accountable.

+ Wang questioned why staff have taken no action to create 5G tower architectural standards to protect our neighborhoods. The community has been frustrated with the lack of action by the city.

+ Wang asks tough questions that both the residents and the decision makers need in order to have sufficient information. Wang pushes to get more information and to speed up the site selection for Housing Element, while providing ample time for the residents to comment.

+ His care for public concerns are well appreciated by many who spend time attending these meetings.

+ We need officials like Wang who keep the consultants and staff accountable in order to provide excellent services to the city residents.

+ We need more residents like Wang who represent the interests of residents. We feel Wang has represented us well and should continue to serve as our voice on the Planning Commission.

Commissioner Wang should serve out his term and continue his oversight of the cities planning activities.

Please reconsider the council's actions to remove Wang from the Planning Commission.

Do not remove him!

Judy Tomasello jtomasello752@gmail.com 20657 Celeste Circle Cupertino, California 95014

All Cupertino City Council,

Dear Cupertino City Council, City Attorney, City Manager, and City Clerk

Please include my letter as written communication for the 3/7/2023 City Council meeting, Agenda Item 11, RETAIN, do not remove, Planning Commissioner Ray Wang."

I appeal to the city council members humbly. Please do not remove planning commissioner Ray Wang.

You are losing the community's trust and faith by breaking your campaign promises to be collaborative, inclusive and to bring the community together.

The need of the hour is unity. We all love this great city of Cupertino. Let us assume good intent on each others part. Let us assume we all love Cupertino. Cupertino is made up of a diverse set of residents. Please do not take actions that divide the community. Instead we look to you to come together as a city council, to seek consensus, to build relationships, to establish trust with each other and across the entire community and work to better Cupertino.

You have a chance in these 4 years to leave a legacy for yourselves. Let it be a legacy of betterment of Cupertino, not it's division.

Mayor Wei, can we put our trust in you to do the right thing and not remove a Planning Commissioner appointed by a prior council that included you?

Council member Fruen, can we put our trust in you that you will serve ALL Cupertino residents whether they support your political views or not?

Council member Mohan, you are the last hope of Cupertino. You are wise in your years, well versed in your knowledge of civic government and mature in your demeanor. You are our last hope for Cupertino. Please vote with wisdom and maturity. Please vote by issue as an individual representing your decades as a Cupertino resident. Please vote in the interests of all including the immigrant origin Cupertino residents. Most importantly please vote with your heart and intuition for what will keep us unified as a city. Retaliatory firings are not going to unite us as a community. You have the power to be a change agent. Please join Liang and Kitty in voting against the removal of Commissioner Ray. Please vote for unity of our community.

Sometimes, it takes one small step to make a giant leap. Let your one small step towards unity be the harbinger of the best ahead for this city council. Please vote with Liang and Kitty to oppose the removal of planning commissioner Ray Wang.

To each and all of you. Please reconsider the council's agenda item to remove Wang from the Planning Commission.

Please do not remove Commissioner Ray Wang.

Thank you.

Sincerely, San Rao

San Rao santo\_a\_rao@yahoo.com 10511 San Felipe Rd Cupertino, California 95014

All Cupertino City Council,

Dear Cupertino City Council, City Attorney, City Manager, and City Clerk

Stop The Divisiveness - Do Not Remove Planning Commissioner Wang

The attempted removal of Commissioner Wang is unjust and politically motivated by the newly elected City Council member J.R. Fruen, who was elected by a thin margin of less one percent of votes casted.

Your actions are divisive for Cupertino residents and in total disregard to the few thousand residents who voted for your opponents, We are your constituents too. Will you do everything in your power to gain majority control, not only in the City Council, but also in every commission?

You have lost the community's trust and faith by breaking your campaign promises to be collaborative and be inclusive and to bring the community together. Instead, every action you have taken so far seems to show that you are unwilling to compromise and work with the other side, which still represents almost 50% of Cupertino residents.

I urge you to do due diligence to investigate any allegations made against a city official so that your one-sided perception, won't become the grounds for your decision to remove a beloved Planning Commissioner.

I urge you to give any city official a warning with findings and recommendations based on solid evidence before you take any formal action for removing anyone from their appointed position. This is the basic decency that Cupertino voters expect of you, yet you were so eager to agendize this item without a proper inquiry.

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City council, can we trust all of you to do full due diligence before taking drastic actions, in response to those like council member JR Fruen who are politically motivated to remove their opponents?

Please reconsider the council's agenda item to remove Wang from the Planning Commission.

Please do not remove Commissioner Ray Wang.

Saanj R program\_oil.0e@icloud.com 10511 San Felipe Rd Cupertino, California 95014

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Shankar Garikapati garikapati\_shankar@yahoo.com 20713 Celeste Cir Cupertino, California 95014

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Do not remove him!

Hang Sin hang.sin02@gmail.com 21182 gardena dr Cupertino, California 95014

From:	Anne Ezzat
То:	City Council; cityclerk@cupterino.org
Subject:	Item #11 on Agenda for March 7, 2023 City Council Meeting-Commissioner Ray Wang
Date:	Saturday, March 4, 2023 6:28:01 PM

Dear Mayor Wei, Vice Mayor Mohan, Council Member Chao, Council Member Moore, and Council Member Fruen,

I am writing regarding item #11 on the agenda for the March 7, 2023 council meeting re: Planning Commissioner Wang. Please do not embarrass yourselves by removing Commissioner Wang. Residents will assume it is being done out of a fit of pique or political gamesmanship. Commissioners should be appointed and retained based on their competence, not their compliance with the wishes or political leanings of the council. Do you want to hear from a variety of voices, or only those that sing your song? Removing Commissioner Wang will make this council an *anomaly and not in a good way*. Previous city councils have allowed commission members to term out and have *then* replaced them.

Some recent history. The City of Cupertino had a commission member that was on the now defunct Public Safety Commission. This commissioner had been charged with domestic assault, and when the council became aware of this, they did not remove the commissioner. Why not? Former Mayor Barry Chang was excoriated by County Executive Jeff Smith for his behavior, and he was not censored by other council members. Why not?

One can only conclude that councils do not care to remove or censure those who sing their tune, only those who do not. If you believe that the removal of Commissioner Wang will silence dissent, you are mistaken. It will only galvanize the opposition since they will have a martyr to rally around.

Thank you for your time and attention to this matter.

Regards,

Brooke Ezzat

All Cupertino City Council,

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Stanley Wong swong@stanleywong.org 1133 EMERSON ST PALO ALTO, California 94301

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Amy Law urbanxnomad@gmail.com

Cupertino, California 95014

From:	<u>Jenny Griffin</u>
To:	City Council
Cc:	grenna5000@yahoo.com
Subject:	City Council Agenda Issues
Date:	Saturday, March 4, 2023 3:37:02 PM

Dear City Council:

The Cupertino City Council Agenda for March 7, 2023 is unprofessional and confusing.

The item (now 11) attempting to remove Mr. Wang from his Planning Commission seat is extremely unprofessional in every sense of the word. This is bordering on a creating a circus scandal in the City Council Chambers. This item should be removed from the agenda.

Why is Number 4 on the Consent Calendar again? This item is attempting to dissolve the ERC, the DRC, The LRC and the Audit Committee. No one from the public can pull the item to discuss it So why is it back on the Consent Calendar? To just show the public they can't speak on anything Anymore and every commission t hat we had in the city has been dissolved?

Again, why is Item 10 under the Consent Calendar? No one from the public can talk about the Housing Element or the Consultants? So the public spent a great deal of their time and effort Participating in the supposed public meetings from the Housing Elements. We did our time. We Did our duty. We sat through through meeting after meeting as dictated by the Housing Element agenda. We apparently wasted our time as we are apparently not going to be allowed To speak on the Housing Element now. This item needs to be pulled to allow the public to Speak or I guess we wasted our entire spring, summer and fall and winter of 2022 attending to The tirades of the RHNA and the never ending rules from HCD over the Housing Element. The Housing Element apparently tells the public when they get to say anything about what happens In their city.

Also, why is Item 15 under an Informational item? Doesn't the public get to ask questions on Things pertaining to such things as the Chamber of Commerce or as was listed in the last City Council Agenda under informational The request to increase restaurant space at Main Street? What ever happened to that item?

Please put the City Council Agenda back to the sensible order that it used to have and please Remove the highly embarrassing and unprofessional item (Now Number 11) accusing Mr. Wang of all manner of outrageous things and trying to remove him from his Planning Commission seat. This item is highly irregular, unorthodox and deeply disturbing to be Appearing in a City Council Agenda. Indeed, it is highly shocking.

Sincerely,

Jennifer Griffin

From:	David Fang
To:	<u>City Clerk</u>
Subject:	AGENDA ITEM 11 - In Support of Keeping Planning Commissioner Ray "R" Wang - PLEASE AGENDIZE RECALLING JR FRUEN
Date:	Saturday, March 4, 2023 3:03:54 PM

City Clerk Kirsten Squarcia,

I am a Cupertino resident. I have been in this city since 1979. This community means a lot to me, and I believe we are home to some of the brightest and most compassionate minds in California.

This is why I am here today to voice my strong support for keeping Planning Commissioner R. Wang. He has defended the residents and unlike his accusers JR Fruen and Sheila Mohan, he believes in bringing people of all types together. His inclusiveness and leadership has been proven over two decades in this city.

The divisive politics by the Cupertino For All people continue. JR Fruen and his compatriots do not like strong straight Asian Males. We should stop this Asian Hate now! This is racist, discriminatory, and moreover so political. His vindictive behaviour does not meet the 2023 ethical standards he espoused. This type of politics belongs in a banana republic and not in my beloved Cupertino

I believe in Cupertino and its future–that's why I am here speaking for democracy and for ethical leadership. It's past time for the Council to hold Council person Fruen accountable for creating so much divisiveness in this community. We should ask for JR Fruen's recall!

Please honor the intelligence and character of our good residents, who deserve to have genuine trust in their officials.

Thank you for your time. It's time to bring dignity back to Cupertino. Keep R Wang. Recall JR Fruen!

David Fang david.fang@gmail.com

Cupertino, California 95015

From:	Anando Sen
То:	David Stillman; Chad Mosley; City Council
Cc:	Nabanita Sen
Subject:	Requesting addition of more pedestrian crossings at Foothill from I-280 to San Juan Rd
Date:	Saturday, March 4, 2023 2:52:30 PM

Honorable Mayor Wei, Vice-Mayor Mohan, City Council,

I am writing to request the city council to kindly consider and <u>prioritize the addition of more</u> <u>pedestrian crossings at Foothill from I-280 to San Juan Rd</u>.

School kids and families that live near the area need to cross Foothill while walking across to Steven's Creek Elementary or Kennedy Middle, Monta Vista High. Pedestrians enjoy taking a walk along McClellan, to BlackBerry Farm, or to Rancho San Antonio. Bicyclists need to cross Foothill. Foothill needs more pedestrian crossings at Santa Paula, San Juan, Santa Lucia, Rancho Ventura, Cupertino Rd, Salem, Alpine Dr.

Please also implement more traffic calming activities on Foothill. The posted speed limits are 40 mph north of Stevens Creek and 30mph south of Stevens Creek. Autos and trucks are found driving at 50 - 60 mph on this stretch.

This is a highly dangerous area with a number of speeding vehicles and quarry trucks. It is unsafe for school kids, pedestrians, families and bicyclists to cross Foothill.

Any new pedestrian crossings must also have pedestrian activated beacon lights for safety.

Thank you for prioritizing the safety of school kids, families, walkers, bicyclists that have to cross Foothill.

Thank you for your service to the city of Cupertino.

Regards, Anando / Nabanita Sen (household of 4, 2 parents, 2 school going kids) 22701 San Juan Rd, Cupertino 650.308.4916

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Larry Lien janeylien@gmail.com

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Sid Weber sidweber@aol.com 10293 Judy Ave Cupertino, California 95014

City Clerk Kirsten Squarcia,

I am a Cupertino community member and have lived here for 36 years. This community means a lot to me, and I believe we are home to some of the brightest and most compassionate minds and some of the nastiest, greediest developers and their supporters in the world. That is why I am here today to voice my strong support for Planning Commissioner R. Wang and ask JR Fruen to do the right thing and resign.

Cupertino for All, directed by JR Fruen, spreads and even acts on misinformation to propel their political agenda. This childish, politically motivated, divisive activity has to stop.

I believe in Cupertino and its future—that's why I am here speaking for democracy and for ethical leadership. I urge Cupertino for All Councilmember Fruen to step down. It's past time for the Council to hold Fruen accountable. Please honor the lived experiences of those who have been personally harmed by Fruen's attack squad of Sand Hill Vallco henchmen and do the right thing. Please honor the intelligence and character of our good residents, who deserve to have genuine trust in their officials.

Thank you for your time. It's time to bring dignity back to Cupertino. JR Fruen must resign immediately. Support Ray Wang and good governance!

Larry Giffords larrymarkgiffords@gmail.com Alves Dr. Cupertino, California 95014

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- Approved the Bateh Brothers site for new mixed-use housing. The developer followed appropriate processes and did not insist on overbuilding.

- Completed their duty in housing element site selection.

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-have removed the resident-focused council members from key committees.
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You have lost the community's trust and faith by breaking your campaign promises to be collaborative and be inclusive and to bring the community together. Instead, every action you have taken so far seems to show that you are unwilling to compromise and work with the other side, which still represents almost 50% of Cupertino residents.

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Y Li Irycup2021@gmail.com

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It is not right that the current council majority has opportunistically attempted to use Commissioner Wang's focus on resident safety and staff accountability against him. Previous city councils have not capriciously dismissed commissioners in this fashion nor should they in the future. The attempted removal of Commissioner Wang is politically expedient for the new council majority but it is unjust and unprecedented.

Commissioner Wang should serve out his term. You should be ashamed of yourselves for your bad behavior and your collusion with the Rotary Club and Chamber of Commerce

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May Chen hongmechen@hotmail.com

Los Altos, California 94024

From:	Peggy Griffin
То:	City Council
Cc:	<u>City Clerk</u>
Subject:	2023-03-07 City Council Mtg - Oral Communications-Kylie Clark is censured in Los Gatos
Date:	Friday, March 3, 2023 11:45:12 PM
Attachments:	2023-02-24 Los Gatos grapples with attack on whiteness controversy-Kylie Clark.pdf

Please include this <u>email and the attached PDF</u> as part of the 3-7-2023 City Council Meeting Written Communications for ORAL COMMUNICATIONS.

Dear City Council,

I would like to bring to your attention that Kylie Clark, a Los Gatos Planning Commissioner was recently censored by the Los Gatos Town Council for racist language. Please note:

- This was done after an investigation and proof was collected and reviewed.
- This Kylie Clark was involved with West Valley Community Services and our Housing Element! Did she also send HCD derogatory emails regarding Cupertino while getting paid to help Cupertino with their Housing Element?

https://www.sfgate.com/politics/article/los-gatos-grapples-with-attack-on-whiteness-17796970.php Sincerely, Peggy Griffin

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I am writing to you today in regard to the agenda item that considers the removal of Commissioner Wang from the Cupertino Planning Commission..

The attempted removal of Commissioner Wang is unjust and politically motivated by the new, three-member City Council majority that has lost the community's trust and faith. The new majority have worked hard to remove the resident-focused council members from key committees.

The new majority have sought to shut down commissions where their views do not prevail. The new majority seek to silence public commentary on agenda items at council and commission meetings, which limits are codified in a new process manual.

The residents see the attack on Commissioner Wang as part of a larger strategy to remove resident-focused Planning commissioners and replace them with a "rubber stamp" commission that will not question the aggressive growth agenda. Your recent actions and the City's recent history suggest that the following agenda is likely:

- Approving an unnecessary, expensive new city hall.

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The latest endeavor by the new council majority to gain control of the Planning Commission is to remove former two-time Chair and one-time Vice Chair of the Planning Commission, R "Ray" Wang, on trumped-up charges of treating staff and consultants poorly. The malicious attempts by the three-member majority to defame him cast a shameful pall over the City Council.

I support Commissioner Wang's hard work and determination to represent the resident's interests.

Wang and the current planning commissioners Steven Scharf and Muni Madhdhipatla have worked hard for sensible growth:

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Commissioner Wang has a long history of defending his community from developers and business interests who seek to take advantage of residents and their rights. Wang has been a strong advocate for resident-focused causes and keeping the city staff accountable.

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Naidu Bollineni bgnaidu@yahoo.com

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Vikram Saxena vsaxena@gmail.com 11126 Linda Vista Drive Cupertino, California 95014 CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

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Wang and the current planning commissioners Steven Scharf and Muni Madhdhipatla have worked hard for sensible growth:

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Commissioner Wang should serve out his term.

Please reconsider the council's actions to remove Wang from the Planning Commission.

Carrie O'Leary carrieoleary@gmail.com 19161 Loree Ave Cupertino , California 95014

From:	louise saadati
To:	City Council
Subject:	Remove Ray Wang
Date:	Friday, March 3, 2023 5:04:46 PM

I'm writing to ask our city council members to remove Ray Wang from the Planning Commission. His inappropriate behavior has been well documented on social media, on Planning Commission Meetings, on his emails, etc. His criminal record is also not becoming to a Cupertino representative.

Please remove Ray Wang from the Planning Commission ASAP.

Thank you, Louise Saadati

Sent from my iPhone

All Cupertino City Council,

Dear Cupertino City Council, City Attorney, City Manager, and City Clerk

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Stop The Divisiveness And Dirty Politics - Do Not Remove Planning Commissioner Wang

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Xiangying Yang yangxy@gmail.com 10744 Brookwwll DR Cupertino, California 95014

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Madhukar Krishnarao madhukark@gmail.com

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Arun Swami lists.arun@gmail.com 23016 Voss Ave Cupertino, California 95014

# **Kirsten Squarcia**

From:	lan <
Sent:	Monday, February 27, 2023 9:10 PM
То:	City Council
Cc:	City Clerk
Subject:	Removal of R (Ray) Wang from the Planning Commission
Attachments:	20191112_DLG_Greensides_wExhibits_Redacted.pdf; Wang-Foust Pleadings.pdf

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Council Members,

I am a business owner in the City of Cupertino and former resident and I am writing to ask you to remove R (Ray) Wang from the city's Planning Commission.

As outlined, in the following news article, Mr. Wang had previously been involved in an incident in San Mateo County, in which Rosanne Foust accused him of signing her up for pornographic emails to retaliate for disagreeing with him on public policy issues. <u>https://sanjosespotlight.com/cupertino-policymaker-in-hot-water-for-past-sexual-harassment-lawsuit/</u>

This came to light after Mr. Wang had apparently threatened Richard Mehlinger's employment, in retaliation for disagreeing with him on social media posts related to public policy issues in Cupertino (Please see the following article regarding this issue: <u>https://cupertinotoday.com/2019/06/26/cupertino-planning-commissioner-under-fire-for-doxing-member-of-public/</u>).

When I raised concerns on social media and wrote to the city council about Mr. Wang's interactions, he had an attorney send me a letter threatening to sue me, in attempt to silence me. (Please see the following article, which outlines this threat: <u>https://sanjosespotlight.com/cupertino-commissioner-threatens-lawsuit-for-nextdoor-posts/</u>).

Attached is a copy of the letter that his attorney sent to me. Also attached is the copy of filings from a San Mateo County Superior Court case involving Ms. Foust and Mr. Wang.

Mr. Wang sets a bad example for our community, he has a history of threatening those who disagree with him on policy issues, and I ask that he be removed from the planning commission.

I ask that this letter and attachments be included in the public record, when the issue of Mr. Wang's removal from the Planning Commission is on the agenda for the upcoming City Council meeting on March 7, 2023. If this agenda item is moved to a different city council meeting, I ask that this email and attachments be included in the public record for that council meeting.

Thank you for your time and consideration.

Sincerely, Ian R. Greensides



# Krista L. Baughman kbaughman@DhillonLaw.com

November 12, 2019

# VIA EMAIL AND U.S. MAIL

Mr. Ian R. Greensides

Cupertino, CA 95014-2384

## Re: *R Wang v. Ian Greensides* Cease and Desist Concerning Defamation *Per Se*

Dear Mr. Greensides:

This firm represents Mr. R. "Ray" Wang in connection with his legal claims against you, arising from your defamation of his character. The purpose of this letter is to inform you of the facts and evidence supporting our client's claims, demand that you immediately cease and desist from further illegal conduct toward Mr. Wang, and explore whether a settlement can be reached before we initiate litigation. Please direct all communication regarding this matter to our office.

## Factual Background

On August 26, 2019, you published several provably false statements of fact about Mr. Wang, both on the social networking system NextDoor.com, and in emails you sent to Cupertino City Council members and Planning Commissioners. Among these statements, you claimed that Mr. Wang sent "revenge porn to a City Council candidate in Redwood City; that Mr. Wang was criminally charged with sending "revenge porn" and did not contest the charge; and that these "facts" were confirmed by San Mateo County court records and news publications. Not only are each of these statements provably false, but the evidence confirms that you made them with a reckless disregard for their falsity, and out of actual malice for Mr. Wang.

The true facts are as follows: over 15 years ago, Mr. Wang was charged with three violations of the California Penal Code in an action captioned *The People of the State of California vs. Ray Kuang Wang*, San Mateo Superior Court, Case No. SM328047A. *See* Exhibit

Mr. Ian Greensides November 12, 2019 Page 2 of 5

A (case docket from San Mateo Superior Court). <sup>1</sup> As crystal clear from the court docket, Mr. Wang pled "No Contest" to the single misdemeanor charge (PC 653m(b), Annoying Telephone Call to Place of Work), and **pled not guilty** to the remaining two felony charges (PC 529(3), Personate to Make Other Liable, and PC 530.5, Unauthorized Use of Personal Identification) – neither of which accused him of sending "revenge porn." The docket further reflects, without ambiguity, that on January 13, 2004, Mr. Wang entered a plea of no contest to the misdemeanor count, and that all remaining counts were dismissed, without any finding of guilt. *See* Exhibit A ("[u]pon motion of people all remaining counts dismissed. Reason: negotiated plea."). The docket further reflects that Mr. Wang was ordered to pay a fine "to State restitution fund" and complete 50 hours of public service work; there is no mention of any attorney fee payment.

Nowhere in the criminal case docket, or in the underlying Penal Code statutes, is "revenge porn" discussed. The widely accepted definition of revenge porn is "the distribution of sexually explicit images or videos of individuals without their permission."<sup>2</sup> See also Cal. Penal Code 647(j)(4) (California's "revenge porn" statute, criminalizing "[a] person who intentionally distributes the image of the intimate body part or parts of another identifiable person, or an image of the person depicted engaged in an act of sexual intercourse, sodomy, oral copulation, sexual penetration, or an image of masturbation by the person depicted or in which the person depicted participates, under circumstances in which the persons agree or understand that the image shall remain private...."). We are aware of no source – governmental or otherwise – indicating that Mr. Wang has engaged in the conduct of sending revenge porn to anyone.

Despite these facts, on August 26, 2019, you published the following statements on NextDoor.com, addressed to Mr. Wang (*see* Exhibit B):

- "You plead no contest to sending revenge porn. The record was later expunged after you completed your sentence of community service and paid restitution in the form of attorney's fees, and a certain amount of time passed."
- "I went back and looked at the San Jose Spotlight article it appears that you
  plead no-contest in two cases: one for the revenge porn, and one for making
  harassing phone calls to someone at work...[including link to
  https://sanjosespotlight.com/cupertino-policymaker-in-hot-water-for-past-sexualharassment-lawsuit/]";
- "@Ray I'm not sure of the difference between revenge porn and signing someone up for porn sites. Maybe you could explain. I don't have experience in either one of them...I reviewed the San Mateo County online docket. It confirms what was reported in the press.")

<sup>&</sup>lt;sup>1</sup> The docket for this case can be accessed, for free, via the San Mateo Superior Court's website <u>http://www.sanmateocourt.org/online\_services/odyssey\_portals.php</u>.

<sup>&</sup>lt;sup>2</sup> See <u>https://en.wikipedia.org/wiki/Revenge\_porn</u>.

Mr. Ian Greensides November 12, 2019 Page 3 of 5

Further, on August 26, 2019 you sent an email to Cupertino City Council members and Planning Commissioners, stating that "[Mr. Wang] continues to make repeated false comments on ND [NextDoor] about his computer having been hacked by a real estate developer in 2003, when he was charged with two felonies and one misdemeanor for having revenge porn sent to a City Council candidate in Redwood City..."

Each of these statements is provably false. First, Mr. Wang has never been charged with sending revenge porn to anyone, and by your own concession, you used this term with a reckless disregard for what it meant. *See* Exhibit B ("I'm not sure of the difference between revenge porn and signing someone up for porn sites.") The sending of revenge porn is a crime under California Penal Code 647(j)(4).

Second, Mr. Wang did not "plead no contest to sending revenge porn" – as is clear from free and publicly accessible court records (Exhibit A), Mr. Wang pled no contest only to a single misdemeanor charge, and vigorously denied the remaining charges, which were dismissed without a finding of guilt.<sup>3</sup>

Third, your false statements are not supported by either the court docket or "what was reported in the press," as you claim. Indeed, the San Jose Spotlight article that you cite nowhere mentions the term "revenge porn," and instead confirms what this letter describes: that Mr. Wang "pleaded no contest to a misdemeanor charge of 'making annoying telephone calls to a place of work." The article also discusses allegations that Ms. Rosanne Foust made against Mr. Wang in a civil lawsuit, but notes that Mr. Wang vigorously opposed the allegations, and that the lawsuit ultimately settled with no adjudication of guilt. *See <u>https://sanjosespotlight.com/cupertino-policymaker-in-hot-water-for-past-sexual-harassment-lawsuit/</u>.* 

Suffice it to say, while a reasonable reader would understand your comments to mean that Mr. Wang has sent – and has admitted to sending – revenge porn, these statements are false, lack any corroboration from external sources, and are directly contradicted by court records. Your decision to broadly and inaccurately summarize the disposition of a 16-year old criminal case against Mr. Wang supports a finding that you published the statements with malice, as does your express admission that you didn't know what "revenge porn" was when you accused Mr. Wang of sending it.

# Your Legal Liability to Mr. Wang for Defamation *per se*

Defamation is an "invasion of the interest in reputation" that involves the intentional publication of a statement of fact that is false, unprivileged, and has a natural tendency to injure or which causes special damage. *Gilbert v. Sykes* (2007) 147 Cal.App.4th 13, 27; *Wong v. Jing* (2010) 189 Cal.App.4th 1354, 1369. Publication occurs when the statement is communicated to at least one person other than the plaintiff who understands its defamatory meaning and that it

<sup>&</sup>lt;sup>3</sup> Nor was the criminal record in this case "expunged," nor did Mr. Wang "pa[y] restitution in the form of attorney's fees," as is clear from the docket.

Mr. Ian Greensides November 12, 2019 Page 4 of 5

refers to plaintiff. *Shively v. Bozanich* (2003) 31 Cal.4th 1230, 1242. Defamation *per se* exists when the false statement charges plaintiff with, among other things, criminal activity. Civ. C. §46(1); *see also McGarry v. University of San Diego* (2007) 154 Cal.App.4th 97, 112. When defamation is alleged against a public figure, the plaintiff must also prove that the defendant knew the statements were false or had serious doubts about the truth of the statements, when made.

As discussed above, you falsely stated that Mr. Wang sent revenge porn, that he was criminally charged with sending revenge porn, and that he pled no contest to that charge. None of this is true – in fact, Mr. Wang never sent or was charged with having sent revenge porn; both felony charges filed against him in 2003 were contested and ultimately dismissed with no finding of guilt; and Ms. Foust's civil complaint against him was similarly dismissed with no finding of guilt. Your false statements also suggest that Mr. Wang is lying to the public about the 2003 criminal case ("[h]e continues to make repeated false comments on ND..."), and that he sought to hide or "expunge" the criminal record by "pa[ying] restitution in the form of attorney's fees," which is also false.

Further, it is clear from the evidence that you made these statements knowing them to be false and/or with serious doubts about their truth. By your own admission, you had no idea what "revenge porn" was when you accused Mr. Wang of being implicated with it. What's more concerning, although you are a lawyer yourself, and you apparently "reviewed the San Mateo County online docket," your statements directly contradict those records, meaning you lacked a reasonable ground for believing that your statements were true when you published them. In addition, you have a motive to defame Mr. Wang, given your opposition to Mr. Wang's position on Cupertino's housing crisis. This evidence strongly supports a malice finding, sufficient to demonstrate a probability of prevailing on the defamation claims. *See, e.g., Reader's Digest Assn. v. Sup. Court* (1984) 37 Cal.3d 244, 257-258 (factors such as hostility to plaintiff, using biased, unreliable sources, and making inherently improbable assertions may indicate defendant had "serious doubts" regarding truth of publication).

You intentionally made your statements to Mr. Wang's constituency and colleagues in the Cupertino City Council. Although Mr. Wang will not be required to prove actual damages stemming from your defamation *per se*, he is regrettably suffering ongoing harm to his reputation, profession, and occupation as a result of your actions. As your conduct was malicious, Mr. Wang will also be entitled to recover punitive damages, should this matter proceed to trial.

#### Your Duty to Preserve All Evidence

Litigation is likely to ensue in this matter. Under governing state and federal laws, you are hereby placed on notice that you have an obligation to maintain hard copies of documents, as well as all e-mail and other electronically stored information, pertaining to this dispute and the surrounding events, including all communications with or about Mr. Wang.

Mr. Ian Greensides November 12, 2019 Page 5 of 5

You must retain all copies of material that exist on any storage medium, including sources of data such as portable hard drives, memory cards, "thumb drives," blackberry, personal digital assistants, mobile telephones, iPods®, and smartphones. This list is not exhaustive; these potential locations of relevant data are included by way of example only, and all documents relating in any way to the dispute set forth herein must be preserved. It may be necessary for you, or other persons under your control, such as managers, employees, and agents, to take affirmative steps to ensure that evidence is not destroyed. **Please take such steps immediately. Failure to do so could result in, among other things, court imposed sanctions and criminal charges.** 

#### Demand

As a result of the facts set forth above and the evidence already in our possession, we are highly confident in Mr. Wang's ability to prevail on his claims at trial. However, in recognition of the effort and expense inherent in litigation, Mr. Wang is willing at this time to engage in settlement discussions to determine whether a resolution can be reached to resolve this issue. A settlement must include a retraction and correction of each of the defamatory statements discussed above, sufficient to inform all recipients of the inaccuracies of your factual assertions, and a public apology to Mr. Wang.

We request a response to this proposal no later than November 20, 2019. Meanwhile, Mr. Wang reserves all rights to seek redress for his grievances, which we continue to investigate. If you have any questions about the contents of this letter, please contact me or my colleague, Dorothy C. Yamamoto. We look forward to your prompt response.

Regards. moto /

Krista L. Baughman

# **Exhibit** A

## **Case Information**

## SM328047A | The People of the State of California vs. RAY KUANG WANG

Case Number SM328047A Court Criminal File Date 09/19/2003 Case Type Complaint Case Status Adjudicated

## Party

Defendant WANG, RAY KUANG DOB XX/XX/XXXX

# Charge

Charges WANG, RAY KUANG

initiaj futi fiotinta							
	Description	Statute	Level	Date			
00 1	PC653M(B)-MISD-ANNOYING TELEPHONE CALL TO PLACE OF WORK	653M( B)	Misdemea nor	06/26/20 03			
00 2	PC529(3)-FEL-PERSONATE TO MAKE OTHER LIABLE	529(3)	Felony	06/26/20 03			
00 3	PC530.5-FEL-UNAUTHORIZED USE OF PERSONAL IDENTIFICATION	530.5	Felony	06/26/20 03			

# **Disposition Events**

#### 01/13/2004 Plea **Judicial Officer** SUPERIOR COURT JUDGE, SAN MATEO COUNTY 00 PC653M(B)-MISD-ANNOYING TELEPHONE CALL TO PLACE OF No Contest / Nolo 1 WORK Contendere 10/27/2003 Plea Judicial Officer SUPERIOR COURT JUDGE, SAN MATEO COUNTY 002 PC529(3)-FEL-PERSONATE TO MAKE OTHER LIABLE Not Guilty 10/27/2003 Plea **Judicial Officer** SUPERIOR COURT JUDGE, SAN MATEO COUNTY 003 PC530.5-FEL-UNAUTHORIZED USE OF PERSONAL IDENTIFICATION Not Guilty 03/13/2006 Disposition 001 PC653M(B)-MISD-ANNOYING TELEPHONE CALL TO PLACE OF WORK Dismissal: 1203.4 01/13/2004 Disposition 002 PC529(3)-FEL-PERSONATE TO MAKE OTHER LIABLE Dismissal: Negotiated Plea 01/13/2004 Disposition 00 PC530.5-FEL-UNAUTHORIZED USE OF PERSONAL **Dismissal:** Negotiated 3 **IDENTIFICATION** Plea

# **Events and Hearings**

- 09/19/2003 Conversion Event Comment
   FDSAW: DECLARATION UNDER PENALTY OF PERJURY IN SUPPORT OF ARREST WARRANT, FILED.
- 09/19/2003 Conversion Event Comment
   MISEN: FILE SENT TO JUDGE ELLIS

- 09/19/2003 Conversion Event Comment OTHER: TO SIGN A/W
- 09/22/2003 Conversion Event Comment
   MIRFL: FILE RETURNED TO CLERK'S OFFICE.
- 09/22/2003 Conversion Event Comment AWAWA: ARREST WARRANT ISSUED TO RC ON 09/22/2003 . BAIL SET AT \$5,000.00 . WARRANT SIGNED BY ELLIS, H. JAMES .
- 09/23/2003 Conversion Event Comment
   MISEN: FILE SENT TO JUDGE ELLIS
- 09/23/2003 Conversion Event Comment

OTHER: SENT MEMO TO JUDGE ELLIS REQUESTING THAT ARREST WARRANT BE RECALLED DUE TO D.A.'S ERROR IN ASKING FOR ARREST WARRANT RATHER THAN AN NTA.

- 09/25/2003 Conversion Event Comment
   MIRFL: FILE RETURNED TO CLERK'S OFFICE.
- 09/25/2003 Conversion Event Comment
   OTHER: PER JUDGE ELLIS, O.K. TO RECALL ARREST WARRANT.
- 09/25/2003 Conversion Event Comment
   WWIRO: ARREST WARRANT ISSUED ON 09/22/2003. RECALLED ON 09/25/2003.
- 10/14/2003 Conversion Event Comment
   SHNITC: NOTICE TO APPEAR SE

SHNTC: NOTICE TO APPEAR SENT TO DEFENDANT ON 10/14/2003 TO APPEAR ON 10/27/2003 AT 9:00 A.M. IN SUPERIOR COURT SOUTHERN BRANCH DEPT. AR FOR MISDEMEANOR ARRAIGNMENT .

- 10/24/2003 Conversion Event Comment SHRES: CASE SHIFTED FROM HEARING ON 10/27/2003 AT 9:00 A.M. IN DEPARTMENT AR OF SUPERIOR COURT SOUTHERN BRANCH TO HEARING ON 10/27/2003 AT 9:00 A.M. IN DEPARTMENT 32 OF SUPERIOR COURT SOUTHERN BRANCH.
- 10/27/2003 Conversion Event

Comment

HHELD: HEARING HELD ON 10/27/03 AT 9:00 A.M. IN SUPERIOR COURT SOUTHERN BRANCH , D- 32 . HON. SUSAN GREENBERG, COURT COMMISSIONER , PRESIDING. CLERK: ROSA VEGA . REPORTER: BETTY GALIN . CLERK2: SARAI MORENO . DEPUTY D.A. FORD . DEFENSE COUNSEL PRESENT: PLISKA .

- 10/27/2003 Conversion Event Comment
   HHMAR: MISDEMEANOR ARRAIGNMENT
- 10/27/2003 Conversion Event Comment
   FDSPT: STIPULATION RE: JUDGE PRO TEMPORE HEARING MATTER.
- 10/27/2003 Conversion Event Comment APAFD: DEFENDANT NOT PRESENT, BUT IS REPRESENTED BY ATTORNEY PLISKA.
- 10/27/2003 Conversion Event Comment ARWVD: ARRAIGNMENT AND ADVICE OF RIGHTS WAIVED.
- 10/27/2003 Conversion Event Comment PLCEA: DEFENDANT THROUGH HIS/HER COUNSEL ENTERS A PLEA OF NOT GUILTY TO ALL COUNTS.
- 10/27/2003 Conversion Event Comment
   JTDEM: DEFENDANT DEMANDS TRIAL BY JURY.
- 10/27/2003 Conversion Event Comment
   WTIMJ: TIME WAIVED FOR JURY TRIAL.
- 10/27/2003 Conversion Event Comment
   SHOTA: CASE CONTINUED TO 12/30/2003 AT 8:30 A.M. IN REDWOOD CITY IN DEPT. PT FOR PRETRIAL CONFERENCE.
- 10/27/2003 Conversion Event Comment SHOTA: CASE CONTINUED TO 01/20/2004 AT 9:00 A.M. IN REDWOOD CITY IN DEPT. JT FOR JURY TRIAL. .
- 10/27/2003 Conversion Event Comment
   MIENT: ENTERED BY S.MORENO ON 10/27/2003.

- 10/31/2003 Conversion Event
  - Comment SHSET: APPEARANCE SET ON 11/05/2003 AT 9:00 A.M. IN SUPERIOR COURT SOUTHERN BRANCH DEPT. AR FOR TO SET AT REQUEST OF ATTORNEY .
- 11/04/2003 Conversion Event Comment SHRES: CASE SHIFTED FROM HEARING ON 11/05/2003 AT 9:00 A.M. IN DEPARTMENT AR OF SUPERIOR COURT SOUTHERN BRANCH TO HEARING ON 11/05/2003 AT 9:00 A.M. IN DEPARTMENT 32 OF SUPERIOR COURT SOUTHERN BRANCH.
- 11/05/2003 Conversion Event Comment
   HHELD: HEARING HELD ON 11/05/03 AT 9:00 A.M. IN SUPERIOR COURT
   SOUTHERN BRANCH , D- 32 . HON. SUSAN GREENBERG, COURT
   COMMISSIONER , PRESIDING. CLERK: ROSA VEGA . REPORTER: JENELL
   MULLANEL . CLERK2: MICHAEL BOLANDER . DEPUTY D.A. JOO . DEFENSE
   COUNSEL PRESENT: PLISKA .
- 11/05/2003 Conversion Event Comment HHTOS: TO SET
- 11/05/2003 Conversion Event Comment
   FDSPT: STIPULATION RE: JUDGE PRO TEMPORE HEARING MATTER.
- 11/05/2003 Conversion Event Comment APAFD: DEFENDANT NOT PRESENT, BUT IS REPRESENTED BY ATTORNEY PLISKA.
- 11/05/2003 Conversion Event Comment
   WTIMD: TIME CONTINUES TO BE WAIVED BY DEFENDANT/COUNSEL.
- 11/05/2003 Conversion Event
   Comment

SHOTA: CASE CONTINUED TO 01/06/2004 AT 8:30 A.M. IN REDWOOD CITY IN DEPT. PT FOR PRE-TRIAL CONFERENCE AND TO SET .

- 11/05/2003 Conversion Event Comment SHOTA: CASE CONTINUED TO 01/13/2004 AT 9:00 A.M. IN REDWOOD CITY IN DEPT. AR FOR DISPOSITION AND TO SET.
- 11/05/2003 Conversion Event

Comment

MIVJT: JURY TRIAL SET ON 01/20/2004 AT 9:00 A.M. ORDERED VACATED.

- 11/05/2003 Conversion Event Comment
   MIVOT: PRETRIAL CONFERENCE. SET ON 12/30/2003 AT 8:30 A.M. ORDERED VACATED.
- 11/05/2003 Conversion Event Comment MIENT: ENTERED BY MBOLANDER ON 11/05/2003.
- 01/05/2004 Conversion Event
  - Comment

SHRES: CASE SHIFTED FROM HEARING ON 01/06/2004 AT 8:30 A.M. IN DEPARTMENT PT OF SUPERIOR COURT SOUTHERN BRANCH TO HEARING ON 01/06/2004 AT 8:30 A.M. IN DEPARTMENT 29 OF SUPERIOR COURT SOUTHERN BRANCH .

• 01/06/2004 Conversion Event Comment

HHELD: HEARING HELD ON 01/06/04 AT 8:30 A.M. IN SUPERIOR COURT SOUTHERN BRANCH, D- 29. HON. JOSEPH N GRUBER, COURT COMMISSIONER, PRESIDING. CLERK: SARAI MORENO. REPORTER: TRACY WOOD. CLERK2: LISABETH FALLS. DEPUTY D.A. FEASEL. DEFENSE COUNSEL PRESENT: PLISKA.

- 01/06/2004 Conversion Event Comment HHPTE: PRE TRIAL CONFERENCE AND TO SET
- 01/06/2004 Conversion Event Comment
   FDSPT: STIPULATION RE: JUDGE PRO TEMPORE HEARING MATTER.
- 01/06/2004 Conversion Event Comment APWAT: DEFENDANT APPEARED WITH ATTORNEY PLISKA.
- 01/06/2004 Conversion Event Comment APNAD: NEITHER ATTORNEY NOR DEFENDANT PRESENT WHEN MATTER HEARD ON THE RECORD.
- 01/06/2004 Conversion Event Comment
   SHPDS: PREVIOUS DATES REMAIN AS SET.
- 01/06/2004 Conversion Event

## Comment MIENT: ENTERED BY L FALLS ON 01/06/2004 .

01/12/2004 Conversion Event
 Comment

SHRES: CASE SHIFTED FROM HEARING ON 01/13/2004 AT 9:00 A.M. IN DEPARTMENT AR OF SUPERIOR COURT SOUTHERN BRANCH TO HEARING ON 01/13/2004 AT 9:00 A.M. IN DEPARTMENT 31 OF SUPERIOR COURT SOUTHERN BRANCH .

o1/13/2004 Conversion Event

Comment

HHELD: HEARING HELD ON 01/13/04 AT 9:00 A.M. IN SUPERIOR COURT SOUTHERN BRANCH, D- 31. HON. CLARK LESLIE, COURT COMMISSIONER, PRESIDING. CLERK: IRMA LOPEZ-OCEGUEDA. REPORTER: RHONDA GUESS. CLERK2: LISABETH FALLS. DEPUTY D.A. FORD. DEFENSE COUNSEL PRESENT: PLISKA.

- 01/13/2004 Conversion Event Comment HHDOS: DISPOSITION AND TO SET
- 01/13/2004 Conversion Event Comment
   FDSPT: STIPULATION RE: JUDGE PRO TEMPORE HEARING MATTER.
- 01/13/2004 Conversion Event

Comment

APAFD: DEFENDANT NOT PRESENT, BUT IS REPRESENTED BY ATTORNEY PLISKA .

• 01/13/2004 Conversion Event

Comment PLCEF: DEFENDANT THROUGH HIS/HER COUNSEL ENTERS A PLEA OF NOLO CONTENDERE TO COUNT 1. DEFENDANT FOUND GUILTY BY COURT.

o1/13/2004 Conversion Event

Comment

FDWOR: DEFENDANT IS ADVISED OF, UNDERSTANDS, AND KNOWINGLY AND VOLUNTARILY WAIVES ALL THE FOLLOWING RIGHTS: WAIVES THE RIGHT TO COUNSEL; TO TRIAL BY JURY; TO CONFRONT AND CROSS-EXAMINE ADVERSE WITNESSES; THE PRIVILEGE AGAINST SELF-INCRIMINATION. THE COURT FINDS THAT THE DEFENDANT UNDERSTANDS THE NATURE OF THE CHARGES, THE ELEMENTS OF THE OFFENSE, THE DEFENSE THERETO, THE CONSEQUENCES OF PLEAS AND THE RANGE OF PENALTIES THERETO. WAIVER OF RIGHTS SIGNED.

- 01/13/2004 Conversion Event Comment CDFRC: UPON MOTION OF PEOPLE ALL REMAINING COUNTS DISMISSED. REASON: NEGOTIATED PLEA.
- 01/13/2004 Conversion Event Comment
   WTSTB: TIME WAIVED FOR SENTENCING.
- 01/13/2004 Conversion Event Comment ARWFS: DEFENDANT WAIVES FORMAL ARRAIGNMENT FOR SENTENCING.
- 01/13/2004 Conversion Event Comment SESCB: COUNT 1 IMPOSITION OF SENTENCE SUSPENDED. DEFENDANT IS PLACED ON COURT PROBATION FOR 2 YEARS; 0 MONTHS; 0 DAYS.
- 01/13/2004 Conversion Event Comment SECJL: AS TO COUNT 1, DEFENDANT TO SERVE 0 YEAR(S), 0 MONTH(S), 2 DAY(S), 0 HOUR(S) IN THE COUNTY JAIL.
- 01/13/2004 Conversion Event Comment SESEJ: DEFENDANT TO SURRENDER TO COUNTY JAIL ON 02/28/2004 AT 10:00 A.M. .
- 01/13/2004 Conversion Event

Comment SESWP: DEFENDANT IS RECOMMENDED TO THE SHERIFF'S WORK PROGRAM.

01/13/2004 Conversion Event

Comment SEPFX: TOTAL FINE AMOUNT PAYABLE, INCLUDING ALL ASSESSMENTS, IS \$1,230.00.

01/13/2004 Conversion Event
 Comment

SERET: DEFENDANT ORDERED TO PAY \$110.00 TO STATE RESTITUTION FUND. THIS PAYMENT IS A CONDITION OF PROBATION

- 01/13/2004 Conversion Event Comment SEPRC: DEFENDANT TO PAY FINE AND ASSESSMENTS THROUGH MUNICIPAL COURT CLERK'S OFFICE.
- 01/13/2004 Conversion Event

Comment

SEOAL: OBEY ALL LAWS. FOLLOW ALL ORDERS OF THE COURT/PROBATION OFFICER AND REPORT AS DIRECTED. NOTIFY THE COURT/ PROBATION OFFICER IMMEDIATELY OF ANY CHANGE OF RESIDENCE ADDRESS.

- 01/13/2004 Conversion Event Comment
   SENOC: DEFENDANT NOT TO CONTACT, CALL OR OTHERWISE COMMUNICATE WITH VICTIM .
- 01/13/2004 Conversion Event Comment
   MIATS: ATTORNEY MAY SIGN.
- 01/13/2004 Conversion Event Comment
   MIASE: ALL SENTENCE ELEMENTS FOR THIS PROCEEDING ENTERED.
- 01/13/2004 Conversion Event Comment
   MIENT: ENTERED BY L FALLS ON 01/13/2004.
- 01/30/2004 Conversion Event Comment
   SEFCN: FINE PAID THROUGH CLERK'S OFFICE ON 01/30/2004 . RECEIPT NUMBER 41-0005 . AMOUNT PAID \$1,230.00 .
- 01/30/2004 Conversion Event Comment
   SEFCR: \$110.00 RESTITUTION FUND PAID THROUGH THE CLERKS OFFICE.
- 02/11/2004 Conversion Event Comment HHMOD: MODIFICATION OF SENTENCE
- 02/11/2004 Conversion Event Comment SECSB: DEFENDANT ORDERED TO COMPLETE 50 HOURS OF PUBLIC SERVICE WORK ON OR BEFORE 08/11/2004 AS DIRECTED BY THE PUBLIC SERVICE REPRESENTATIVE.
- 02/11/2004 Conversion Event Comment SEPSA: SUBMIT PROOF OF COMPLETION OF PUBLIC SERVICE WORK TO THE COURT BY 08/11/2004.
- 02/11/2004 Conversion Event Comment MIENT: ENTERED BY IRMA ON 02/11/2004.
- 04/21/2004 Conversion Event

Comment

CERTC: CERTIFIED COPY OF DOCUMENTS SENT TO DEPARTMENT OF REAL ESTATE . \$0.00 FEE PAID.

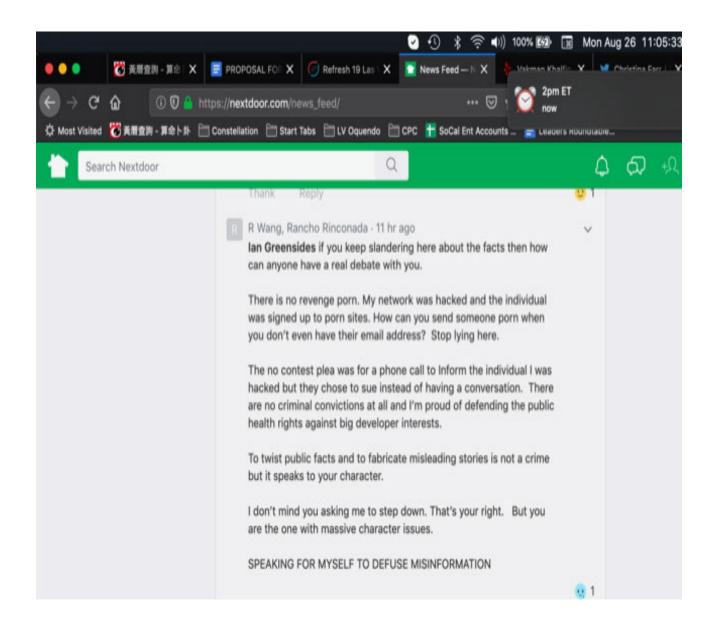
- 07/27/2004 Conversion Event Comment
   MISEN: FILE SENT TO DEPT 29
- 08/04/2004 Conversion Event Comment SHSET: APPEARANCE SET ON 08/10/2004 AT 9:00 A.M. IN SUPERIOR COURT SOUTHERN BRANCH DEPT. 29 FOR FURTHER PROCEEDINGS. AT REQUEST OF ATTY PLISKA.
- 08/10/2004 Conversion Event Comment HHELD: HEARING HELD ON 08/10/04 AT 9:00 A.M. IN SUPERIOR COURT SOUTHERN BRANCH, D- 29. HON. JOSEPH N GRUBER, COURT COMMISSIONER, PRESIDING. CLERK: ROSA VEGA. REPORTER: TRACY WOOD. CLERK2: BIANCA NEDELCU. DEPUTY D.A. BAUM. DEFENSE COUNSEL PRESENT: PLISKA.
- 08/10/2004 Conversion Event Comment HHFUR: FURTHER PROCEEDINGS
- 08/10/2004 Conversion Event Comment
   FDSPT: STIPULATION RE: JUDGE PRO TEMPORE HEARING MATTER.
- 08/10/2004 Conversion Event Comment APWAT: DEFENDANT APPEARED WITH ATTORNEY PLISKA.
- 08/10/2004 Conversion Event Comment
   PROBE: PROBATION IS MODIFIED.
- 08/10/2004 Conversion Event Comment
   SEOTH: PUBLIC SHERRIF'S WORK SEEMED COMPLETED .
- 08/10/2004 Conversion Event Comment
   MIASE: ALL SENTENCE ELEMENTS FOR THIS PROCEEDING ENTERED.
- 08/10/2004 Conversion Event Comment MIENT: ENTERED BY B NEDELCU ON 08/10/2004.
- 03/10/2006 Conversion Event

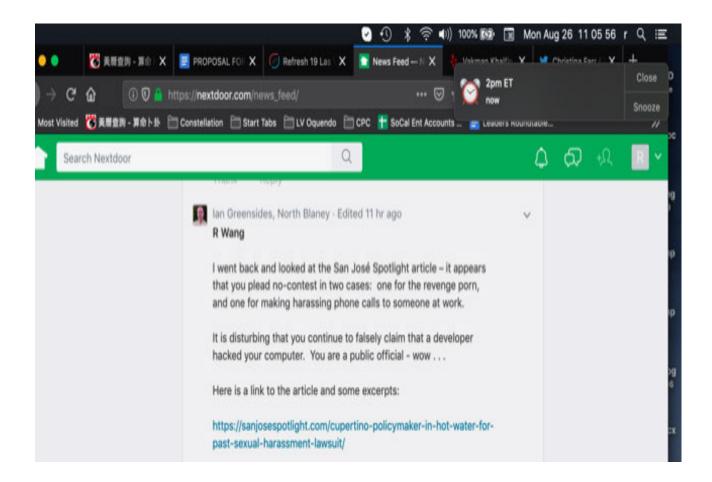
Comment OTHER: EXPUNGEMENT FEE OF \$60.00 PAID. RECEIPT #41-0013

- 03/13/2006 Conversion Event Comment
   MIRFL: FILE RETURNED TO CLERK'S OFFICE.
- 03/13/2006 Conversion Event Comment
   FDPDC: PETITION TO DISMISS COUNT 1 PURSUANT TO SECTION 1203.4/1203.4A PENAL CODE FILED.
- 03/13/2006 Conversion Event Comment
   FDCOM: ORDER GRANTING AND DISMISSING COUNT 1 PURSUANT TO SECTION 1203.4/1203.4A PENAL CODE, FILED.
- 03/13/2006 Conversion Event Comment
   FDACI: AMENDED CII FORWARDED TO ARRESTING AGENCY.

# **Exhibit B**

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	when will you be a force for positive change?				
	SPEAKING FOR MYSELF TO DEFUSE MISINFORMATI	ION			
		1	8 🙂 3		
	Kim James, Oak Valley - 13 hr ago I've been following this post since we have a few kno giving "facts" and others with more "facts" but too m about whose "facts" are true. I attend or See more	nuch arguing	Ŷ		
	Thank Reply		2 3		
	William Mo, Monta Vista South - 13 hr ago Ian Greensides so I asked Ray: "I donated \$100, pl much you donated during the last campaign?" Ray si didn't make any donations in the last See more		v		
	Thank Reply		2 🗘 2		
	Ian Greensides, North Blaney - 13 hr ago R Wang You plead no contest to sending revenge po was later expunged after you completed your senten service and paid restitution in the form of attorney's certain amount of time passed. Your threats against Richard Mehlinger are well docu your social media posts. Your most recent response reflects the need for you chair of the planning commission. We need to be ab officials	nce of community fees, and a umented from to be removed as	v		





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	<ul> <li>Ian Greensides, North Blaney - E @Ray - I'm not sure of the differ signing someone up for porn site have experience in either one of knowledge is something our resi officials.</li> <li>I reviewed the San Mateo County reported in the press.</li> <li>Your explanations of what happe Dark arts? Did they also put a hip planning commission meeting yo the chair, I'm sure you can get it</li> <li>It doesn't seem like a stretch planning commission about how .</li> <li>I also noticed that you legally ch the conviction. Curious as to wh seriously interested</li> <li>Thank Reply</li> </ul>	ence between revenge porn and es. Maybe you could explain. I them. I'm not sure that this idents are seeking in their public y online docket. It confirms what ened continues to get more crea- ex on you? Maybe at the next ou can schedule an exorcism. Yo on the agenda. . You already talked for hours at to try and undo the SB35 appro- anged your name from Ray to R	don't		

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address): Peter W. Daniel (SB 179107) Hannig Law Firm LLP 2991 El Camino Real Redwood City, CA 94061	FOR COURT USE ONLY FILED SAN MATEO COUNTY MAY 2 4 2004
ATTORNEY FOR (Name): Plaintiff Roseanne S. Foust Insert name of court and name of judicial district and branch court, if any: San Mateo County Superior Court - Unlimited	Clerk of the Superior Court
PLAINTIFF/PETITIONER: Roseanne S. Foust	DEPUTY CLERK
DEFENDANT/RESPONDENT: Ray Wang and DOES 1 through 10, inclusive, REQUEST FOR DISMISSAL Personal Injury, Property Damage, or Wrongful Death	CASE NUMBER:
Motor Vehicle Other Family Law Eminent Domain Other (specify):	CIV 432736
A conformed copy will not be returned by the clerk unless a method of returned by the clerk unless a method by	urn is provided with the document. —
<ul> <li>b. (1) X Complaint (2) Petition</li> <li>(3) Cross-complaint filed by (name):</li> <li>(4) Cross-complaint filed by (name):</li> <li>(5) Entire action of all parties and all causes of action</li> <li>(6) Other (specify):*</li> </ul>	on (date): on (date):
Date: May 24, 2004 Peter W. Daniel (SB 179107)	
* If dismissal requested is of specified parties only, of specified causes of	(SIGNATURE) without attorney for: titioner Defendant/Respondent
the parties, causes of action, or cross-complaints to be dismissed. Cross-com 2. TO THE CLERK: Consent to the above dismissal is hereby given.**	
	(SIGNATURE) without attorney for:
** If a cross-complaint - or Response (Family Law) seeking affirmative relief - is on file, the attorney for cross-complainant (respondent) must sign this consent if required by Code of Civil Procedure section 581(i) or (j).	itioner Defendant/Respondent
<ul> <li>(To be completed by clerk)</li> <li>3. Dismissal entered as requested on (date):</li> <li>4. Dismissal entered on (date):</li> <li>5. Dismissal not entered as requested for the following reasons (specify):</li> </ul>	-
<ul> <li>a. Attorney or party without attorney notified on <i>(date)</i>:</li> <li>b. Attorney or party without attorney not notified. Filing party failed to provide a copy to conform means to return conformed copy</li> </ul>	
Date: MAY 2 4 2004 PEGGY THOMPSON Clerk, by	han beputy
Form Adopted by the Judicial Council of California 982(a)(5) [Rev. January 1, 1997] Mandatory Form	Legal Solutions Cal. Rules & Court, rules 383, 1233

. ]	Ted J. Hannig (SB 111691) Hannig Law Firm LLP 2991 El Camino Real	For Court Unia Only: FILED SAN MATEO COUNTY
	Redwood City, CA 94061	FEB 2 5 2004
	Image many of court, judget desires of branch sour, if any, and Post Office and Barres Address San Mateo County Superior Court - Unlimited 400 County Center Drive	Cleck On the Supprior Court
	Redwood City, CA 94061 PLAINTIFF: Roseanne S. Foust	
5	DEFENDANT Ray Wang and DOES 1 through 10, inclusive,	
-	NOTICE AND ACKNOWLEDGMENT OF RECEIPT	
L	RAY WANG through his attorney, Edward W. Pliska	CIV 432736
	TO:	
	Code of Civil Procedure. Your failure to complete this form and return it to me w the party on whose behalf you are being served) to liability for the payment of an summons on you in any other manner permitted by law. If you are being served on behalf of a corporation, unincorporated association	ny expenses incurred in serving a
	ontity, this form must be eigned by you in the name of such entity or by a perso process on pensif of such antity. In all other osses, this form must be eigned by you p by you to approvide receipt of summons. Section 415.30 provides that this sur	n such of zed to receive service of sersonally of by a person authorized
	deemed served on the data you sign the Acknowledgment of Receipt below, if you re Hannig Law First Dated: February 4, 2004	The form to me.
	Dated: February 4, 2004	tum this form to me.
	Dated: February 4, 2004         ACKNOWLEDGMENT OF RECEIPT         This acknowledges receipt of: (To be completed by sender before mailing)         1,       A copy of the summons and of the completion (Marriage) and:         1,       A copy of the summons and of the Fettilion (Marriage) and:         Blank Confidential Counseling Statement (Marriage)         i       Order to Show Gause (Marriage)         Blank Responsive Declaration	The form to me.
C'ARDI	Dated: February 4, 2004       ACKNOWLEDGMENT OF RECEIPT         This acknowledges receipt of: (To be completed by sender before melling)         1, A copy of the summons and of the completion (Marriage) and:         Blank Confidential Counseling Statement (Marriage)         i Order to Show Cause (Marriage)	c, notice of case DR stipulation and
C Brow	Bannig Law Pir Deted: February 4, 2004 ACKNOWLEDGMENT OF RECEIPT This acknowledges receipt of: (To be completed by sender before melling) 1. A copy of the summons and of the completed by sender before melling) 1. A copy of the summons and of the completed by sender before melling) 1. A copy of the summons and of the completed by sender before melling) 1. A copy of the summons and of the completed by sender before melling) 1. A copy of the summons and of the completed by sender before melling) 1. A copy of the summons and of the completed by sender before melling) 2. A copy of the summons and of the completed by sender before melling) 1. A copy of the summons and of the completed by sender before melling) 2. A copy of the summons and of the completed by sender before melling) 2. A copy of the summons and of the completed (Marriage) and: 3. Blank Financial Counseling Statement (Marriage) 3. Other: (Specify) First Amended Summons and Completing 3. We calculation instructions, supplemental rules of 3. telephonic appearance information and form 3. The be completed by respired 3. Date of receipt 2. 2. 9. 0.4 3. Content 2. 9. 0.4 3. Content 2. 9. 0.4 3. Content 2. 9. 0.4 3. Content 2. 0.4 3. C	c, notice of case DR stipulation and
Chron	Bannig Law Pirt Deted: February 4, 2004 ACKNOWLEDGMENT OF RECEIPT This acknowledges receipt of: (To be completed by sender before melling) 1. A copy of the summons and of the completent A copy of the summons and of the Pettion (Marriage) and: Blank Confidential Counseling Statement (Marriage) Order to Show Cause (Marriage) Blank Financial Declaration Blank Financial Declaration Blank Financial Declaration Conference, blank CMC statement, AL evaluation instructions, supplemental rules of talephonic appearance information and form (To be completed by respired) Date of raceipt 7-19.104 Date this form is signed: 2	Aum this form to me. TH OLP (HOLP (HOLP) (
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North S	Bannig Law Firm Dated: February 4, 2004 ACKNOWLEDGMENT OF RECEIPT This acknowledges receipt of: (To be completed by sender before melling) 1. A copy of the summons and of the completed by sender before melling) 1. A copy of the summons and of the retuinon (Marriage) and: Blank Confidential Counseling Statement (Marriage) Order to Show Cause (Marriage) Blank Responsive Declaration Blank Financial Declaration Cuther: (Specify) First Amended Summons and Complaint management conference, blank CMC statement, AD evaluation instructions, supplemental rules of telephonic appearance information and form (Marriage of melling) Cuther: (Specify) First Amended Summons and Complaint Marriage of the summons and form Cuther: (Specify) First Amended Summons and Complaint Cuther: (Specify) First Amended Summons and Complaint Cuther: (Specify) First Amended Summons and Complaint Cuther: (Specify) First Amended Summons and form Cuther: (Specify) First Marriage of particular and form Edward W. Flish Notice And Acknowledgement of Recei	Aum this form to me. THE OLF PHONE AND AND AND THE AND



#### SUPERIOR COURT OF CALIFORNIA COUNTY OF SAN MATEO

Civil Division – Room A 400 County Center Redwood City, CA 94063-1655 Tel 650-363-4576

www.sanmateocourt.org

Case Name: FOUST VS. WANG Case Number: CIV432736 Document Title: NOTICE

Date: Monday, February 23, 2004

Dear Sir/Madam:

- (X) The enclosed document is being returned without filing for the reason(s) checked below:
- () Your documents have been received and filed, however:
- () Incorrect fee submitted; see attached Notice of Filing Fees.
- () A signed Civil Case Cover Sheet is not included.
- () Document not signed, re:
- () Document is not an original
- () Proof of service not signed.
- () Proof of service not in correct format.
- () Incorrect information: Case Number Court
- (X) Other: ORIGINAL SIGNATURES OR AN INDICATION OF "FILING BY FAX" ARE REQUIRED TO FILE THIS DOCUMENT.

Sincerely,

PEGGY THOMPSON Court Executive Officer/Clerk

By: <u>M. D. YOUNG</u>

Civil Division, Clerk's Office San Mateo County Superior Court

County

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	1	TED J. HANNIG (SB #111691) H. ANN LIROFF (SB #113180)			
	2	PETER W. DANIÈL (SB #179107) HANNIG LAW FIRM LLP 2991 El Camino Real	FILED SAN MATEO COUNTY		
	3	Redwood City, CA 94061 Telephone: (650) 482-3040	JAN 2 8 2004		
	5	Facsimile: (650) 482-2820	Clerk ei/the Syperior Court		
	6	Attorneys for Plaintiff Rosanne S. Foust	ByDEPSON OLEAN	-	
	7				
	8	SUPERIOR COURT OF	THE STATE OF CALIFORNIA		
	9	COUNTY OF SAN MATEO		ł	
	10		Summons Issued		
	11	ROSANNE S. FOUST,	Case No. CIV-432736		
	12	Plaintiff,	FIRST AMENDED VERIFIED		
	13	VS.	COMPLAINT FOR DAMAGES FOR: (1)		
	14	RAY WANG, and DOES 1 through 10,	NUISANCE; (2) TRESPASS; (3) DEFAMATION; (4) IDENTITY THEFT;		
	15		(5) HARASSMENT AND STALKING		
	16	Defendants.			
	17				
	18	Plaintiff alleges as follows:	TO ALL CAUSES OF ACTION		
	19		TO ALL CAUSES OF ACTION of at all times material herein, was an		
	20			Ø	
	<ul> <li>21 individual residing in Redwood City, California.</li> <li>22 2. Defendant RAY WANG is an individual who resided in San Mateo Cou</li> </ul>				
	22 23		al with resided in oan matter county during		
	23	the times described in this complaint.	es and capacities of defendants named herein		
	25				
	26		, inclusive, and therefore sues them by those		
d By Lega	27	fictitious names. The names, capacities, and relationships of DOES 1 through 10, inclusive, will be alleged by amendment to this Complaint when the same are known to			
Filed By One Lega	28		nis Complaint when the same are known to		
0		Plaintiff.			
		{FOUS:1187: PWD: H0001157.DOC.2}			
		FIRST AMENDED COMPLAINT -1-			

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Plaintiff is informed and believes and thereon alleges, that at all times material to
 this Complaint, defendants, and each of them, were the agents of their co-defendants and
 In doing the things alleged in this First Amended Complaint, were acting within the course
 and scope of that agency.

5 The events which form the basis of this lawsuit took place in San Mateo County,
6 California.

Plaintiff was the victim of identity theft when a person or persons repeatedly
 <sup>8</sup> impersonated her on the internet resulting in a barrage of unwanted e-mail messages to
 <sup>9</sup> her home computer, including explicit pornographic images. This 'cyber assault' was a
 <sup>10</sup> political smear tactic against Plaintiff, who at the time of the attacks was a member of the
 <sup>11</sup> Planning Commission and a candidate for City Council in Redwood City, California.

The harassment began on about June 26, 2003, and continued, when Plaintiff
received the first of a number of unwanted e-mail solicitations from a variety of sources on
her family home computer. The messages continued to arrive for the next few days, and
then on June 27, 2003 came the first of numerous pomographic solicitations with sexually
explicit images that were displayed on Plaintiff's computer and which were highly offensive
to Plaintiff, who is the mother of two small children.

<sup>18</sup>
8. Had either of her young children been with her at the computer they would have
<sup>19</sup> been exposed to the graphic sexual images. The text of the messages indicate that the
<sup>20</sup> senders believed that they were replying to a request or posting by Plaintiff seeking
<sup>21</sup> images and information as these messages are sent only to a person who actively
<sup>22</sup> requested such images and information. Plaintiff promptly objected to several individual
<sup>23</sup> senders of the messages and requested that such messages cease, but the messages
<sup>24</sup> continued to arrive at her computer.

Plaintiff is informed and believes and thereon alleges that that an individual or
individuals inserted Plaintiff's e-mail address on one or more web sites in order to have the
offensive images sent to her. Another of the business solicitation replies contains
Plaintiff's name, including her maiden name, and her mailing address. The perpetrator(s)

(FOUS:1187:PWD:H0001157.DOC.2) FIRST AMENDED COMPLAINT falsely used this information to impersonate plaintiff and falsely request the business
 solicitations,

10. Plaintiff is informed and believes and thereon alleges that Defendants WANG, and
DOES 1 through 10, inclusive, caused the unwanted electronic messages to be sent to
her. At least one of the pornographic confirmation requests received by PlaIntiff
contained an IP address which was later confirmed to belong to Defendant WANG's
home computer. Plaintiff also received confirmation that at least two of the other
messages originated from the computer with the same IP address.

9 11. Defendant Wang and DOES 1 through 10, inclusive, have been vociferous political
opponent(s) of Plaintiff who has vigorously campaigned against her in the past. Plaintiff is
informed and believes and thereon alleges that Defendants RAY WANG, and DOES 1
through 10 planned the cyber attack in order to place Plaintiff in a false light and damage
her reputation in the community and as a candidate in the pending City Council election,
and also to harass and annoy Plaintiff and her family.

15 12. On or about July 4, 2003, Plaintiff's computer was infected with a virus attached to
16 an e-mail. The virus attacked Plaintiff's computer and caused e-mails to be sent to
17 everyone on Plaintiff's electronic address book with the virus attached.

18 13. This virus infected and damaged Plaintiff's computer and may have consequently
19 infected and damaged computers of Plaintiff's friends and associates. Plaintiff ultimately
20 closed her e-mail address as a result of the cyber attack and the virus.

14. Because of the proximity in time of the virus attack to the cyber attack, Plaintiff is
 informed and believes and on that basis alleges that Defendants WANG, and DOES 1
 through 10 were responsible for the virus attack as well.

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15. As a direct and proximate result of the acts of Defendants WANG, and DOES 1 through 10, and each of them, Plaintiff was forced to immediately retain legal counsel to investigate the source of the attack, to take time from her business and expend costs to formulate a campaign response and to repair damage to her computer system. As a result she has incurred legal fees and costs, in an amount according to proof.

-3-

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#### FIRST CAUSE OF ACTION Nuisance

16. Plaintiff refers to and incorporates by reference as if fully set forth herein the allegations contained in paragraphs 1 through 15, inclusive.

Plaintiff is informed and believes and thereon alleges that Defendants WANG, and
DOES 1 through 10, and each of them, intentionally or negligently caused unwanted
electronic communications and pornographic images to be sent into Plaintiff's home,
which caused substantial interference with Plaintiff's private use and enjoyment of her
property in that she could no longer feel secure in her own home or allow her children to

- 11 access the computer unsupervised.
- 12 18. As a result of the conduct of Defendants, and each of them, Plaintiff has suffered
  13 general damages in an amount to be proven at trial.
- 14
  19. The acts as set forth above were oppressive, malicious, and fraudulent and done
  with a conscious disregard for the rights and safety of plaintiff. As a result, Plaintiff is
  entitled to an award of punitive and exemplary damages in an amount sufficient to punish
  and make and example of Defendants, and each of them.
- As a result of the conduct of Defendants, and each of them, Plaintiff has incurred
  and will continue to incur special damages including loss of use of property and account(s)
  in an amount that will be proven at trial.
- 23

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#### SECOND CAUSE OF ACTION Trespass

25 21. Plaintiff refers to and incorporates by reference as if fully set forth herein the
26 allegations contained in paragraphs 1 through 20, inclusive.

- Plaintiff is informed and believes and thereon alleges that Defendants WANG, and
   Plaintiff is informed and believes and thereon alleges that Defendants WANG, and
  - UDOES 1 through 10, and each of them, intentionally and negligently caused unwanted

-4-

PAGE 06

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1	electronic communications and a virus to be sent to Plaintiff's home computer, causing
2	damage to the computer itself and impairing its functioning.
3	23. As a result of the conduct of Defendants, and each of them, Plaintiff has suffered
4 5	general damages in an amount to be proven at trial.
6	24. The acts as set forth above were oppressive, malicious, and fraudulent and done
7	with a conscious disregard for the rights and safety of plaintiff. As a result, Plaintiff is
8	entitled to an award of punitive and exemplary damages in an amount sufficient to punish
9	and make and example of Defendants, and each of them.
10 11	25. As a result of the conduct of Defendants, and each of them, Plaintiff has incurred
12	and will continue to incur special damages including loss of use of property and account(s)
13	in an amount that will be proven at trial.
14	WHEREFORE, Plaintiff prays for judgment as set forth below.
15 16	THIRD CAUSE OF ACTION Defamation
17	26. Plaintiff refers to and incorporates by reference as if fully set forth herein the
18	allegations contained in paragraphs 1 through 25, inclusive.
19	27. Plaintiff is informed and believes and thereon alleges that Defendants WANG, and
20 21	DOES 1 through 10, and each of them, intentionally and maliciously caused to be
22	published a false and unprivileged writing concerning Plaintiff, to wit: the writing or
23	insertion of her e-mail address and personal information in a manner that gave the false
24	appearance that she was requesting that pornographic material be provided to her.
25	28. Plaintiff is informed and believes and thereon alleges that Defendants WANG, and
26	DOES 1 through 10, and each of them, ascribed false statements to Plaintiff In writing
27 28	with knowledge that the statement was false and of its defamatory meaning and acted
	with reckless disregard of these matters. This false publication presented Plaintiff in a

[FOUS:1187:PWD:H0001157.DOC.2] FIRST AMENDED COMPLAINT

-5-

1	false light, and exposed her to embarrassment the electronic publication further injured
2	Plaintiff in respect to her office, profession, trade and business, by imputing to Plaintiff
3	general disqualification in those respects which the offices or occupations she held and
4 5	those she sought generally require.
6	29. As a result of the conduct of Defendants, and each of them, Plaintiff has suffered
7	general damages in an amount to be proven at trial.
8	30. The acts as set forth above were oppressive, malicious, and fraudulent and done
9 10	with a conscious disregard for the rights and safety of plaintiff. As a result, Plaintiff is
10	entitled to an award of punitive and exemplary damages in an amount sufficient to punish
12	and make and example of Defendants, and each of them.
13	31. As a result of the conduct of Defendants, and each of them, Plaintiff has incurred
14	and will continue to incur special damages including loss of use of property and account(s)
15 16	in an amount that will be proven at trial.
17	WHEREFORE, Plaintiff prays for judgment as set forth below.
18	FOURTH CAUSE OF ACTION Identity Theft
19	32. Plaintiff refers to and incorporates by reference as if fully set forth herein the
20	allegations contained in paragraphs 1 through 31, inclusive.
21 22	33. Plaintiff is informed and believes and thereon alleges that Defendants, and each of
23	them, appropriated Plaintiff's identity and falsely represented themselves to be Plaintiff on
24	the internet for their own purposes, which included political gain, harassment, and to
25	solicit business under false pretenses, and without Plaintiff's consent.
26	34. The theft of her identity caused damage to Plaintiff's reputation and caused her to
27 28	incur attorney's fees and expend costs to investigate the source of the attacks and rectify
14	the situation.
	(FOUS: 1187: PWD: H0001157. DOC. 2)

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{FOUS:1187:PWD:H0001157.DOC.2} FIRST AMENDED COMPLAINT

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1	35. As a result of the conduct of Defendants, and each of them, Plaintiff has suffered
2	general damages in an amount to be proven at trial.
3	36. The acts as set forth above were oppressive, malicious, and fraudulent and done
4 5	with a conscious disregard for the rights and safety of plaintiff. As a result, Plaintiff is
6	entitled to an award of punitive and exemplary damages in an amount sufficient to punish
7	and make and example of Defendants, and each of them.
8	37. As a result of the conduct of Defendants, and each of them, Plaintiff has incurred
9	and will continue to incur special damages including loss of use of property and account(s)
10	in an amount that will be proven at trial.
11 12	WHEREFORE, Plaintiff prays for judgment as set forth below.
12	FIFTH CAUSE OF ACTION
14	Harassment / Stalking
15	38. Plaintiff refers to and incorporates by reference as if fully set forth herein the
16	allegations contained in paragraphs 1 through 37, inclusive.
17	39. Plaintiff is informed and believes and thereon alleges that Defendants WANG, and
18	DOES 1 through 10, and each of them, engaged in a pattern of conduct showing a
19	continuity of purpose to harass, caused unwanted electronic communications and
20	pornographic images to be sent into Plaintiff's home, which caused Plaintiff to fear for her
21	safety and the safety, well-being and security of her family.
22 23	40. Plaintiff felt scared and suffered substantial emotional distress that an anonymous
24	person would harass her. Plaintiff was especially alarmed, shocked and offended
25	because Plaintiff's child has access to the computer and could be exposed to the
.26	pornography. The harassing messages continued to arrive despite plaintiff's objections to
27	the business solicitors.
28	

{FOUS:1187:PWD:H0001157.DOC.2} FIRST AMENDED COMPLAINT

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42. The acts as set forth above were oppressive, malicious, and fraudulent and done
with a conscious disregard for the rights and safety of plaintiff. As a result, Plaintiff is
entitled to an award of punitive and exemplary damages in an amount sufficient to punish
and make and example of Defendants, and each of them.

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  43. As a result of the conduct of Defendants, and each of them, Plaintiff has incurred
  9
  and will continue to incur special damages including loss of use of property and account(s)
  10
  11
  11 In an amount that will be proven at trial.
- 12 44. As a result of the conduct of Defendants, and each of them, Plaintiff has incurred
  13 and will continue to incur legal fees and costs in an amount to be proven at the trial herein.
  14 Plaintiff requests an award of attorneys' fees.
- WHEREFORE, Plaintiff prays for judgment against Defendants, and each of them,
  as set forth below.
- 18 1. For compensatory damages in an amount according to proof;
- 19 2. For special damages, in an amount according to proof;
- 20 3. For punitive and exemplary damages according to proof;
- <sup>21</sup> 4. For attorneys' fees and costs;
  - 5. For costs of suit incurred herein; and
  - 6. For such other and further relief as this Court deems just and proper.
- 25 Dated: January 26, 2004

HANNIG LAW FIRM LLP

Attorneys for Plaintiff Rosanne S. Foust

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#### VERIFICATION

I, ROSANNE S. FOUST, make the following verification:

I have read the First Amended Complaint and know the contents thereof. The contents of this document are true of my own knowledge, except as to those matters stated on information and belief, and as to those matters, I believe them to be true. I declare under penalty of perjury that the foregoing is true and correct.

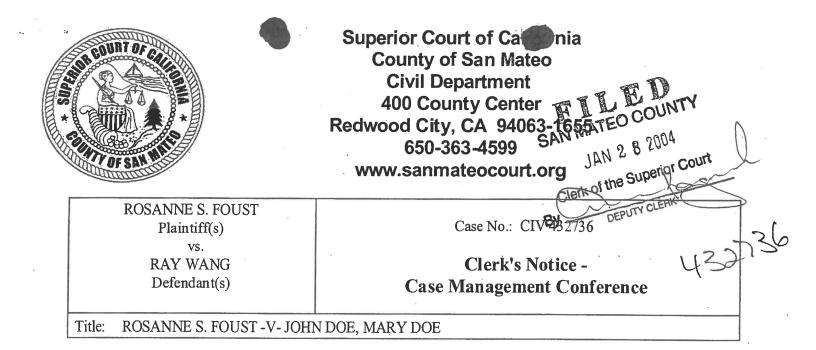
Executed this <u>27</u> day of January, 2004, at <u>Redwood Gty</u>, California.

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### **ROSANNE S. FOUST**

-9-

(FOUS:1187: PWD; H0001157.DOC.2 FIRST AMENDED COMPLAINT



**Please take notice:** On **06/04/04** at **9:00 AM** in **Department 21** of the above-entitled Court at the Hall of Justice and Records, 400 County Center, Redwood City, California, a **case management conference** will be held pursuant to San Mateo County Local Rules of Court No. 2.3.

All attorneys of record and self-represented parties are required to attend this conference.

All parties shall complete a case management questionnaire and file it with the clerk's office in Redwood City fifteen (15) days before the conference.

Counsel or parties are also directed to comply with the time requirements for service of process and responses set forth in San Mateo County Local Rule of Court 2.3(D). At the case management conference the Court will inquire into compliance with the local rules regarding service of process and responses and issue appropriate sanctions for failure to comply with the San Mateo County Local Rules of Court.

#### Date: 01/30/04

By Order of the Presiding Judge

#### **CLERK'S CERTIFICATE OF MAILING**

I hereby certify that I am the clerk of this Court, not a party to this cause; that I served a copy of this notice on the above date, by placing a copy thereof in separate sealed envelopes addressed to the address shown by the records of this Court, and by then sealing said envelopes and depositing same, with postage fully pre-paid thereon, in the United States Mail at Redwood City, California.

Date: 01/30/04

Peggy Thompson, Court Executive Officer

By: <u>ANNE KACZMAREK</u> Deputy Clerk



H. ANN LIROFF 2991 EL CAMINO REAL REDWOOD CITY CA 94062

FILI SAN MATEO	COUNTY
NOTICE OF CASE MANAGEM	2004
NUTICE OF CASE MANAGEM	ENT CONFERENCE
cterk of the Sul	perior outre h
FOUST BY DEPUTYO	
VS.	JUN - 4 2004
	Time: 9:00 a.m.
wang	Dept. 6 – on Tuesday & Thursday Dept. 21 – on Wednesday & Friday

You are hereby given notice of your Case Management Conference. The date, time and department have been written above.

1. In accordance with applicable California Rules of Court and Local Rules 2.3(d)1-4 and 2.3(m), you are hereby ordered to:

- a. Serve all named defendants and file proofs of service on those defendants with the court within 60 days of filing the complaint (CRC 201.7).
- b. Serve a copy of this notice, Case Management Statement and ADR Information Sheet on all named parties in this action.
- c. File and serve a completed Case Management Statement at least 15 days before the Case Management Conference [CRC 212(g)]. Failure to do so may result in monetary sanctions.
- d. Meet and confer, in person or by telephone, to consider each of the issues identified in CRC 212(f) no later than 30 days before the date set for the Case Management Conference.

2. If you fail to follow the orders above, you are ordered to show cause why you should not be sanctioned. The Order To Show Cause hearing will be at the same time as the Case Management Conference hearing. Sanctions may include monetary, evidentiary or issue sanctions as well as striking pleadings and/or dismissal.

3. Continuances of case management conferences are highly disfavored unless good cause is shown.

4. Parties may proceed to an appropriate dispute resolution process ("ADR") by filing a Stipulation To ADR and Proposed Order (see attached form.). If plaintiff files a Stipulation To ADR and Proposed Order electing to proceed to judicial arbitration, the Case Management Conference will be taken off the court calendar and the case will be referred to the Arbitration Administrator. If plaintiffs and defendants file a completed stipulation to another ADR process (e.g., mediation) 10 days prior to the first scheduled case management conference, the case management conference will be continued for 90 days to allow parties time to complete their ADR session. The court will notify parties of their new case management conference date.

- 5. If you have filed a default or a judgment has been entered, your case is not automatically taken off the Case Management Conference Calendar. If "Does", "Roes", etc. are named in your complaint, they must be dismissed in order to close the case. If any party is in bankruptcy, the case is stayed only as to that named party.
- 6. You are further ordered to appear in person\* (or through your attorney of record) at the Case Management Conference noticed above. You must be thoroughly familiar with the case and fully authorized to proceed.
- 7. The Case Management judge will issue orders at the conclusion of the conference that may include:
  - a. Referring parties to voluntary ADR and setting an ADR completion date;
  - b. Dismissing or severing claims or parties;
  - c. Setting a trial date.

8. The Case Management judge may be the trial judge in this case.

For further information regarding case management policies and procedures, see the court website at <u>www.sanmateocourt.org</u>.

\* Telephonic appearances at case management conferences are available by contacting CourtCall, LLC, an independent vendor, at least 5 business days prior to the scheduled conference (see attached CourtCall information).

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			· · · · · · · · · · · · · · · · · · ·		
	ATTORNEY OR PARTY WITHOUT ATTORNEY (NAME AND ADDRESS)	TELEPHONE ) 482-3040	FOR COURT USE ONLY		
	Peter W. Daniel, (SB #179107) HANNIG LAW FIRM LLP	,,			
	2991 El Camino Real				
	Redwood City, CA 94061				
	ATTORNEY FOR (NAME) Plaintiff ROSANNE S. FOUST				
	SUPERIOR COURT OF CALIFORNIA				
·	COUNTY OF SAN MATEO				
	400 County Center				
	Redwood City, CA 94063-1655		FILED		
	PLAINTIFF: ROSANNE S. FOUST		SAN MATEO COUN	TY	
			OCT 2 3 2003		
			EG1		
	DEFENDANT: JOHN DOE, MARY DOE, and DOES 3 through	h 10,	Cleric in the Superior Co	purt	6
	inclusive,	Ć	DEPUTY CLERK		C
	AMENDMENT TO COMPLAINT		CIV 432736	FAX	
1	FICTITIOUS NAME (no order required)				
,	Upon filing the complaint herein, plaintiff(s) being ignorant of the t	ruenameofad	lefendant and having des	signated	
1	said defendant in the complaint by the fictitious name of JOHN DO		lorondurit, and narring oot		
	and having discovered the true name of said defendant to be RAY	WANG			
	nereby amends the complaint by inserting such true name in plac	e and stead o	f such fictitious name	herever	
	t appage in sold complaint	LAW FIRM I			
			/////		

DATED: October 23, 2003

	HANNIC		W_FIRM	LLP		
÷			ATTORN	EY(S) FOR	PLAINTIFF(S)	
	Peter	W.	Daniel,	(SB	#179107)	

### INCORRECT NAME (requires order thereon)

Plaintiff(s) having designated a defendant in the complaint by the incorrect name of

and having discovered the true name of the said defendant to be

hereby amends the complaint by inserting such true name in place and stead of such incorrect name wherever it appears in said complaint.

Filed By		attorney(s) for plaintiff(s) is / are allowed to file the above amendment to the complaint.	
	DATED:	JUDGE	
	CV/1 REV 1/00	AMENDMENT TO COMPLAINT	-1M

	982(a)(15.2
ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address):	FOR COURT USE ONLY
L TED J. HANNIG (SB#111691)	FOR COORT USE ONLY
PETER W. DANIEL (SB#179107)	
HANNIG LAW FIRM LLP	
2991 El Camino Real	
Redwood City, CA 94061	
TELEPHONE NO.: (650) 482-3040 FAX NO.: (650) 482-2820	
ATTORNEY FOR (Name): Plaintiff, Rosanne S. Foust	
NAME OF COURT: SUPERIOR COURT OF CALIFORNIA	
STREET ADDRESS: SAN MATEO COUNTY	
MAILING ADDRESS: 400 County Center	
CITY AND ZIP CODE: Redwood City, CA 94063	
BRANCH NAME: Southern District	
PLAINTIFF/ PETITIONER: ROSANNE S. FOUST	
DEFENDANT/RESPONDENT: JOHN DOE, MARY DOE AND DOES 3-10, INC	
DEPOSITION SUBPOENA	CASE NUMBER:
For Production of Business Records	CIV 432736
THE PEOPLE OF THE STATE OF CALIFORNIA, TO (name, address, and telephone num	ber of deponent, if known):

### SHARMA AUSTIN, POLICY ABUSE LEGAL ANALYST, COMCAST, 3 EXECUTIVE CAMPUS, FIFTH FLOOR, CHERRY HILL, NJ 08002

1. YOU ARE ORDERED TO PRODUCE THE BUSINESS RECORDS described in item 3, as follows:

To (name of deposition officer): Ted J. Hannig, Esq. On (date): No later than 8/6/03 At (time): 9:00 a.m. Location (address): 2991 El Camino Real, Redwood City, CA 94061

Do not release the requested records to the deposition officer prior to the date and time stated above.

- a. X by delivering a true, legible, and durable **copy** of the business records described in item 3, enclosed in a sealed inner wrapper with the title and number of the action, name of witness, and date of subpoena clearly written on it. The inner wrapper shall then be enclosed in an outer envelope or wrapper, sealed, and mailed to the deposition officer at the address in item 1.
- b. \_\_\_\_ by delivering a true, legible, and durable copy of the business records described in item 3 to the deposition officer at the witness's address, on receipt of payment in cash or by check of the reasonable costs of preparing the copy, as determined under Evidence Code section 1563(b).
- c. by making the **original** business records described in item 3 available for inspection at your business address by the attorney's representative and permitting **copying** at your business address under reasonable conditions during normal business hours.
- 2. The records are to be produced by the date and time shown in item 1 (but not sooner than 20 days after the issuance of the deposition subpoena, or 15 days after service, whichever date is later). Reasonable costs of locating records, making them available or copying them, and postage, if any, are recoverable as set forth in Evidence Code section 1563(b). The records shall be accompanied by an affidavit of the custodian or other qualified witness pursuant to Evidence Code section 1561.
- 3. The records to be produced are described as follows: SEE ATTACHED

#### X Continued on attachment 3.

4. IF YOU HAVE BEEN SERVED WITH THIS SUBPOENA AS A CUSTODIAN OF CONSUMER OR EMPLOYEE RECORDS UNDER CODE OF CIVIL PROCEDURE SECTION 1985.3 OR 1985.6 AND A MOTION TO QUASH OR AN OBJECTION HAS BEEN SERVED ON YOU, A COURT ORDER OR AGREEMENT OF THE PARTIES, WITNESSES, *AND* CONSUMER OR EMPLOYEE AFFECTED MUST BE OBTAINED BEFORE YOU ARE REQUIRED TO PRODUCE CONSUMER OR EMPLOYEE RECORDS.

DISOBEDIENCE OF THIS SUBPOENA MAY BE PUNISHED AS CONTEMPT BY THIS COURT. YOU WILL ALSO BE LIABLE FOR THE SUM OF FIVE HUNDRED DOLLARS AND ALL DAMAGES RESULTING FROM YOUR FAILURE TO DEEY.

Date issued: July 16, 2003 Peter W. Daniel, Esq.

PR	
(SIGN/	TURE OF PERSON ISSUING SUBPOENA)

Attorney for Petitioner

(TITLE)

(Proof of service on reverse)

Form Adopted for Mandatory Use Judicial Council of California 982(a)(15.2) [Rev. January 1, 2000]

2.4

DEPOSITION SUBPOENA FOR PRODUCTION OF BUSINESS RECORDS Legal Solutions & Plus Code of Civil Procedure, §§ 2020, 2025; Government Code § 68097.1



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# ROSANNE S. FOUST v. JOHN DOE, MARY DOE AND DOES 3-10, INCLUSIVE SUPERIOR COURT, SAN MATEO COUNTY, CASE NO. CIV 432736

#### DEPOSITION SUBPOENA FOR PRODUCTION OF BUSINESS RECORDS CASE

Attachment 3

μ t

1. All documents that identify the user or owner of I.P. address:

12.236.54.95

- 2. All documents relating to I.P. Address 12.236.54.95 including, but limited to, subscriber or customer agreements.
- 3. All logs showing usage of I.P. address 12.236.54.95 from June 1, 2003, to present.
- 4. All documents that refer or relate to the hostname:

12-236-54-95.client.attbi.com.

5. Any documents relating to the user of I.P. address 12.236.54.95 submitting the email address rosanne@rosannefoust.com to any party.

Attachment 3 {FOUS:1187:MH:MH0242.DOC.1}

### **PROOF OF SERVICE BY FAX TRANSMISSION**

SAN 21 2003.

#### DECLARATION OF SERVICE BY FAX

The undersigned certifies and declares as follows:

- (1) At the time of the facsimile transmission described below I was at least 18 years of age and not a party to this legal proceeding.
- (2) On July 16, 2003 , at 3:00 p.m., I transmitted by facsimile (date) (time) transmission from a facsimile transmission machine whose telephone number is (650) 482-2820 to Sharma Austin (sender's fax number) (name of person served) whose facsimile transmission telephone number is (856) 324-2071 (recipient's fax number) the following described document or documents and an unsigned copy of this declaration: Deposition Subpoena for Production of Business Records (description of documents served)
- (3) The above-described transmission was reported as complete without error by a transmission report issued by the facsimile transmission machine upon which the said transmission was made immediately following the transmission. A true and correct *copy of the said transmission report is attached hereto* and incorporated herein by this reference.

#### ATTACH COPY OF TRANSMISSION REPORT

I certify and declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on <u>July 16</u>, 2003

(sianature)

(NAME TYPED) Mary Harrington



Rev. #1 2001 LS-146





STATE OF CALIFORNIA, COUNTY OF

I have read the foregoing \_\_\_\_

• • • • •

and know its c	ontents.
CHECK APPLICABLE PARAGRAPHS	27
I am a party to this action. The matters stated in the foregoing document are true of my own knowledge exce	pt as to
those matters which are stated on information and belief, and as to those matters I believe them to be true.	
I am         a partner         a         of	
a party to this action, and am authorized to make this verification for and on its behalf, and I make this verification	
reason.	
true The matters stated in the foregoing document are true of my own knowledge, except as to those matters w	nich are
stated on information and belief, and as to those matters I believe them to be true.	
I am one of the attorneys for	
a party to this action. Such party is absent from the county of aforesaid where such attorneys have their offices, and	l make
this verification for and on behalf of that party for that reason. I am informed and believe and on that ground alle	ege that
the matters stated in the foregoing document are true.	
Executed on, at, Ca	alifornia.
I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.	
Type or Print Name Signature	
PROOF OF SERVICE	
1013a (3) CCP Revised 5/1/88	
STATE OF CALIFORNIA, COUNTY OF SAN MATEO	
I am employed in the county of SAN MATEO	alifornia
I am over the age of 18 and not a party to the within action; my business address is: 2991 EL CAMINO REAL	
REDWOOD CITY, CA 94061	
On, JULY 16, 2003, I served the foregoing document described as DEPOSITION SUBPO	
FOR PRODUCTION OF BUSINESS RECORDS (ALSO SERVED BY FACSIMILE THIS SAME I	DAY)
on SHARMA AUSTIN in thi	s action
	s acuon
by placing the true copies thereof enclosed in sealed envelopes addressed as stated on the attached mailing list:	
X by placing the original X a true copy thereof enclosed in sealed envelopes addressed as follows:	
SHARMA AUSTIN	
POLICY ABUSE LEGAL ANALYST	
COMCAST	
3 EXECUTIVE CAMPUS, FIFTH FLOOR	
CHERRY HILLS, NJ 08002	
X BY MAIL	
*I deposited such envelope in the mail at, Ca	lifornia.
The envelope was mailed with postage thereon fully prepaid.	
X As follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for	mailing.
Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully pre	paid at
REDWOOD CITY California in the ordinary course of business. I am aware that on motio	•
party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after	
deposit for mailing in affidavit.	
Executed on <u>JULY 16, 2003</u> , at <u>REDWOOD CITY</u> , Ca	lifornia
**(BY PERSONAL SERVICE) I delivered such envelope by hand to the offices of the addressee.	morrita.
	lifornia.
X (State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct	
(Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the servi	
made.	ce was
Made.	
MARY HARRINGTON	
Type or Print Name Signatúre	
*(BY MAIL SIGNATURE MUST BE OF REASON DEPOSITING ENVELOPE II MAIL-SLOT, BOX, OR BAG)	4
**(FOR PERSONAL SERVICE SIGNATURE MUST BE THAT OF MESSENGER	.)
Legal	ev. 7/99
Solutions- Co Plus	

NAME OF PARTY OR ATTORNEY (and state bar number if attorney):	FOR COURT USE ONLY
ADDRESS WHERE YOU WANT MAIL SENT: TED J. HANNIG (SB#111691) HANNIG LAW FIRM LLP	
2991 El Camino Real Redwood City, CA 94061	مستنبط طنية ملطه المستنه
TELEPHONE NUMBER (Optional): (650) 482-3040 FAX NUMBER (Optional): (650) 482-2820 E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): Petitioner, Rosanne S. Foust	FILED SAN MATEO COUNTY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN MATEO	JUL 1 5 2003
MAILING ADDRESS: 400 County Center CITY AND ZIP CODE: Redwood City, CA 94063	Clerk of the threnot court
BRANCH NAME: Southern Branch	Den and a service of the service of
DEFENDANT: JOHN DOE, MARY DOE AND DOES 3-10, INCLUSIVE	
PETITION FOR INJUNCTION PROHIBITING HARASSMENT	CASE NUMBER: CIV 4 3 2 7 3 6
Application for Temporary Restraining Order	
(THIS IS NOT AN ORDER) Read the Instructions for Lawsuits to Prohibit Harassment (form CH-150) before completing th	in form
1. Plaintiff (name each): ROSANNE S. FOUST	
2. X       OTHER PERSONS TO BE PROTECTED (List names and ages of all family or hous plaintiff and are to be protected by the requested orders and their relationship to pla Name Joseph Foust         Age       Age         Joseph Foust       38         Name Withheld       under       12         Name Withheld       under       12	<i>intiff): lift an</i> <u>nship to plaintiff</u> and d
3. a. Defendant (name): JOHN DOE, MARY DOE AND DOES 3-10, INCLUS	IVE
Sex: M F Ht.:Wt.: Hair color: Eye color: Race:	Age: Date of birth:
b. Defendant's residence address (if known):c. Defendant's workTO BE DETERMINED	address and name of business (if known):
<ul> <li>4. This action is filed in this county because</li> <li>a. defendant resides in this county.</li> <li>b. X defendant has caused physical or emotional injury to plaintiff in this county.</li> <li>c. other (specify):</li> </ul>	
5. Describe how plaintiff knows defendant (e.g., landlord/tenant, neighbor, etc.): TO BE DE	TERMINED
<ul> <li>6. Defendant has</li> <li>a threatened to commit acts of violence against plaintiff as described in item 10.</li> <li>b committed acts of violence against plaintiff as described in item 10.</li> <li>c. X not threatened to commit and has not committed any acts of violence.</li> </ul>	

Form Adopted for Mandatory Use
Judicial Council of California
CH-100 [Rev. July 1, 2001]

PETITION FOR INJUNCTION PROHIBITING HARASSMENT (CIVIL HARASSMENT)

Code of Civil Procedure, § 527.6

_ PLAINTIFF (Name): ROSANNE S. FOUST	CASE NUMBER:
DEFENDANT (Name): JOHN DOE, MARY DOE AND DOES 3-10, INCLUSIVE	

- 7. Defendant has committed a series of acts that seriously alarm, annoy, or harass plaintiff as described in item 10.
- 8. Plaintiff has actually suffered substantial emotional distress as a direct result of defendant's conduct described in item 10, and defendant's conduct would have caused a reasonable person to suffer substantial emotional distress.
- 9. Defendant's continuing course of conduct has been directed specifically against plaintiff and is knowing, willful, not constitutionally protected, and without legitimate purpose.

#### 10. DESCRIPTION OF CONDUCT

Describe in detail the harassment (including the dates, who did what to whom, and any injuries):

1. Plaintiff is a victim of "cyber attack" which Plaintiff believes is intended to annoy, harass, and intimidate her. Plaintiff brings this action because her identity has been falsely taken and used in a repeated pattern to cause graphic pornographic material and other unwanted messages to be sent to her e-mail account via the Internet. A computer virus was also sent which infected and damaged Plaintiff's computer and may have consequently infected computers of Plaintiff's friends and associates.

2. On or about June 26, 2003, Plaintiff began to receive unwanted e-mail solicitations from a variety of businesses and organizations. It is clear from the messages that the senders believed Plaintiff had requested the information and that Plaintiff's identity was being falsely used without her permission.

3. The pattern of unwanted messages continued to come with increasing frequency for two days, and then on June 27, 2003, Plaintiff began to receive pornographic solicitations with sexually explicit images. Plaintiff was

X (If more space is needed, check the box and add additional pages as Attachment 10.)

## PLAINTIFF REQUESTS THE COURT TO MAKE THE ORDERS INDICATED BY THE CHECK MARKS IN THE BOXES BELOW.

#### 11. X PERSONAL CONDUCT ORDERS

To be ordered now and effective until the hearing.

Defendent models to the transformed as the test of tes	-
Defendant must not contact, molest, harass, attack, strike, threaten, sexually assault, batter, telephone, send any me	ssages
to, follow, stalk, destroy any personal property, disturb the peace, keep under surveillance, or block movements in put	blic
places or thoroughfares, or otherwise harass plaintiff X and the other protected persons identified in ite	m 2.

#### 12. X STAY-AWAY ORDERS

To be ordered now and effective until the hearing

a. Defendant must stay at least (*specify*): <u>50</u> **yards** away from the following persons and places (*the addresses* of the places are optional and you do not have to reveal them):

(1) Plaintiff X and the other protected persons identified in item 2.

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141	1 45 1	I Idiiiun S	residence	10000000	UNIUNIA	1.
~ /			residence	1		<i>.</i> .

- (3) X Plaintiff's place of work (address optional):
- (4) X Plaintiff's children's school or place of child care (address optional):
- (5) X Plaintiff's vehicle (specify):

(6) X Other (specify): Defendant(s) shall not send or cause to be sent any electronic messages to Plaintiff's computer.

ا اسرا				
_ PLAIN	IFF (Name): ROSANNE S. FOUST			CASE NUMBER:
DEFEND	ANT (Name): JOHN DOE, MARY DO	E AND DOES 3-	LO, INCLUSIVE	
12.	<ul> <li>b. Granting any of the stay-away orde</li> <li>(1) will not interfere with defendance</li> <li>(2) will interfere with defendance</li> </ul>	endant's access to def	endant's residence or ant's residence or plac	place of employment. ce of employment <i>(explain):</i>
13.	Plaintiff will suffer great and irreparable requested above effective now and until	harm before this petitic the hearing <i>(specify th</i>	on can be heard in cou ne harm and why it wil	urt unless the court makes the orders I occur before the hearing):
14. X	There is good cause to include in the ord Plaintiff's family has be forth in item 10.	ders requested above een exposed to	he other protected pe the inapprop	ersons identified in item 2 <i>(explain):</i> riate harassment as set
15. X	ATTORNEY FEES AND COSTS			· . · ·
	Plaintiff requests that defendant be order According: to proof.		orney fees and costs	as follows (specify): Office a set of the se
16.	OTHER ORDERS (specify other orders)	vou are requesting):		
				·

17. Plaintiff requests that copies of orders be given to the following law enforcement agencies: <u>Law enforcement agency</u> <u>Address</u>

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ц <u>я                                    </u>	
_ PLAINTIFF (Name): ROSANNE S. FOUST	CASE NUMBER:
DEFENDANT (Name): JOHN DOE, MARY DOE AND DOES 3	- 10, INCLUSIV
18. a. Plaintiff has asked for restraining orders against the defendation	ant before (specify county and case number if known):
b. Defendant has asked for restraining orders against plaintiff t	before (specify county and case number if known):
19. Plaintiff requests additional relief as may be proper.	
20. Plaintiff requests that time for service of the Order to Show they may be served no less than (specify number):	days before the date set for the hearing. The order
21. Plaintiff is not required to pay a fee for filing this petition becaus threatened violence against the plaintiff, or stalked the plaintiff, plaintiff in reasonable fear of violence, and seeks a protective o threats of violence under Code of Civil Procedure section 527.6	or acted or spoken in any other manner that has placed the r restraining order or injunction restraining stalking or future
22. X Number of pages attached: <u>1</u>	
(If the plaintiff is represented by an attorney, the attorney's signature follow	ws):
Date: July 14, 2003	
<u>Ted J. Hanniq, Esq.</u> (TYPE OR PRINT NAME)	(SIGMATURE OF ATTORNEY)
I declare under penalty of perjury under the laws of the State of California	that the foregoing is true and correct.
Date: July 14, 2003	
Rosanne S. Foust (TYPE OR PRINT NAME)	(SIGNATURE OF PLAINTIFF)
(TYPE OR PRINT NAME)	(SIGNATURE OF PLAINTIFF)

PETITION FOR INJUNCTION PROHIBITING HARASSMENT (CIVIL HARASSMENT)

## Plaintiff: ROSANNE S. FOUST Defendant: JOHN DOE, MARY DOE AND DOES 3 - 10, INCLUSIVE

## PETITION FOR INJUNCTION PROHIBITING HARASSMENT (CIVIL HARASSMENT)

Attachment 10 (continued)

Lord " L

3. (continued) especially shocked and offended because Plaintiff's child has access to the computer and could be exposed to the pornography.

4. This wave of unwanted and unsolicited communications from various companies based on the misuse of Plaintiff's name has continued up to the filing of this Petition. At least one of the solicitations included Plaintiff's maiden name in its confirmation request. This is particularly troubling to Plaintiff because Plaintiff does not routinely use her maiden name. It appears that the individual or individuals who have used Plaintiff's identity and caused these messages to be sent have taken the time to become familiar with Plaintiff's personal history and are now utilizing that information to torment Plaintiff.

5. Plaintiff reported this matter to the Redwood City Police Department on June 27, 2003. Plaintiff has obtained the "IP" address of the person(s) responsible for the pattern of harassment and will seek to obtain their identity by subpoena. When the identity is obtained, Plaintiff will amend this Petition to identify the perpetrator(s) and to allege other conduct, causes of action, and damages as appropriate.

6. Over the July 4<sup>th</sup> weekend, Plaintiff's computer was infected with a virus attached to an e-mail. The virus attacked Plaintiff's computer and caused e-mails to be sent to everyone on Plaintiff's electronic address book with the virus attached.

		CM-010
ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, star. par.	number, and address):	FOR COURT USE ONLY
TED J. HANNIG (SB#111691) HANNIG LAW FIRM LLP		
2991 El Camino Real		
Redwood City, CA 94063		
TELEPHONE NO.: (650) 482-3040	FAX NO.: (650) 482-2820	
ATTORNEY FOR (Name): Petitioner, Ros		
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SA	N MATEO	
STREET ADDRESS: MAILING ADDRESS: 400 County Cente:	r	
CITY AND ZIP CODE: Redwood City, CA	94063	
BRANCH NAME: Southern Distric		
CASE NAME: ROSANNE S. FOUST DOES 3-10, INCLUSIVE	JOHN DOE, MARY DOE AND	· .
CIVIL CASE COVER SHEET	Complex Case Designation	CASE NUMBECTV 4 3 2 7 3 6
X Unlimited Limited (Amount (Amount	Counter Joinder	
demanded demanded is	Filed with first appearance by defendant (Cal. Rules of Court, rule 1811)	JUDGE:
exceeds \$25,000) \$25,000 or less)	below must be completed (see instruction	DEPT.:
1. Check <b>one</b> box below for the case type that		is on page 2).
Auto Tort	Contract	Provisionally Complex Civil Litigation
Auto (22)	Breach of contract/warranty (06)	(Cal. Rules of Court, rules 1800–1812)
Uninsured motorist (46)	Collections (09)	Antitrust/Trade regulation (03)
Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort	Insurance coverage (18)	Construction defect (10)
Asbestos (04)	Other contract (37)	Mass tort (40)
Product liability (24)	Real Property	Securities litigation (28)
Medical malpractice (45)	Eminent domain/Inverse condemnation (14)	Environmental/Toxic tort (30) Insurance coverage claims arising from the
Other PI/PD/WD (23)	Wrongful eviction (33)	above listed provisionally complex case
Non-PI/PD/WD (Other) Tort	Other real property (26)	types (41)
Business tort/unfair business practice (07)	Unlawful Detainer	Enforcement of Judgment
Civil rights (08)	Commercial (31)	Enforcement of judgment (20)
Fraud (16)	Residential (32)	Miscellaneous Civil Complaint
Intellectual property (19)	Drugs (38)	RICO (27)
Professional negligence (25)	Judicial Review	Other complaint (not specified above) (42)
Other non-PI/PD/WD tort (35)		Miscellaneous Civil Petition
Employment	Petition re: arbitration award (11)	Partnership and corporate governance (21) X Other petition (not specified above) (43)
Wrongful termination (36)	Writ of mandate (02)	
Other employment (15)	Other judicial review (39)	
<ol> <li>This case isX is not complerequiring exceptional judicial management:</li> </ol>	ex under rule 1800 of the California Rules	of Court. If case is complex, mark the factors
a Large number of separately repres	ented parties d. 🔄 Large number o	fwitnesses
b. Extensive motion practice raising d		h related actions pending in one or more courts
issues that will be time-consuming	to resolve in other counties	s, states or countries, or in a federal court
c. Substantial amount of documentar		-judgment judicial supervision
3. Type of remedies sought (check all that app		1
a. X monetary b. X nonmonetary 4. Number of causes of action ( <i>specify</i> ): TO	; declaratory or injunctive relief c.	punitive
	s action suit.	Λ
Date: July 14, 2003	s action suit.	ΛΙΛ
TED J. HANNIG (SB#111691)		A HA
(TYPE OR PRINT NAME)	(SIGNA	DURE OF PARTY OR ATTORNEY FOR PARTY)
<ul> <li>Plaintiff must file this cover sheet with the fir under the Probate, Family, or Welfare and In</li> </ul>	NOTICE st paper filed in the action or proceeding	except small claims cases or cases filed
sanctions.		
<ul> <li>File this cover sheet in addition to any cover</li> <li>If this case is complex under rule 1800 et se</li> </ul>	g, of the California Rules of Court, vou m	ust serve a copy of this cover sheet on all
other parties to the action or proceeding.	genter and the second	
Unless this is a complex case, this cover she Form Adopted for Mandatory Use	eet shall be used for statistical purposes of CIVIL CASE COVER SHEET	
Judicial Council of California CM-010 [Rev. July 1, 2003]	CIVIL CASE COVER SHEET	Legal Cal. Rules of Court, rules 201.8, 1800 –1812: Solutions Co Plus

## CIVIL/SMALL CLAIMS

## CASE NUMBER:

NAME:

	<u></u>	
SMA	LL CLAIMS FILING FEES	
А.	NOT filed more than 12	
B.	HAS filed more than 12	
C.	Defendants claim	
D.	Svc by Clerk/request cert mail	e. 14
E.	Cert/xmit pprs of appeal	
F.	Request postpone hearing date	
MISC A.	ELLANEOUS FEES Issue writs exec/poss/etc	
B.	Issue abstract of judgment	· ·
F.	Search records or files	
H.	Returned check service charge	
J.	General Fees	
• •		
	•	5 - F 5
CERI	IFICATION & COPING FEES	8 v 9.
Α.	Photocopying document	
B.	Issuing exempl of record	
C.	Issue cert copy of record	
		•
maninanana		
DEPO	SITS/JURY/WITNESS FEES	-
Α.	Xfer to a civil action	
B.	Trust Account	
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Case: CIV4327 Pyr P	36	1598	
Complaint Total due Check Rcpt 47-0025 Oper 0015		228.00 228.00 228.00 07/16/03 1234	
		2 9	

# VISA [ ]

MASTERCARD	<b>)</b> [··]
Cr. Card #	8
Exp. Date	
Dr.Lic.#	12 <sup>-</sup>
Amount	· · · ·

Check No.	£
Amount	. the second

Coin	Currency	
.50		\$100
.25		\$50
.10	• • •	\$20
.05		\$10
.01		\$5
	•	\$1
Total Cash		6

AC-9SC Revised 8/95

DATE:

Clerk's Initial:

City Clerk Kirsten Squarcia,

I am a Cupertino community member and resident. Cupertino is my home, and I believe my community comprises of some of the truly brightest and most compassionate minds in California. Unfortunately, we are still recovering from prior leadership that has greatly damaged our reputation, including the past actions of Planning Commissioner R. Wang. That is why I am here today to voice my strong support for the removal of Planning Commissioner R. Wang.

While a sitting Planning Commissioner City official, he urged fellow residents to call the employers of pro-housing activists to try to get them fired from their jobs. He has disrespected, insulted, and alleged conspiracy theories against core community partners like Cupertino Rotary and the Cupertino Chamber of Commerce. He continually harassed a City Councilmember in Redwood City (was a planning commissioner), signing her up for porn. Instead of admitting the truth, he lied that developer interests hacked his computer.

Commissioner Wang even acts on misinformation to propel his political agenda, instead of listening to legal advice, putting the city at risk of being sued. For example, when the City sought to fix a density bonus ordinance to comply with state law, he compared this to "free and fair democratic elections in the Soviet Union."

I believe in Cupertino and its future. I am speaking up and asking you to do the right thing because I will not tolerate this inappropriate behavior coming from our "leaders." That's why I am here writing for democracy and for ethical leadership. It is way past time for the Council to hold Commissioner Wang accountable. I am urging you please honor the lived experiences of those who have been personally harmed by Mr. Wang and do the right thing. Please honor the intelligence and character of our good residents, who deserve to have genuine trust in their officials.

Thank you for your time. It's time to bring dignity back to Cupertino.

Nicole Phan rollie.pollie268@gmail.com

Cupertino, California 95014

City Clerk Kirsten Squarcia,

We love Ray Wang. He's the best. he defends our resident view points and he's not afraid to represent the quiet voices in the community often bullied by organizations like Cupertino 4 All and the YIMBY's.

Please do not remove Planning Commissioner R Wang.

Frank Yu fyujunk@yahoo.com.sg

Cupertino, California 95015

City Clerk Kirsten Squarcia,

Dear Cupertino City Council, City Attorney, City Manager, and City Clerk

Please include my letter as written communication for the 3/7/2023 City Council meeting, Agenda Item 11, RETAIN, do not remove, Planning Commissioner Ray Wang."

Stop The Divisiveness And Dirty Politics - Do Not Remove Planning Commissioner Wang

Dear Cupertino City Council, City Attorney, City Manager, and City Clerk

I am writing to you today in regard to the agenda item that considers the removal of Commissioner Wang from the Cupertino Planning Commission..

The attempted removal of Commissioner Wang is unjust and politically motivated by the new, three-member City Council majority that has lost the community's trust and faith. The new majority have worked hard to remove the resident-focused council members from key committees.

The new majority have sought to shut down commissions where their views do not prevail. The new majority seek to silence public commentary on agenda items at council and commission meetings, which limits are codified in a new process manual.

The residents see the attack on Commissioner Wang as part of a larger strategy to remove resident-focused Planning commissioners and replace them with a "rubber stamp" commission that will not question the aggressive growth agenda. Your recent actions and the City's recent history suggest that the following agenda is likely:

- Approving an unnecessary, expensive new city hall.

- Jeopardizing future housing site selections by including an excessively large buffer in the current housing cycle.

-Appeasing developers who seek to circumvent prudent processes.

The latest endeavor by the new council majority to gain control of the Planning Commission is to remove former two-time Chair and one-time Vice Chair of the Planning Commission, R "Ray" Wang, on trumped-up charges of treating staff and consultants poorly. The malicious attempts by the three-member majority to defame him cast a shameful pall over the City Council.

I support Commissioner Wang's hard work and determination to represent the resident's interests.

Wang and the current planning commissioners Steven Scharf and Muni Madhdhipatla have worked hard for sensible growth:

-Approved the Westport Project, which provides a large contingent of the housing that is mandated by the State of California. The project is sensible because it does not jeopardize future housing elements by adding excessive office space.

-Approved the new hotel at Cupertino Village, which provides a plentiful tax revenue stream to Cupertino.

-Approved the Bateh Brothers site for new mixed-use housing. The developer followed appropriate processes and did not insist on overbuilding.

-Completed their duty in housing element site selection.

Commissioner Wang has a long history of defending his community from developers and business interests who seek to take advantage of residents and their rights. Wang has been a strong advocate for resident-focused causes and keeping the city staff accountable.

Wang questioned why staff have taken no action to create 5G tower architectural standards to protect our neighborhoods. The lack of a response from staff has been unacceptable.

Wang also criticized a very inept housing element consultant at EMC who failed to complete the required project and cost the city 100's of thousands of dollars. The staff failed to take responsibility and be accountable for hiring a bad consultant but Wang was told that he was not respectful for criticizing the city staff and the consultant.

We need more residents like Wang who represent the interests of residents. We feel Wang has represented us well and should continue to serve as our voice on the Planning Commission.

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Xiangying Yang yangxy@gmail.com 10744 Brookwwll DR Cupertino, California 95014

City Clerk Kirsten Squarcia,

I am a Cupertino community member. This community means a lot to me, and I believe we are home to some of the brightest and most compassionate minds in California. Ray has stood for shedding light on issues that matter to me, like city staff allowing workers to dig at Vallco prior to the soil being evaluated for contamination. That is why I am here today to voice my strong support for Planning Commissioner R. Wang.

Ray complained about incompetence, we need his courage!

Thank you for your time. It's time to bring dignity back to Cupertino. Recall JR Fruen and stop the Cupertino for All cancel culture of intimidation!

Ruth Chen ruthchen92@gmail.com

Cupertino, California 95014

City Clerk Kirsten Squarcia,

Dear Cupertino City Council, City Attorney, City Manager, and City Clerk

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Stop The Divisiveness And Dirty Politics - Do Not Remove Planning Commissioner Wang

Dear Cupertino City Council, City Attorney, City Manager, and City Clerk

I am writing to you today in regard to the agenda item that considers the removal of Commissioner Wang from the Cupertino Planning Commission..

The attempted removal of Commissioner Wang is unjust and politically motivated by the new, three-member City Council majority that has lost the community's trust and faith. The new majority have worked hard to remove the resident-focused council members from key committees.

The new majority have sought to shut down commissions where their views do not prevail. The new majority seek to silence public commentary on agenda items at council and commission meetings, which limits are codified in a new process manual.

The residents see the attack on Commissioner Wang as part of a larger strategy to remove resident-focused Planning commissioners and replace them with a "rubber stamp" commission that will not question the aggressive growth agenda. Your recent actions and the City's recent history suggest that the following agenda is likely:

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- Jeopardizing future housing site selections by including an excessively large buffer in the current housing cycle.

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The latest endeavor by the new council majority to gain control of the Planning Commission is to remove former two-time Chair and one-time Vice Chair of the Planning Commission, R "Ray" Wang, on trumped-up charges of treating staff and consultants poorly. The malicious attempts by the three-member majority to defame him cast a shameful pall over the City Council.

I support Commissioner Wang's hard work and determination to represent the resident's interests.

Wang and the current planning commissioners Steven Scharf and Muni Madhdhipatla have worked hard for sensible growth:

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Commissioner Wang has a long history of defending his community from developers and business interests who seek to take advantage of residents and their rights. Wang has been a strong advocate for resident-focused causes and keeping the city staff accountable.

Wang questioned why staff have taken no action to create 5G tower architectural standards to protect our neighborhoods. The lack of a response from staff has been unacceptable.

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Madhukar Krishnarao madhukark@gmail.com

Cupertino, California 95014

City Clerk Kirsten Squarcia,

I am a Cupertino community member. This community means a lot to me, and I believe we are home to some of the brightest and most compassionate minds in California. Unfortunately, we are gripped by new incompetent leadership that is greatly damaging our reputation, including attacking Planning Commissioner R. Wang. That is why I am here today to voice my strong support for Planning Commissioner R. Wang. This cancel culture Council of 3 must be stopped.

He has shed a light on toxics, bad governance, and spoken against corrupted community partners who take city money and free use like Cupertino Rotary and the Cupertino Chamber of Commerce.

I believe in Cupertino and its future-that's why I am here speaking for democracy and for ethical leadership.

Thank you for your time. It's time to bring dignity back to Cupertino.

Bart Singh bartsingh95@gmail.com

Cupertino, California 95014

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Rajesh Narayanan rajesh.nar@gmail.com 21123 Christensen Drive, Cupertino, California 95014

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Arun Swami lists.arun@gmail.com 23016 Voss Ave Cupertino, California 95014

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Supreeth Rao supreeth.rao@gmail.com

Cupertino , California 95014

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I am a Cupertino community member and this community means a lot to me.

Unfortunately, we are still recovering from prior leadership that has greatly damaged our reputation, including the past actions of Planning Commissioner R. Wang. That is why I am here today to voice my support for the removal of Planning Commissioner R. Wang.

While a sitting Planning Commissioner City official, he urged fellow residents to call the employers of pro-housing activists to try to get them fired from their jobs. He has disrespected, insulted, and alleged conspiracy theories against core community partners like Cupertino Rotary and the Cupertino Chamber of Commerce. He continually harassed a City Council Member in Redwood City (was a planning commissioner), signing her up for porn. Instead of admitting the truth, he lied that developer interests hacked his computer.

Commissioner Wang even acts on misinformation to propel his political agenda, instead of listening to legal advice, putting the city at risk of being sued. For example, when the City sought to fix a density bonus ordinance to comply with state law, he compared this to free and fair democratic elections in the Soviet Union."

I believe in Cupertino and its future—that's why I am here speaking for democracy and for ethical leadership. It's past time for the Council to hold Commissioner Wang accountable. Please honor the lived experiences of those who have been personally harmed by Mr. Wang and do the right thing. Please honor the intelligence and character of our good residents, who deserve to have genuine trust in their officials.

Thank you for your time. It's time to bring dignity back to Cupertino.

Ayushi S ayushi\_sen@yahoo.com 10341 Tonita Way, Cupertino, California 95014

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Desiree Humphers desiree.humphers@gmail.com

San Jose, California 95136

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I recently became aware of R. Wang's scandals and misbehaviors. He has disrespected, insulted, and alleged conspiracy theories against core community partners like Cupertino Rotary and the Cupertino Chamber of Commerce. He continually harassed a City Councilmember in Redwood City, signing her up under a porn website and has too many stories of being unfit to serve for the city of Cupertino.

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Ellia La hyeseung0220@gmail.com

Sunnyvale, California 94087

From:	<u>S B</u>
To:	City Council; Cupertino City Manager"s Office; City Clerk
Subject:	Ray and the planning commission - agenda item 11
Date:	Friday, March 3, 2023 1:29:56 PM

To the city clerk,

Please remove all other emails that were received from me on the subject of Ray and the planning commission. This is what I want shown on the record as my written communication, I am speaking for myself here as a resident of Cupertino

To the Mayor, Vice Mayor and Council member Fruen,

In the past 3 months I cannot understand why you have allowed the following to happen

- Delayed the submission of the housing element when we have 20% more than was required with the 4,588 units.
- Eliminated commissions and committees that promote dialog and public input about development policies and that audit city activity.
- Created new council policies that significantly reduce opportunities for public input and public discussion among council members.
- Attempted and in some cases succeeded in removing resident-focused committee and commission members.
- Suggested a new, much larger city hall that also contains a 500 seat event center and would cost \$70 million + inflation. Although the council majority cites earthquake safety as a prime reason for the new city hall, the previous city council proposed a much less expensive plan that provided the required earthquake safety rating.

It seems as though you are trying to gain majority with your own appointees on the Planning Commission by removing commissioners who are fighting for the best interests of residents. You unsuccessfully tried to remove former mayor Steve Scharf in the middle of his term by creating a new policy. Now you are trying to remove commissioner Ray Wang in the middle of Ray's term. Ray Wang has a history of standing with residents and standing up to development/financial interests:

- Organized residents to challenge Redwood City's use of secondary water (treated wastewater) in parks and residences ~20 years ago. The challenge threatened the aggressive growth industry, who attempted to scare Ray by framing him with a complaint that was never proven. Ray suffered personally and professionally from the attacks, but he persevered and his effort to protect residents was successful. For more information, see : https://www.smdailyjournal.com/news/local/recycled-water-use-notmandatory/article\_32f75165-4b3c-5852-8203-92c9ad845b32.html
- Represented residents' rights when the 2018 Vallco project brought out-oftown and out-of-state union-hired agitators to harass the residents who were peacefully campaigning for a better Vallco project
- Brought the approval of two large projects that exemplify sensible growth in Cupertino. Westport Cupertino (previously The Oaks) and the new Marina project provide housing that is required by the State of California (HCD requires Cupertino to build 4,588 housing units in the next cycle) and keeps office space to a minimum. In contrast, the excessive office space that has been a part of every Vallco project in the last nine years could trigger a State mandate for many more housing projects in Cupertino.

Ray has served twice as Chair and once as Vice- Chair over his two terms on the Planning Commission.

Stop the obstruction of democratic processes in Cupertino.

Please keep R "Ray" Wang on the job, we want sensible growth and not growth for the sake of growth!

Sincerely

Sashi Begur

City Clerk Kirsten Squarcia,

I am an Oakland community member. Cupertino community means a lot to me, and I believe we are home to some of the brightest and most compassionate minds in California. Unfortunately, we are still recovering from prior leadership that has greatly damaged our reputation, including the past actions of Planning Commissioner R. Wang. That is why I am here today to voice my strong support for the removal of Planning Commissioner R. Wang.

While a sitting Planning Commissioner City official, he urged fellow residents to call the employers of pro-housing activists to try to get them fired from their jobs. He has disrespected, insulted, and alleged conspiracy theories against core community partners like Cupertino Rotary and the Cupertino Chamber of Commerce. He continually harassed a City Councilmember in Redwood City (was a planning commissioner), signing her up for porn. Instead of admitting the truth, he lied that developer interests hacked his computer.

Commissioner Wang even acts on misinformation to propel his political agenda, instead of listening to legal advice, putting the city at risk of being sued. For example, when the City sought to fix a density bonus ordinance to comply with state law, he compared this to free and fair democratic elections in the Soviet Union."

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Thank you for your time. It's time to bring dignity back to Cupertino.

Raul Maldonado rmaldonadocloud@gmail.com 291 Lester Ave Oakland, California 94606

From:	Bargelon Prakash
То:	City Clerk
Cc:	City Council
Subject:	Comment for Agenda Item 11 March 7
Date:	Friday, March 3, 2023 12:46:28 PM

Cupertino City Clerk:

I would like to bring your attention to the following article about a Planning Commissioner in Los Gatos for Item 11.

Many thanks,

Bargelon

## Wealthy Bay Area town grapples with 'attack on whiteness' controversy

A planning commissioner in Los Gatos was censured by the town council for writing an email to a state agency that included what some say is racist language toward white people

Alec Regimbal, SFGATE Feb. 24, 2023



The Los Gatos Library. A planning commissioner in Los Gatos was censured by the town council for writing an email to a state agency that included what some say is racist language toward white people. SFGATE via Google

Town council members in the <u>Bay Area town of Los Gatos</u> censured one of its planning commissioners last week for writing an email that included what some say is racist language toward white people.

Now, more than a week later, the commissioner — Kylie Clark — is still dealing with the fallout of the town council's public rebuke.

"I don't feel safe going to some of the meetings that I used to because a lot of the community members who are the most angry at me are in them, so that's been something that's kind of changed about my life since then," Clark said in an interview with SFGATE.



In November, Clark <u>wrote an email</u> to the state Department of Housing and Community Development expressing concern over <u>a referendum that was filed by a</u> <u>community group last summer</u>, which opposes the construction of new housing units in the coming years.

"The referendum was fully paid for and passed by a few rich white anti-housing men in our town," Clark, who is white, wrote in her email.

The email became public in January, when the state Department of Housing and Community Development, as required, released every communication it had received about the Los Gatos housing plan between April 21 and Nov. 18 of last year. Clark, who identified herself as a Los Gatos planning commissioner in her email but said she was writing as a "concerned citizen," said she was not aware that her email would eventually be made public. Regardless, its release sparked a weekslong controversy that culminated with her censure by the town council <u>during</u> <u>a special meeting</u> Feb. 15.

At that meeting, members of the town council revealed that an "evaluation committee" comprising the mayor, vice mayor, town manager and town attorney had been formed to discuss the language in Clark's email after members of the community complained. Despite accusations that Clark's words amounted to a conflict of interest and revealed biases that could impact her work on the planning commission, the committee dismissed those concerns and instead argued that her email violated a section of the town's code of conduct that deals with "divisive language" from city officials.

All Cupertino City Council,

Dear Cupertino City Council, City Attorney, City Manager, and City Clerk

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The new majority have sought to shut down commissions where their views do not prevail. The new majority seek to silence public commentary on agenda items at council and commission meetings, which limits are codified in a new process manual.

The residents see the attack on Commissioner Wang as part of a larger strategy to remove resident-focused Planning commissioners and replace them with a "rubber stamp" commission that will not question the aggressive growth agenda. Your recent actions and the City's recent history suggest that the following agenda is likely:

- Approving an unnecessary, expensive new city hall.

- Jeopardizing future housing site selections by including an excessively large buffer in the current housing cycle.

-Appeasing developers who seek to circumvent prudent processes.

The latest endeavor by the new council majority to gain control of the Planning Commission is to remove former two-time Chair and one-time Vice Chair of the Planning Commission, R "Ray" Wang, on trumped-up charges of treating staff and consultants poorly. The malicious attempts by the three-member majority to defame him cast a shameful pall over the City Council.

I support Commissioner Wang's hard work and determination to represent the resident's interests.

Wang and the current planning commissioners Steven Scharf and Muni Madhdhipatla have worked hard for sensible growth:

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Commissioner Wang has a long history of defending his community from developers and business interests who seek to take advantage of residents and their rights. Wang has been a strong advocate for resident-focused causes and keeping the city staff accountable.

Wang questioned why staff have taken no action to create 5G tower architectural standards to protect our neighborhoods. The lack of a response from staff has been unacceptable.

Wang also criticized a very inept housing element consultant at EMC who failed to complete the required project and cost the city 100's of thousands of dollars. The staff failed to take responsibility and be accountable for hiring a bad consultant but Wang was told that he was not respectful for criticizing the city staff and the consultant.

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Xiangchen Xu xc\_xu@yahoo.com

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Wei Sun jacksunwei@gmail.com 6577 CLIFFORD DR, CUPERTINO, California 95014

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Jonathan Buenemann jonathanbuenemann@gmail.com 1971 Green Street Apt B San Francisco, California 94123

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Jin Yu jinyu1267@gmail.com 7758 Robindell Way Cupertino , California 95014

All Cupertino City Council,

Dear Cupertino City Council, City Attorney, City Manager, and City Clerk

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Stop The Divisiveness And Dirty Politics - Do Not Remove Planning Commissioner Wang

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Hello,

Please work to maintain the economical relationship between our city's infrastructure and our citizens without overly clogged streets or too many high rises. 5 story mid-rise m buildings should be the limit, and we all like Cupertino Main Street. The main thing is paying attention to the voice of the citizens through our elected officials who are not overly influenced by developers.

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Just a few weeks ago, this city council and city staff attempted to write into the city code a way to remove former two-time Mayor and current two-time Chair of the Planning Commission, Steven Scharf. This action was politically motivated and as the City Attorney determined, it was also unlawful.

The latest endeavor by the new council majority to gain control of the Planning Commission is to remove former two-time Chair and one-time Vice Chair of the Planning Commission, R "Ray" Wang, on trumped-up charges of treating staff and consultants poorly. The malicious attempts by the three-member majority to defame him cast a shameful pall over the City Council.

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Commissioner Wang should serve out his term.

Please reconsider the council's actions to remove Wang from the Planning Commission.

Gary Shamshoian ibdengineering@yahoo.com 18765 tuggle avenue cupertino, California 95014

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Julia Glidden juliaglidden@gmail.com 241 Brook Rd Lyman NH, New Hampshire 03585

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Vera Cai vera\_cai@hotmail.com

Cupertino, California 95914

All Cupertino City Council,

Honorable Mayor Wei, Vice Mayor Mohan, and Council Members Chao, Fruen, and Moore:

Please include my letter as written communication for the 3/7/2023 City Council meeting, Agenda Item 11, RETAIN, do not remove, Planning Commissioner Ray Wang.

The effort to remove Commissioner Wang from the Planning Commission is misguided and unwise.

The residents see the attack on Commissioner Wang as part of a larger strategy to remove resident-focused planning commissioners and replace them with commissioners who will not question an aggressive growth agenda.

Alarming actions and advocacy by Council Members who seek to replace Commissioner Wang on the Planning Commission include:

- advocating in favor of an unnecessary, expensive new city hall and 500-person theater, while recent real estate acquisitions and renovation would accommodate safety, workspace, and storage needs for one-quarter the cost of new construction. And, 2 theaters are already available for community use located at De Anza College.

- Jeopardizing future housing site selections by including an excessively large buffer in the current Housing Element cycle.

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Consider how the 2016-2018 Council majority and staff allowed the Vallco property test its own site for toxins. The Vallco property owner found no significant levels of toxins. The project was set to move forward until alert residents pressed for further investigation, which revealed significant levels of toxins. Now the County manages the site cleanup and the City is spared a significant public safety liability.

Recently, the Council majority and City staff attempted to write into the city code a way to remove former two-time Mayor and current two-time Chair of the Planning Commission, Steven Scharf. It was after the City Attorney clarified that a provision to prevent a former Council Member from serving on a commission could not be used to remove a sitting commissioner that certain Council Members pivoted to today's campaign to discredit Commissioner Wang. The smear campaign provides very poor cover for what appears to be an action to seize

control of a Planning Commission seat that was not open for a new appointment in 2023.

The effort to defame Commissioner Wang for political gain is obvious and regrettable.

I support Commissioner Wang's hard work and determination to represent the resident's interests.

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Commissioner Wang rightfully criticized the unacceptable work product of the Housing Element consultant who cost the City hundreds of thousands of dollars but failed to complete the required project. While staff was apparently reluctant to take responsibility for the unacceptable work product or take steps to correct course—or to even require the consultant to provide a timeline with deliverables and dates—Commissioner Wang was taken to task for speaking the truth as soon as it became clear that the Housing Element consultant's work effort was not meeting expectations.

We need more residents like Ray Wang who represent the interests of residents. Ray Wang has represented Cupertino well and should continue to serve on the Planning Commission.

The effort to remove Commissioner Wang from the Planning Commission may be politically expedient for today's Council majority, but it is a reckless and undignified action that carries its own burden of unintended consequences.

Commissioner Wang should remain on the Planning Commission to serve out his term.

Please reconsider the Council's actions to remove Wang from the Planning Commission.

Sincerely,

Liana Crabtree Cupertino resident Liana Crabtree lianacrabtree@yahoo.com

Cupertino, California 95014

All Cupertino City Council,

Dear Cupertino City Council, City Attorney, City Manager, and City Clerk

Please include my letter as written communication for the 3/7/2023 City Council meeting, Agenda Item 11, RETAIN, do not remove, Planning Commissioner Ray Wang."

Stop The Divisiveness And Dirty Politics - Do Not Remove Planning Commissioner Wang

Dear Cupertino City Council, City Attorney, City Manager, and City Clerk

I am writing to you today in regard to the agenda item that considers the removal of Commissioner Wang from the Cupertino Planning Commission..

The attempted removal of Commissioner Wang is unjust and politically motivated by the new, three-member City Council majority that has lost the community's trust and faith. The new majority have colluded with staff to remove the resident-focused council members from key committees.

The new majority have sought to shut down commissions where their views do not prevail. The new majority seek to silence public commentary on agenda items at council and commission meetings, which limits are codified in a new process manual.

The residents see the attack on Commissioner Wang as part of a larger strategy to remove resident-focused Planning commissioners and replace them with a "rubber stamp" commission that will not question the aggressive growth agenda. Your recent actions and the City's recent history suggest that the following agenda is likely:

- Approving an unnecessary, expensive new city hall.

- Jeopardizing future housing site selections by including an excessively large buffer in the current housing cycle.

-Appeasing developers who seek to circumvent prudent processes.

The latest endeavor by the new council majority to gain control of the Planning Commission is to remove former two-time Chair and one-time Vice Chair of the Planning Commission, R "Ray" Wang, on trumped-up charges of treating staff and consultants poorly. The malicious attempts by the three-member majority to defame him cast a shameful pall over the City Council.

I support Commissioner Wang's hard work and determination to represent the resident's interests.

Wang and the current planning commissioners Steven Scharf and Muni Madhdhipatla have worked hard for sensible growth:

-Approved the Westport Project, which provides a large contingent of the housing that is mandated by the State of California. The project is sensible because it does not jeopardize future housing elements by adding excessive office space.

-Approved the new hotel at Cupertino Village, which provides a plentiful tax revenue stream to Cupertino.

-Approved the Bateh Brothers site for new mixed-use housing. The developer followed appropriate processes and did not insist on overbuilding.

-Completed their duty in housing element site selection.

Commissioner Wang has a long history of defending his community from developers and business interests who seek to take advantage of residents and their rights. Wang has been a strong advocate for resident-focused causes and keeping the city staff accountable.

Wang questioned why staff have taken no action to create 5G tower architectural standards to protect our neighborhoods. The lack of a response from staff has been unacceptable.

Wang also criticized a very inept housing element consultant at EMC who failed to complete the required project and cost the city 100's of thousands of dollars. The staff failed to take responsibility and be accountable for hiring a bad consultant but Wang was told that he was not respectful for criticizing the city staff and the consultant.

We need more residents like Wang who represent the interests of residents. We feel Wang has represented us well and should continue to serve as our voice on the Planning Commission.

It is not right that the current council majority has opportunistically attempted to use Commissioner Wang's focus on resident safety and staff accountability against him. Previous city councils have not capriciously dismissed commissioners in this fashion nor should they in the future. The attempted removal of Commissioner Wang is politically expedient for the new council majority but it is unjust and unprecedented.

Durgesh Srivastava durgesh@yahoo.com

cupertino, California 95014

City Clerk Kirsten Squarcia,

I am a Cupertino community member. This community means a lot to me, and I believe we are home to some of the brightest and most compassionate minds in California. Unfortunately, we are still recovering from prior leadership that has greatly damaged our reputation, including the past actions of Planning Commissioner R. Wang. That is why I am here today to voice my strong support for the removal of Planning Commissioner R. Wang.

While a sitting Planning Commissioner City official, he urged fellow residents to call the employers of pro-housing activists to try to get them fired from their jobs. He has disrespected, insulted, and alleged conspiracy theories against core community partners like Cupertino Rotary and the Cupertino Chamber of Commerce. He continually harassed a City Councilmember in Redwood City (was a planning commissioner), signing her up for porn. Instead of admitting the truth, he lied that developer interests hacked his computer.

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I believe in Cupertino and its future—that's why I am here speaking for democracy and for ethical leadership. It's past time for the Council to hold Commissioner Wang accountable. Please honor the lived experiences of those who have been personally harmed by Mr. Wang and do the right thing. Please honor the intelligence and character of our good residents, who deserve to have genuine trust in their officials.

Thank you for your time. It's time to bring dignity back to Cupertino.

Xinpei Lu lux733360@gmail.com 10141 Craft Dr, Apt A Cupertino, California 95014

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Nirmalendu Das nirmalendu.das@gmail.com 20364, Gillick Way Cupertino, California 95014

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Sridhar Begur sbegur@yahoo.com 21410 Columbus Ave Cupertino, California 95014

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Commissioner Wang should serve out his term.

Please reconsider the council's actions to remove Wang from the Planning Commission.

Danessa Techmanski danessa@pacbell.net 22081 Wallace Drive Cupertino, California 95014

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-Appeasing developers who seek to circumvent prudent processes.

Consider how the 2018 city council and staff let the Vallco developer test his own site for toxins. The Vallco owner found no significant levels of toxins. The project was set to move forward until alert residents pressed for further investigation, which revealed significant levels of toxins. Now the County manages the site cleanup and the city is saved from a possibly large public safety liability.

Just a few weeks ago, this city council and city staff attempted to write into the city code a way to remove former two-time Mayor and current two-time Chair of the Planning Commission, Steven Scharf. This action was politically motivated and as the City Attorney determined, it was also unlawful.

The latest endeavor by the new council majority to gain control of the Planning Commission is to remove former two-time Chair and one-time Vice Chair of the Planning Commission, R "Ray" Wang, on trumped-up charges of treating staff and consultants poorly. The malicious attempts by the three-member majority to defame him cast a shameful pall over the City Council.

I support Commissioner Wang's hard work and determination to represent the resident's interests.

Wang and the current planning commissioners Steven Scharf and Muni Madhdhipatla have worked hard for sensible growth:

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Commissioner Wang has a long history of defending his community from developers and business interests who seek to take advantage of residents and their rights. Wang has been a strong advocate for resident-focused causes and keeping the city staff accountable.

Wang questioned why staff have taken no action to create 5G tower architectural standards to protect our neighborhoods. The lack of a response from staff has been unacceptable.

Wang also criticized a very inept housing element consultant at EMC who failed to complete the required project and cost the city 100's of thousands of dollars. The staff failed to take responsibility and be accountable for hiring a bad consultant but Wang was told that he was not respectful for criticizing the city staff and the consultant.

We need more residents like Wang who represent the interests of residents. We feel Wang has represented us well and should continue to serve as our voice on the Planning Commission.

It is not right that the current council majority has opportunistically attempted to use Commissioner Wang's focus on resident safety and staff accountability against him. Previous city councils have not capriciously dismissed commissioners in this fashion nor should they in the future. The attempted removal of Commissioner Wang is politically expedient for the new council majority but it is unjust and unprecedented.

Commissioner Wang should serve out his term.

Please reconsider the council's actions to remove Wang from the Planning Commission.

Venkatesan Ranganathan n.r.v@live.com 19714 Amherst Dr Cupertino, California 95014

All Cupertino City Council,

Dear Cupertino City Council, City Attorney, City Manager, and City Clerk

I am writing to you today in regard to the agenda item that considers the removal of Commissioner Wang from the Cupertino Planning Commission..

Please include this letter as written communication for the 3/7/2023 City Council meeting, Agenda Item 11, RETAIN, do not remove, Planning Commissioner Ray Wang."

The attempted removal of Commissioner Wang is unjust and politically motivated.

Just a few weeks ago, this city council and city staff attempted to write into the city code a way to remove former two-time Mayor and current two-time Chair of the Planning Commission, Steven Scharf. This action was politically motivated and as the City Attorney determined, it was also UNLAWFUL.

The latest endeavor by the new council majority to remove former two-time Chair and one-time Vice Chair of the Planning Commission, R "Ray" Wang, on trumped-up charges of treating staff and consultants poorly. The malicious attempts by the three-member majority to defame him casts a shameful pall over the City Council. It is plain and clear a politically motivated attempt to gain control of the Planning Commission.

I support Commissioner Wang's hard work and determination to represent the resident's interests.

Wang and the current planning commissioners Steven Scharf and Muni Madhdhipatla have worked hard for sensible growth:

-Approved the Westport Project, which provides a large contingent of the housing that is mandated by the State of California. The project is sensible because it does not jeopardize future housing elements by adding excessive office space.

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Wang questioned why staff have taken no action to create 5G tower architectural standards to protect our neighborhoods. The lack of a response from staff has been unacceptable.

Last year the City hired a very inept housing element consultant at EMC who failed to complete the required project and cost the city 100's of thousands of dollars. The staff failed to take responsibility and be accountable for hiring a bad consultant but Wang was told that he was not respectful for criticizing the city staff and the consultant. Finally City management realized it's bad hiring decision and had to terminate the EMC contract.

We need more residents like Wang who represent the interests of residents. We feel Wang has represented us well and should continue to serve as our voice on the Planning Commission.

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Commissioner Wang should serve out his term.

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Govind Tatachari gtc2k7@gmail.com

CUPERTINO, California 95014

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Cupertino City Council, City Attorney, City Manager, and City Clerk

Please include my letter as written communication for the 3/7/2023 City Council meeting, Agenda Item 11,

Stop The Divisiveness And Ugly Politics - Do Not Remove Planning Commissioner Wang

An attempted removal of Wang is unjust and politically motivated by a majority City Council that has lost the trust and faith of a large percentage of our community.

Just a few weeks ago, this city council and city staff attempted to write into the city code a way to remove former two-time Mayor Steven Scharf and current two-time Chair of the Planning Commission. This action was deemed unlawful and atrocious.

This latest endeavor attempts to remove former two-time Chair and one-time Vice Chair of the planning commission R "Ray" Wang on trumped up charges of treating staff and consultants poorly, and calling out the staff's sand bagging of requests from the commission. The attempts to defame him and his reputation are misplaced.

Your constituents see this attack on Wang as part of a larger strategy to remove resident focused commissioners and replace them a "rubber stamped" commission that will do your bidding from approving a unnecessary expensive new city hall to jeopardizing future housing site selections and appeasement of developers who seek to build on the toxic site at Vallco without cleaning the land up.

Commissioner Wang has a long history of defending his community from developers and business interests who seek to take advantage of residents and their rights. I support his hard work and determination to represent the resident's interests.

Wang and the current planning commissioners Steven Scharf and Muni Madhdhipatla have worked hard to approve the Westport Project, the new hotel at Cupertino Village, the Bateh Brothers site for new mixed-use housing, and complete their duty in housing element site selection. Wang has been a strong advocate for resident focused causes and keeping the city staff accountable. He thinks creatively and works with his fellow commissioners by communicating and asking for, and listening to, collective thoughts.

In fact, Wang continues to question why no action has been taken to create 5G tower architectural standards to protect our neighborhoods. The lack of a response by staff has been unacceptable.

Wang also rightfully criticized a very inept housing element consulting firm, EMC, who did not have a handle on the job at hand and failed to complete the project requirements. The city took far too long to take responsibility and accountability for hiring a bad consultant. Wang has been told he was not respectful in criticizing city staff and the consultant. Criticism was accurate and appropriate. Eventually, the EMC team contract was terminated. But the damage was done. Many people, including residents, spoke out during multiple Housing Element public meetings with comments about the lack of progress that EMC was making. This highly compensated consultant failed to take responsibility, or pick up the pace of work.

Questionable behavior has been consistently challenged by Wang and the other pro-resident focused commissioners and council members. We need more residents like Wang who represent the interests of residents.

Your potential removal of Wang is unjust and politically motivated. Members of this City Council have been donors to the instigator, Sunnyvale City Council member Richard Mehlinger, who has a personal vendetta against Wang. Mehlinger, a Sunnyvale resident, has very aggressively spoken on various topics during Cupertino council and commission meetings numerous times - over many years.

In his way, Ray Wang has represented residents well and should continue to serve as our voice in the community. He should retain his Planning Commissioner role.

Lisa Warren la-warren@att.net 10279 Judy Avenue Cupertino, California 95014

All Cupertino City Council,

Dear Cupertino City Council, City Attorney, City Manager, and City Clerk

Please include my letter as written communication for the 3/7/2023 City Council meeting, Agenda Item 11, RETAIN, do not remove, Planning Commissioner Ray Wang."

Stop The Divisiveness And Dirty Politics - Do Not Remove Planning Commissioner Wang

What happened to democracy?

The attempted removal of Wang is unjust and politically motivated by a majority City Council that has lost the community's trust and faith. These new council members have colluded with staff to remove the resident focused council members from key committees, sought to shut down commissions where they do not have a majority, and seek to silence public commentary on agenda items at council and commission meetings.

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The residents see this attack on Wang as part of a larger strategy to remove resident focused commissioners and replace them a "rubber stamped" commission that will do your bidding from approving a unnecessary expensive new city hall to jeopardizing future housing site selections and appeasement of developers who seek to build on the toxic site at Vallco without cleaning the land up.

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This pattern of city staff behavior has been consistently challenged by Wang and the other proresident focused commissioners and council members. We need more residents like Wang who represent the interests of residents.

Your removal of Wang is unjust and politically motivated as many members of City Council including gave donations to the instigator, Richard Mehlinger who has a personal vendetta against Wang.

Previous city councils have not capriciously dismissed commissioners in this fashion nor should they in the future. Are you silencing people's voices? Are you cancelling democracy?

Your residents feel Wang has represented them well and should continue to serve as their voice in the community

Wang should serve out his term, kindly reconsider your actions to remove Wang from the planning commission.

Again, what happened to democracy?

I am Lydia Kou, writing to you as a citizen and not as the Mayor of the City of Palo Alto.

Lydia Kou kou.pacc@gmail.com 250 Hamilton Ave Palo Alto, California 94303

City Clerk Kirsten Squarcia,

I am a Cupertino community member. This community means a lot to me, and I believe we are home to some of the brightest and most compassionate minds in California. Unfortunately, we are still recovering from prior leadership that has greatly damaged our reputation, including the past actions of Planning Commissioner R. Wang. That is why I am here today to voice my strong support for the removal of Planning Commissioner R. Wang.

While a sitting Planning Commissioner City official, he urged fellow residents to call the employers of pro-housing activists to try to get them fired from their jobs. He has disrespected, insulted, and alleged conspiracy theories against core community partners like Cupertino Rotary and the Cupertino Chamber of Commerce. He continually harassed a City Councilmember in Redwood City (was a planning commissioner), signing her up for porn. Instead of admitting the truth, he lied that developer interests hacked his computer.

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Thank you for your time. It's time to bring dignity back to Cupertino.

vivekkls@gmail.com 10698 Hale Pl Cupertino, California 95014-1627

From:	Sue Moore
То:	City Council; City Clerk; Cupertino City Manager"s Office; City Attorney"s Office
Subject:	Please include this letter in written communications for Agenda Item 11 for the 3/7/2023 Council Meeting
Date:	Thursday, March 2, 2023 10:35:46 PM

Dear Cupertino City Council,

I am writing in regards to the agenda Item 11: Please reconsider your actions to remove Commissioner Wang from the planning commission.

The attempted removal of Commissioner Wang is unjust and politically motivated by a new majority City Council that is rapidly losing the community's trust and faith. These new council members have collude with others to remove the resident focused council members from key committees, sought to shut down commissions where they do not have a majority, and seek to silence public commentary on agenda items at council and commission meetings.

Just a few weeks ago, this city council and city staff attempted to write into the city code a way to remove former two-time Mayor Steven Scharf and current two-time Chair of the Planning Commission. This action was deemed unlawful.

The latest endeavor attempts to remove former two-time Chair and one-time Vice Chair of the planning commission R "Ray" Wang on untrue charges of treating staff and consultants poorly. The attempts to defame him and his reputation are quite shameful.

The residents see this attack on Wang as part of a larger strategy to remove resident focused commissioners and replace them with a "rubber stamped" commission that will do your bidding from approving a unnecessary, expensive new city hall, to jeopardizing future housing site selections and appeasement of developers who seek to build on the toxic site at Vallco without cleaning the land up.

Commissioner Wang has a long history of defending his community from special interests who seek to take advantage of residents. I support his hard work and determination to represent the resident's interests

Wang and current planning commissioners, Steven Scharf and Muni Madhdhipatla, have worked hard to approve the Westport Project, the new hotel at Cupertino Village, the Bateh Brothers site for new mixed-use housing, and have completed their duty in housing element site selection.

Wang has been a strong advocate for resident focused causes and keeping the city staff accountable.

Commissioner Wang pointed out that the housing element consultant EMC failed to complete the project required and cost the city 100's of thousands of dollars and that the staff failed to take responsibility and accountability for hiring this consultant. Mr. Wang was then told he was not respectful of our city staff and the consultant by stating these facts.

Previous city councils have not capriciously dismissed commissioners in this fashion nor should they in the future.

I feel commissioner Wang has represented us well and should continue to serve as our voice in the community. Wang should serve out his term and you should be ashamed at your attempts to remove him.

Again, please reconsider your actions to remove Wang from the planning commission.

Respectfully,

Susan Moore, 40 + year resident Sent from my iPad

All Cupertino City Council,

Dear Cupertino City Council, City Attorney, City Manager, and City Clerk

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Stop The Divisiveness And Dirty Politics - Do Not Remove Planning Commissioner Wang

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Wang also criticized a very inept housing element consultant at EMC who failed to complete the project required and cost the city 100's of thousands of dollars. For that, the staff again failed to take responsibility and accountability for hiring a bad consultant and he was told he was not respectful in criticizing our city staff and the consultant.

This pattern of city staff behavior has been consistently challenged by Wang and the other proresident focused commissioners and council members. We need more residents like Wang who represent the interests of residents.

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Wang should serve out his term and you should be ashamed at your attempts to remove him.

Please reconsider your actions to remove Wang from the planning commission.

Namita Sripathi ramsripathi@gmail.com 20681 mcclellan road cupertino, California 95014

All Cupertino City Council,

I'm one of the many Cupertino residents who moved here because it is peaceful, safe and family friendly. We want our leaders to keep Cupertino as peaceful, safe and family friendly as it is. These are the characters defining and shaping Cupertino, our home town.

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Your potential removal of Wang is unjust and politically motivated.

Ping Gao gaoping77@yahoo.com 20201 Patric Ct Cupertino , California 95014

From:	Sarah Liu
То:	Kitty Moore
Cc:	anikamat007@gmail.com
Subject:	Invitation to MVHS Speech Banquet
Date:	Thursday, March 2, 2023 9:52:28 PM

Dear Councilmember Moore,

My name is Sarah Liu, and I am the Vice President of Public Relations of the Monta Vista High School Speech Team (MVSD). MVSD has over 100 student members and is nationally ranked. I am writing on behalf of MVSD to cordially invite you to attend our annual Speech Banquet on <u>Tuesday</u>, <u>April 11th from 6:00 PM to 8:00 PM</u> at the Quinlan Community Center.

We are hosting this event to celebrate the remarkable achievements of our team and to recognize the support we have received from our parent community as well as our education and civic leaders. We know that without the invaluable encouragement from our supporters, these accomplishments would not have been possible. Therefore, we extend our heartfelt gratitude by inviting you to our annual Banquet, and we hope to have the pleasure of your company as we honor the hard work and dedication of our team members.

Please let me know if you are able to attend and I would appreciate hearing from you by Friday, March 10th so we can plan accordingly. I look forward to greeting you in person at our Banquet.

Best, Sarah Liu

--Best, Sarah

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Soon-Chart Yu soon\_yu@yahoo.com 619 plymouth way burlingame, California 94010

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David Lee fyujunk@yahoo.com.sg

Cupertino, California 95014

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Chris Wong chris.wong@sbcglobal.net 4931 Portmarnoch Ct San Jose, California 95138

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Balaram Donthi bdonthi@yahoo.com 10680 Johnson Ave Cupertino, California 95014

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Jun Ma junma16@gmail.com

Cupertino, California 95014

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Wang has been a strong advocate for keeping the city staff accountable.

He continues to question why no action has been taken to create 5G tower architectural standards to protect our neighborhoods.

He also criticized an inept housing element consultant who failed to complete the project required and cost the city 100s of thousands of dollars. For that, the staff again failed to take responsibility and deflected criticism by saying Wang was not respectful. That accusation maligns his character. I've never known Wang to be anything less than courteous and haven't heard anyone else say otherwise.

Removing Wang and the other pro-resident focused commissioners and council members is politically motivated. He has done right by the residents and his removal is unjust.

Lise Feng lise.feng@gmail.com 16148 Loretta Lane Los Gatos, California 95032

All Cupertino City Council,

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Please reconsider your actions to remove Wang from the planning commission.

T Wu twujunks@yahoo.com

Cupertino, California 95014

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Robert Chen orthorobert@gmail.com 20500 Town Center Lane Cupertino, California 95014

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Cheryl Lin cheryl2t@gmail.com

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Kun Li melody19891007@gmail.com

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Please reconsider your actions to remove Wang from the planning commission.

John Ragsdale jkragsdale@gmail.com 97 E. St. James #41 San Jose, California 95112

All Cupertino City Council,

Dear Cupertino City Council, City Attorney, City Manager, and City Clerk

I am writing to you today with regards to the agenda item considering the removal of Commissioner Wang.

The attempted removal of Wang is unjust and politically motivated by a majority City Council that has lost the community's trust and faith. These new council members have colluded with staff to remove the resident focused council members from key committees, sought to shut down commissions where they do not have a majority, and seek to silence public commentary on agenda items at council and commission meetings.

Just a few weeks ago, this city council and city staff attempted to write into the city code a way to remove former two-time Mayor Steven Scharf and current two-time Chair of the Planning Commission. This action was unlawful and atrocious.

Commissioner Wang has a long history of defending his community from developers and business interests who seek to take advantage of residents and their rights. I support his hard work and determination to represent the resident's interests.

The potential removal of Wang is unjust and politically motivated.

Previous city councils have not capriciously dismissed commissioners in this fashion nor should they in the future..

We feel Wang has represented us well and should continue to serve as our voice in the community

Wang should serve out his term and you should be ashamed at your attempts to remove him.

Please reconsider your actions to remove Wang from the planning commission.

B F BILL@BILLFRYCONSTRUCTION.COM

Cupertino, California 95014

City Clerk Kirsten Squarcia,

I hope you are doing well! I've been a Cupertino resident for 26 years, and am glad I can call this place home. Since the pandemic, I've been trying to make an effort to also get to know more of my neighbors and be a bit more involved in our local politics. However, in that process, I've experienced and seen a lot of strangely hateful language and actions from the sitting Planning Commissioner Ray Wang. That is why I am here today to voice my strong support for the removal of Planning Commissioner Ray Wang.

As a Cupertino official, Ray has urged fellow residents to doxx other residents over local housing disputes, and had tried to accuse groups like the Cupertino Rotary and the Cupertino Chamber of Commerce of conspiracy theory-level manipulation and involvement in our lives. In my own experience, I've seen him outright lie and use violent language against others in community spaces like Nextdoor - and I have yet to see him say anything that hasn't been aggrandizing or boastful in any space I've been with him in. This is seriously unbecoming behavior of someone who is a representative of my city, and does not represent my best interests. Not only that, but for issues as serious as those considered by a Planning Commissioner - huge investments in property in housing - he is not someone who is reasonable or puts an effort to learn much about the field, or this community's needs.

Thank you for reading my letter, and please consider the removal of Ray Wang from the position of Planning Commissioner.

Nicholas Egan nsmegan@gmail.com 11735 RIdge Creek Ct. Cupertino, California 95014

All Cupertino City Council,

Ray has a history of standing with residents and standing up to development/financial interests. We need him to represent Cupertino residents' interest Ray has been threatened by the aggressive growth industry, who attempted to scare him by framing him with a fake complaint. Ray suffered personally and professionally from the attacks, but he continues representing Cupertino residents' interest, and his effort to protect residents was successful. As Cupertino residents, we need him continue being a commissioner on the Cupertino Planning Commission.

Your potential removal of Wang is unjust and politically motivated.

Yao Cindy YL2T66@gmail.com

Cupertino, California 95014

From:	Richard Mehlinger
To:	J.R. Fruen
Subject:	Re: Stop The Divisiveness And Dirty Politics - Do Not Remove Planning Commissioner Wang
Date:	Thursday, March 2, 2023 8:21:06 PM

# Charming.

On Thu, Mar 2, 2023 at 7:51 PM J.R. Fruen <<u>JRFruen@cupertino.org</u>> wrote: Since this mentions you by name and she's also an elected official...

Sent from my iPhone

Begin forwarded message:

?	J.R. Fruen Councilmember City Council JRFruen@cupertino.org (408)777-1316
From: Lydia Kou <	< <u>info@sg.actionnetwork.org</u> >
,	23 at 2:16:13 PM PST
	IRFruen@cupertino.org>
	Divisiveness And Dirty Politics - Do Not Remove
Planning Commiss	GLONAR MANG
e	0
0	0
Reply-To: <u>kou.pac</u>	0
e	0
e	0
Reply-To: kou.pace	c@gmail.com
CAUTION: This email or attachments unless you	c@gmail.com

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Just a few weeks ago, this city council and city staff attempted to write into the city code a way to remove former two-time Mayor Steven Scharf and current two-time Chair of the Planning Commission. This action was deemed unlawful and atrocious.

The latest endeavor attempts to remove former two-time Chair and one-time Vice Chair of the planning commission R "Ray" Wang on trumped up charges of treating staff and consultants poorly, and calling out the staff's sand bagging of requests from the commission. The attempts to defame him and his reputation are quite shameful.

The residents see this attack on Wang as part of a larger strategy to remove resident focused commissioners and replace them a "rubber stamped" commission that will do your bidding from approving a unnecessary expensive new city hall to jeopardizing future housing site selections and appeasement of developers who seek to build on the toxic site at Vallco without cleaning the land up.

Commissioner Wang has a long history of defending his community from developers and business interests who seek to take advantage of residents and their rights. I support his hard work and determination to represent the resident's interests

Wang and the current planning commissioners Steven Scharf and Muni Madhdhipatla have worked hard to approve the Westport Project, the new hotel at Cupertino Village, the Bateh Brothers site for new mixed-use housing, and complete their duty in housing element site selection.

Wang has been a strong advocate for resident focused causes and keeping the city staff accountable.

In fact, Wang continues to question why no action has been taken to create 5G tower architectural standards to protect our neighborhoods. The lack of a response by staff has been unacceptable.

Wang also criticized a very inept housing element consultant at EMC who failed to complete the project required and cost the city 100's of thousands of dollars. For that, the staff again failed to take responsibility and accountability for hiring a bad consultant and he was told he was not

respectful in criticizing our city staff and the consultant.

This pattern of city staff behavior has been consistently challenged by Wang and the other pro-resident focused commissioners and council members. We need more residents like Wang who represent the interests of residents.

Your removal of Wang is unjust and politically motivated as many members of City Council including gave donations to the instigator, Richard Mehlinger who has a personal vendetta against Wang.

Previous city councils have not capriciously dismissed commissioners in this fashion nor should they in the future.

We feel Wang has represented us well and should continue to serve as our voice in the community

Wang should serve out his term and you should be ashamed at your attempts to remove him.

Please reconsider your actions to remove Wang from the planning commission.

What happened to democracy?

Lydia Kou I am writing on my own behalf as a citizen and not as Mayor of the City of Palo Alto.

Lydia Kou kou.pacc@gmail.com 250 Hamilton Avenue Palo Alto, California 94301

All Cupertino City Council,

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Michael Ni mniext@gmail.com 1842 Hamilton Avenue Palo Alto, California 94303

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The attempted removal of Wang is unjust and politically motivated by a majority City Council that has lost the community's trust and faith. These new council members have colluded with staff to remove the resident focused council members from key committees, sought to shut down commissions where they do not have a majority, and seek to silence public commentary on agenda items at council and commission meetings.

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Rithvik Madhdhipatla rithvikm@gmail.com 20601 McClellan Road Cupertino, California 95014

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Charlie Lin charlielin2004@yahoo.com

Cupertino, California 95014

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Deepika Kapil d\_kapil@yahoo.com 6544 Clifford dr. Cupertino, California 95014

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This pattern of city staff behavior has been consistently challenged by Wang and the other proresident focused commissioners and council members. We need more residents like Wang who represent the interests of residents.

Your potential removal of Wang is unjust and politically motivated.

Reza Soudagar rsoudagar@yahoo.com 6032 Acacia Avenue Oakland, California 94618

All Cupertino City Council,

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Your potential removal of Wang is unjust and politically motivated.

Tong Zheng tongzhengtz@yahoo.com

Santa Clara, California 95051

City Clerk Kirsten Squarcia,

I am a Cupertino community member. I am proud of our community and love living here. We are home to some of the brightest and most compassionate minds in the world and the people that represent us should reflect that. Unfortunately, prior leadership that has greatly damaged our reputation, including the past actions of Planning Commissioner R. Wang. That is why I am here today to voice my strong support for the removal of Planning Commissioner R. Wang.

He has repeatedly abused his power to harass community members, even trying to get housing activists fired from their jobs. He lies and spreads misinformation. His bullying tactics to silence opponents are a stain on the city, and his rhetoric is heavily damaging for our push to make progress on affordable housing..

I know, for myself, his tactics make me timid about sharing thoughts during the public comment period, as I am scared I will be attacked for having the "wrong" opinion (as has happened on NextDoor). And, from the last election, it seems at least half of the residents probably have different opinions than him. He needs to listen to all of us, respectfully.

I believe in Cupertino and its future—that's why I am here speaking for democracy and for ethical leadership. It's past time for the Council to hold Commissioner Wang accountable. Please honor the lived experiences of those who have been personally harmed by Mr. Wang and do the right thing. Please honor the intelligence and character of our good residents, who deserve to have genuine trust in their officials.

Thank you for your time. It's time to bring dignity back to Cupertino.

Debra Timmers datimmers@gmail.com 22701 Medina Lane Cupertino, California 95014

City Clerk Kirsten Squarcia,

I am the chair of the Cupertino Bicycle Pedestrian Commission, speaking as an individual only. Cupertino holds an important place in my heart, and I believe that as community members and leaders, we must hold everyone in our community to high standards, especially elected and appointed officials. We must confront the mistakes that our City leadership has made in the past. I voice my strong support for the removal of Planning Commissioner R. Wang.

While a sitting Planning Commissioner City official, Commissioner Wang doxed community members for their political views. He has disrespected, insulted, and alleged conspiracy theories against core community partners like Cupertino Rotary and the Cupertino Chamber of Commerce. He harassed a City Councilmember in Redwood City and faced the consequences of being prosecuted for two felonies. These actions are unacceptable by anybody in our community, let alone an appointed commissioner. This behavior is not new, yet the 2021 Council reappointed Wang to the commission. Councilmembers Chao and Moore should take responsibility for the mistake of enabling Commissioner Wang to abuse his position of power to harass our community members.

I believe in Cupertino and its future—that's why I am here speaking for democracy and for ethical leadership. This is not a matter of politics, but a matter of ethics and treating people with respect and dignity. It's past time for the Council to hold Commissioner Wang accountable. Please honor the lived experiences of those who have been personally harmed by Mr. Wang and do the right thing. Please honor the intelligence and character of our good residents, who deserve to have genuine trust in their officials.

I hope you have it in your hearts to do the right thing and remove Commissioner Wang.

John Zhao jzhao098@gmail.com 10411 Lansdale Ave Cupertino, California 95014

City Clerk Kirsten Squarcia,

I am writing to request the prompt removal of Planning Commissioner Ray Wang.

I am grateful to see the recent steps that the City has taken to strengthen integrity and good governance at City Hall. These are important reforms, especially given the damage that our reputation took in recent years due to mismanagement. However, these steps are incomplete as long as Mr. Wang remains on the Commission.

While a sitting Planning Commissioner City official, he urged fellow residents to call the employers of pro-housing activists to try to get them fired from their jobs. He has disrespected, insulted, and alleged conspiracy theories against core community partners like Cupertino Rotary and the Cupertino Chamber of Commerce. He harassed a City Councilmember in Redwood City (was a planning commissioner), signing her up for porn. He faced criminal prosecution for this particular conduct, but instead of admitting the truth, he lied that developer interests hacked his computer.

It was gravely disappointing to see the City Council reappoint Mr. Wang to the Commission in 2021, despite being advised of his conduct. Mr. Wang has never apologized to the community members he has harmed, and I do not have any faith that his conduct will improve. It's past time for the Council to hold him accountable. Please honor the lived experiences of those who have been personally harmed by Mr. Wang and do the right thing. Please honor the intelligence and character of our good residents, who deserve to have genuine trust in their officials.

Thank you for your time and for supporting integrity in Cupertino.

Kamyab Mashian kamyab.mashian@gmail.com

Sunnyvale, California 94086

City Clerk Kirsten Squarcia,

I am a Cupertino community member. This community and city mean a lot to me as I went to high school and community college here in Cupertino. I believe we are home to some of the brightest and most compassionate minds in California. Unfortunately, we are still recovering from prior leadership that has greatly damaged our reputation, including the past actions of Planning Commissioner R. Wang. That is why I am here today to voice my strong support for the removal of Planning Commissioner R. Wang.

While a sitting Planning Commissioner City official, he urged fellow residents to call the employers of pro-housing activists to try to get them fired from their jobs. He has disrespected, insulted, and alleged conspiracy theories against core community partners like Cupertino Rotary and the Cupertino Chamber of Commerce. He harassed a City Councilmember in Redwood City (was a planning commissioner), signing her up for porn. Instead of admitting the truth, he lied that developer interests hacked his computer. He also threatened my friend and Sunnyvale City Councilmember, Richard Mehlinger for criticizing R. Wang's poor leadership.

Commissioner Wang even acts on misinformation to propel his political agenda, instead of listening to legal advice, putting the city at risk of being sued. For example, when the City sought to fix a density bonus ordinance to comply with state law, he compared this to free and fair democratic elections in the Soviet Union."

I believe in Cupertino and its future—that's why I am here speaking for democracy and for ethical leadership. It's past time for the Council to hold Commissioner Wang accountable. Please honor the lived experiences of those who have been personally harmed by Mr. Wang and do the right thing. Please honor the intelligence and character of our good residents, who deserve to have genuine trust in their officials.

Thank you for your time. It's time to bring dignity back to Cupertino.

Philip Nguyen vietwhammies@gmail.com 743 Lakewood Dr Sunnyvale, California 94089

City Clerk Kirsten Squarcia,

I have lived in Cupertino 35 years, and served on the Housing Commission for the past four years. This community means a lot to me. I have invested a lot of my time in civic work.

Unfortunately, we are still recovering from prior leadership that has greatly damaged our reputation, including the past actions of Planning Commissioner R. Wang. That is why I am here today to voice my strong support for the removal of Planning Commissioner R. Wang.

While a sitting Planning Commissioner City official, he urged fellow residents to call the employers of pro-housing activists to try to get them fired from their jobs. He has disrespected, insulted, and alleged conspiracy theories against core community partners like Cupertino Rotary and the Cupertino Chamber of Commerce. He sexually harassed a City Councilmember in Redwood City (was a planning commissioner), signing her up for porn. Instead of admitting the truth, he lied that developer interests hacked his computer.

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Thank you for your time. It's time to bring dignity back to Cupertino.

Connie Cunningham cunninghamconniel@gmail.com 1119 Milky Way Cupertino, California 95014

City Clerk Kirsten Squarcia,

I am a longtime Cupertino resident. This community means a lot to me, and I believe we are home to some of the brightest and most compassionate minds in California. Unfortunately, we are still recovering from prior leadership that has greatly damaged our reputation, including the past actions of Planning Commissioner R. Wang. That is why I am here today to voice my strong support for the removal of Planning Commissioner R. Wang.

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Thank you for your time. It's time to bring dignity back to Cupertino.

Yvonne Thorstenson yrthor@gmail.com 7744 Robindell Way Cupertino, California 95014

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Neil Park-McClintick cupertinoforall@gmail.com 801 Miller Avenue Cupertino, California 95014

From:	Rania Fahim (Dhillon Law)	
То:	Hung Wei; Sheila Mohan	
Cc:	Kitty Moore; Liang Chao; J.R. Fruen; Pamela Wu; Christopher Jensen; Kirsten Squarcia; Krista Lee Baughman (Dhillon Law)	
Subject:	Correspondence on behalf of Ray Wang	
Date:	Thursday, March 2, 2023 4:52:43 PM	
Attachments:	image001.png	
	image002.png	
	20230302 KLB Cupertino City Council.pdf	

Good Afternoon,

Please see attached letter on behalf of Ray Wang.

Regards,

Rania Fahim Paralegal Dhillon Law Group Inc. 2424 S.E. Bristol Avenue, Suite 300 Newport Beach, CA 92660 Phone (949) 688-7707 Fax: (415) 520-6593



This email may be privileged communication. If you received it in error, please destroy it and inform the sender.



177 Post Street, Suite 700 San Francisco, CA 94108

Krista L. Baughman Phone: 415.433.1700 KBaughman@dhillonlaw.com

March 2, 2023

## Via Email

Mayor Hung Wei Vice Mayor Sheila Mohan Cupertino City Council 10300 Torre Avenue Cupertino, CA 95014 <u>hwei@cupertino.org</u> <u>smohan@cupertino.org</u>

## Re: False and Misleading Allegations Against Ray Wang

Dear Mayor Wei and Vice Mayor Mohan:

This firm represents Mr. R. "Ray" Wang in connection with false and misleading allegations that have been circulated about him in anticipation of the City Council meeting scheduled for Tuesday, March 7, 2023. We write to provide you with an accurate account of the events that are the subject of the allegations, such that the Council has before it the full context as opposed to politically motivated accusations that are cherry-picked to paint a false and demeaning narrative of Mr. Wang.

The true facts are as follows: *twenty years ago*, Mr. Wang was charged with three violations of the California Penal Code in an action involving then Redwood City Planning Commissioner Rosanne Foust. <sup>1</sup> As clear from the court docket, Mr. Wang pled "No Contest" to the single misdemeanor charge of Annoying Telephone Call to Place of Work (PC 653m(b)). He pled **Not Guilty** to the remaining two charges. The docket further reflects, without ambiguity, that on January 13, 2004, Mr. Wang entered a plea of no contest to the misdemeanor count, and that all remaining counts were dismissed, without any finding of guilt.

Mr. Wang's political opponents intentionally misinterpret these events from over a decade ago to smear Mr. Wang, arguing that he has engaged in "revenge porn" or that he engaged in "sexual harassment." Patently, an "annoying telephone call" is not the same thing. *See, e.g.*, Cal. Penal Code §647(j)(4) (California's "revenge porn" statute, criminalizing "[a] person who intentionally distributes the image of the intimate body part or parts of another identifiable person, or an image of the person

<sup>&</sup>lt;sup>1</sup> See The People of the State of California vs. Ray Kuang Wang, San Mateo Superior Court, Case No. SM328047A. The docket for this case can be accessed via the San Mateo Superior Court's website http://www.sanmateocourt.org/online\_services/odyssey\_portals.php.

[Addressee] Cupertino City Council March 2, 2023 Page 2 of 2

depicted engaged in an act of sexual intercourse, sodomy, oral copulation, sexual penetration, or an image of masturbation by the person depicted or in which the person depicted participates, under circumstances in which the persons agree or understand that the image shall remain private....").

The blatant mischaracterization of the actual series of events is apparent even from the 2019 news article Mr. Wang's opponents are fond of citing, which confirms that Mr. Wang "pleaded no contest to a misdemeanor charge of 'making annoying telephone calls to a place of work." The article also notes that Mr. Wang vigorously opposed allegations that Ms. Foust made against him in a civil lawsuit, and that the lawsuit ultimately settled with no adjudication of guilt. *See* <u>https://sanjosespotlight.com/cupertino-policymaker-in-hot-water-for-past-sexual-harassment-lawsuit/</u>.

Simply put, the recent attacks on Mr. Wang are false, misleading, and constitute a transparent attempt by those who support his political opponents to smear him in advance of a heated election. This is all the more obvious given that the allegations concern events that transpired two decades ago. We urge the City Council, in its good judgment, to view the events in their proper context in conducting the meeting on March 7, 2023, and any future business.

Regards,

Krista L. Baughman

Cc:

CouncilmemberKittyMoorekmooreCouncilmemberLiangChaoliangchaCouncilmemberJRFruenjrfruenCity ManagerPamelaWupamelaCity AttorneyChrisJensenchristopCity ClerkKirstenSquarciakirstens

kmoore@cupertino.org liangchao@cupertino.org jrfruen@cupertino.org pamelaw@cupertino.org christopherj@cupertino.org kirstens@cupertino.org

# Lauren Sapudar

From:	Richard Lowenthal <richard@lowenthal.com></richard@lowenthal.com>	
Sent:	Thursday, March 2, 2023 12:03 AM	
То:	City Council; City Clerk	
Cc:	Neil Park-McClintick; Donna Austin; Rod Sinks	
Subject:	R Wang violations of Cupertino Code of Ethics	
Attachments:	CC Resolution No 20011 Ado.pdf	

Mayor Wei and City Council,

Ray Wang should be dismissed as a Planning Commissioner because of violations of the City of Cupertino's Ethics Policy, attached.

Ray has violated section A by interfering with City Staff. Ray has violated section B by publicly disrespecting City Staff Members. Ray has violated section B by publicly disrespecting a Redwood City Planning Commissioner. Ray has violated section J by harassing and disrespecting City Staff.

We simply cannot have planning commissioners who violate our Code of Ethics.

**Richard Lowenthal** 

### **RESOLUTION NO. 20-011**

# RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CUPERTINO ADOPTING THE CITY OF CUPERTINO ETHICS POLICY

WHEREAS, the City Council of the City of Cupertino has determined that an Ethics Policy benefits the public by increasing public confidence in the integrity of local government and its effective and fair operations; and

WHEREAS, the Cupertino Ethics Policy will guide the conduct of the City Council, officials appointed by the Council, and City staff (collectively "public officials") and support their independent, impartial, and fair decision-making and execution of policy; and

WHEREAS, City Council wishes to maintain an atmosphere of respect and civility in the performance of City affairs and public business.

NOW, THEREFORE, BE IT RESOLVED that the City Council does hereby adopt the attached "City of Cupertino Ethics Policy"

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Cupertino this 21<sup>st</sup> day of January, 2020, by the following vote:

<u>Vote</u> <u>Members of the City Council</u>

AYES:Scharf, Paul, Chao, SinksNOES:NoneABSENT:WilleyABSTAIN:None

SIGNED:	2/5/20
Steven Scharf, Mayor	Date
City of Cupertino	
ATTEST:	
Kirsten Squarcia, City Clerk	<u>2/5/20</u> Date

# CITY OF CUPERTINO ETHICS POLICY

The citizens, businesses, and organizations of the City are entitled fair, ethical, and accountable local government that has earned the public's full confidence for integrity.

To this end, the City Council has adopted this Ethics Policy for City Council, appointed officials, and staff of the City of Cupertino to promote public confidence in the integrity of local government and its effective and fair operation.

### A. <u>Comply with Law</u>

City elected/appointed officials and staff comply with the laws of the nation, the State of California and the City in the performance of their public duties. These laws include, but are not limited to: the United States and California constitutions, the Cupertino Municipal Code, City ordinances and policies, and laws pertaining to conflicts of interest, election campaigns, financial disclosures, employer responsibilities and open processes of governments. The City ensures its elected/appointed officials and staff receive regular training on ethics as required by state law.

#### B. Conduct of Members

The professional and personal conduct of City elected/appointed officials and staff should be respectful of others, recognizing that individuals can respectfully disagree with each other. City elected/appointed officials and staff should refrain from abusive conduct, personal charges, or verbal attacks upon the character or motives of others, including members of the Council, boards and commissions, the staff, or the public.

#### C. <u>Respect for Process</u>

City elected/appointed officials and staff perform their duties in accordance with various processes and rules of order established from time to time by the City Council governing the deliberation of public policy issues, conduct of quasijudicial proceedings, meaningful involvement of the public, and implementation of policy decisions of the City Council by City staff.

### D. Decisions Based on Merit

City elected/appointed officials and staff make their decisions in the best interest of the City, which might include relevant policy considerations, rather than on unrelated considerations.

E. <u>Conflict of Interest</u>

The City's ethics policy regarding conflicts of interest is to comply with all applicable ethics rules in the State of California. This Policy is not intended to go beyond or expand upon those rules. In general, in order to assure their independence and impartiality on behalf of the common good, City elected/appointed officials and staff do not use their official positions to participate in or influence decisions in which they have a material financial interest, an organizational responsibility, or a close familial or embroiled personal relationship.

## F. Gifts and Favors

City elected/appointed officials and staff limit and report gifts as required by state law, and follow advice provided by the City Attorney.

## G. Confidential Information

City elected/appointed officials and staff respect the confidentiality of information concerning the property, personnel, and affairs of the City. They neither disclose confidential information without proper legal authorization, nor use such information to advance their personal, financial or other private interests.

### H. Use of Public Resources

City elected/appointed officials and staff do not use public resources, such as City staff time, equipment, supplies or facilities, for private gain or personal/political purposes (except to the extent those resources are available to the public generally).

## I. <u>Representing the City & Advocacy</u>

When formally authorized to represent and/or advocate for the official policies or positions of the City, elected/appointed officials and staff must do so accurately and in a limited fashion that does not go beyond the scope of their authority. By contrast, when City elected/appointed officials and staff are presenting their individual opinions and positions on issues potentially relevant to the City, they must explicitly state they do not represent their body or the City and must not allow any inference that they do.

## J. Positive Work Place Environment

City elected/appointed officials and staff support the maintenance of a positive and constructive work place environment for City employees and for citizens and businesses dealing with the City. City elected/appointed officials recognize their special role in dealings with City staff, taking care not to create any perception of inappropriate direction to staff.

City Clerk Kirsten Squarcia,

Dear Cupertino City Council, City Attorney, City Manager, and City Clerk

Please include my letter as written communication for the 3/7/2023 City Council meeting, Agenda Item 11, RETAIN, do not remove, Planning Commissioner Ray Wang."

Stop The Divisiveness And Dirty Politics - Do Not Remove Planning Commissioner Wang

Dear Cupertino City Council, City Attorney, City Manager, and City Clerk

I am writing to you today in regard to the agenda item that considers the removal of Commissioner Wang from the Cupertino Planning Commission..

The attempted removal of Commissioner Wang is unjust and politically motivated by the new, three-member City Council majority that has lost the community's trust and faith. The new majority have colluded with staff to remove the resident-focused council members from key committees.

The new majority have sought to shut down commissions where their views do not prevail. The new majority seek to silence public commentary on agenda items at council and commission meetings, which limits are codified in a new process manual.

The residents see the attack on Commissioner Wang as part of a larger strategy to remove resident-focused Planning commissioners and replace them with a "rubber stamp" commission that will not question the aggressive growth agenda. Your recent actions and the City's recent history suggest that the following agenda is likely:

- Approving an unnecessary, expensive new city hall.

- Jeopardizing future housing site selections by including an excessively large buffer in the current housing cycle.

-Appeasing developers who seek to circumvent prudent processes.

Consider how the 2018 city council and staff let the Vallco developer test his own site for toxins. The Vallco owner found no significant levels of toxins. The project was set to move forward until alert residents pressed for further investigation, which revealed significant levels of toxins. Now the County manages the site cleanup and the city is saved from a possibly large public safety liability.

Just a few weeks ago, this city council and city staff attempted to write into the city code a way to remove former two-time Mayor and current two-time Chair of the Planning Commission, Steven Scharf. This action was politically motivated and as the City Attorney determined, it was also unlawful.

The latest endeavor by the new council majority to gain control of the Planning Commission is to remove former two-time Chair and one-time Vice Chair of the Planning Commission, R "Ray" Wang, on trumped-up charges of treating staff and consultants poorly. The malicious attempts by the three-member majority to defame him cast a shameful pall over the City Council.

I support Commissioner Wang's hard work and determination to represent the resident's interests.

Wang and the current planning commissioners Steven Scharf and Muni Madhdhipatla have worked hard for sensible growth:

-Approved the Westport Project, which provides a large contingent of the housing that is mandated by the State of California. The project is sensible because it does not jeopardize future housing elements by adding excessive office space.

-Approved the new hotel at Cupertino Village, which provides a plentiful tax revenue stream to Cupertino.

-Approved the Bateh Brothers site for new mixed-use housing. The developer followed appropriate processes and did not insist on overbuilding.

-Completed their duty in housing element site selection.

Commissioner Wang has a long history of defending his community from developers and business interests who seek to take advantage of residents and their rights. Wang has been a strong advocate for resident-focused causes and keeping the city staff accountable.

Wang questioned why staff have taken no action to create 5G tower architectural standards to protect our neighborhoods. The lack of a response from staff has been unacceptable.

Wang also criticized a very inept housing element consultant at EMC who failed to complete the required project and cost the city 100's of thousands of dollars. The staff failed to take responsibility and be accountable for hiring a bad consultant but Wang was told that he was not respectful for criticizing the city staff and the consultant.

We need more residents like Wang who represent the interests of residents. We feel Wang has represented us well and should continue to serve as our voice on the Planning Commission.

It is not right that the current council majority has opportunistically attempted to use Commissioner Wang's focus on resident safety and staff accountability against him. Previous city councils have not capriciously dismissed commissioners in this fashion nor should they in the future. The attempted removal of Commissioner Wang is politically expedient for the new council majority but it is unjust and unprecedented.

Commissioner Wang should serve out his term.

Please reconsider the council's actions to remove Wang from the Planning Commission.

Nirmalendu Das nirmalendu.das@gmail.com 20364, Gillick Way Cupertino, California 95014

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Wang also criticized a very inept housing element consultant at EMC who failed to complete the required project and cost the city 100's of thousands of dollars. The staff failed to take responsibility and be accountable for hiring a bad consultant but Wang was told that he was not respectful for criticizing the city staff and the consultant.

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Commissioner Wang should serve out his term.

Please reconsider the council's actions to remove Wang from the Planning Commission.

Sridhar Begur sbegur@yahoo.com 21410 Columbus Ave Cupertino, California 95014

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Commissioner Wang should serve out his term.

Please reconsider the council's actions to remove Wang from the Planning Commission.

Danessa Techmanski danessa@pacbell.net 22081 Wallace Drive Cupertino, California 95014

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Wang also criticized a very inept housing element consultant at EMC who failed to complete the required project and cost the city 100's of thousands of dollars. The staff failed to take responsibility and be accountable for hiring a bad consultant but Wang was told that he was not respectful for criticizing the city staff and the consultant.

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Commissioner Wang should serve out his term.

Please reconsider the council's actions to remove Wang from the Planning Commission.

Venkatesan Ranganathan n.r.v@live.com 19714 Amherst Dr Cupertino, California 95014

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Just a few weeks ago, this city council and city staff attempted to write into the city code a way to remove former two-time Mayor and current two-time Chair of the Planning Commission, Steven Scharf. This action was politically motivated and as the City Attorney determined, it was also UNLAWFUL.

The latest endeavor by the new council majority to remove former two-time Chair and one-time Vice Chair of the Planning Commission, R "Ray" Wang, on trumped-up charges of treating staff and consultants poorly. The malicious attempts by the three-member majority to defame him casts a shameful pall over the City Council. It is plain and clear a politically motivated attempt to gain control of the Planning Commission.

I support Commissioner Wang's hard work and determination to represent the resident's interests.

Wang and the current planning commissioners Steven Scharf and Muni Madhdhipatla have worked hard for sensible growth:

-Approved the Westport Project, which provides a large contingent of the housing that is mandated by the State of California. The project is sensible because it does not jeopardize future housing elements by adding excessive office space.

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Wang questioned why staff have taken no action to create 5G tower architectural standards to protect our neighborhoods. The lack of a response from staff has been unacceptable.

Last year the City hired a very inept housing element consultant at EMC who failed to complete the required project and cost the city 100's of thousands of dollars. The staff failed to take responsibility and be accountable for hiring a bad consultant but Wang was told that he was not respectful for criticizing the city staff and the consultant. Finally City management realized it's bad hiring decision and had to terminate the EMC contract.

We need more residents like Wang who represent the interests of residents. We feel Wang has represented us well and should continue to serve as our voice on the Planning Commission.

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Govind Tatachari gtc2k7@gmail.com

CUPERTINO, California 95014

City Clerk Kirsten Squarcia,

Cupertino City Council, City Attorney, City Manager, and City Clerk

Please include my letter as written communication for the 3/7/2023 City Council meeting, Agenda Item 11,

Stop The Divisiveness And Ugly Politics - Do Not Remove Planning Commissioner Wang

An attempted removal of Wang is unjust and politically motivated by a majority City Council that has lost the trust and faith of a large percentage of our community.

Just a few weeks ago, this city council and city staff attempted to write into the city code a way to remove former two-time Mayor Steven Scharf and current two-time Chair of the Planning Commission. This action was deemed unlawful and atrocious.

This latest endeavor attempts to remove former two-time Chair and one-time Vice Chair of the planning commission R "Ray" Wang on trumped up charges of treating staff and consultants poorly, and calling out the staff's sand bagging of requests from the commission. The attempts to defame him and his reputation are misplaced.

Your constituents see this attack on Wang as part of a larger strategy to remove resident focused commissioners and replace them a "rubber stamped" commission that will do your bidding from approving a unnecessary expensive new city hall to jeopardizing future housing site selections and appeasement of developers who seek to build on the toxic site at Vallco without cleaning the land up.

Commissioner Wang has a long history of defending his community from developers and business interests who seek to take advantage of residents and their rights. I support his hard work and determination to represent the resident's interests.

Wang and the current planning commissioners Steven Scharf and Muni Madhdhipatla have worked hard to approve the Westport Project, the new hotel at Cupertino Village, the Bateh Brothers site for new mixed-use housing, and complete their duty in housing element site selection. Wang has been a strong advocate for resident focused causes and keeping the city staff accountable. He thinks creatively and works with his fellow commissioners by communicating and asking for, and listening to, collective thoughts.

In fact, Wang continues to question why no action has been taken to create 5G tower architectural standards to protect our neighborhoods. The lack of a response by staff has been unacceptable.

Wang also rightfully criticized a very inept housing element consulting firm, EMC, who did not have a handle on the job at hand and failed to complete the project requirements. The city took far too long to take responsibility and accountability for hiring a bad consultant. Wang has been told he was not respectful in criticizing city staff and the consultant. Criticism was accurate and appropriate. Eventually, the EMC team contract was terminated. But the damage was done. Many people, including residents, spoke out during multiple Housing Element public meetings with comments about the lack of progress that EMC was making. This highly compensated consultant failed to take responsibility, or pick up the pace of work.

Questionable behavior has been consistently challenged by Wang and the other pro-resident focused commissioners and council members. We need more residents like Wang who represent the interests of residents.

Your potential removal of Wang is unjust and politically motivated. Members of this City Council have been donors to the instigator, Sunnyvale City Council member Richard Mehlinger, who has a personal vendetta against Wang. Mehlinger, a Sunnyvale resident, has very aggressively spoken on various topics during Cupertino council and commission meetings numerous times - over many years.

In his way, Ray Wang has represented residents well and should continue to serve as our voice in the community. He should retain his Planning Commissioner role.

Lisa Warren la-warren@att.net 10279 Judy Avenue Cupertino, California 95014

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What happened to democracy?

The attempted removal of Wang is unjust and politically motivated by a majority City Council that has lost the community's trust and faith. These new council members have colluded with staff to remove the resident focused council members from key committees, sought to shut down commissions where they do not have a majority, and seek to silence public commentary on agenda items at council and commission meetings.

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This pattern of city staff behavior has been consistently challenged by Wang and the other proresident focused commissioners and council members. We need more residents like Wang who represent the interests of residents.

Your removal of Wang is unjust and politically motivated as many members of City Council including gave donations to the instigator, Richard Mehlinger who has a personal vendetta against Wang.

Previous city councils have not capriciously dismissed commissioners in this fashion nor should they in the future. Are you silencing people's voices? Are you cancelling democracy?

Your residents feel Wang has represented them well and should continue to serve as their voice in the community

Wang should serve out his term, kindly reconsider your actions to remove Wang from the planning commission.

Again, what happened to democracy?

I am Lydia Kou, writing to you as a citizen and not as the Mayor of the City of Palo Alto.

Lydia Kou kou.pacc@gmail.com 250 Hamilton Ave Palo Alto, California 94303

City Clerk Kirsten Squarcia,

I am a Cupertino community member. This community means a lot to me, and I believe we are home to some of the brightest and most compassionate minds in California. Unfortunately, we are still recovering from prior leadership that has greatly damaged our reputation, including the past actions of Planning Commissioner R. Wang. That is why I am here today to voice my strong support for the removal of Planning Commissioner R. Wang.

While a sitting Planning Commissioner City official, he urged fellow residents to call the employers of pro-housing activists to try to get them fired from their jobs. He has disrespected, insulted, and alleged conspiracy theories against core community partners like Cupertino Rotary and the Cupertino Chamber of Commerce. He continually harassed a City Councilmember in Redwood City (was a planning commissioner), signing her up for porn. Instead of admitting the truth, he lied that developer interests hacked his computer.

Commissioner Wang even acts on misinformation to propel his political agenda, instead of listening to legal advice, putting the city at risk of being sued. For example, when the City sought to fix a density bonus ordinance to comply with state law, he compared this to free and fair democratic elections in the Soviet Union."

I believe in Cupertino and its future—that's why I am here speaking for democracy and for ethical leadership. It's past time for the Council to hold Commissioner Wang accountable. Please honor the lived experiences of those who have been personally harmed by Mr. Wang and do the right thing. Please honor the intelligence and character of our good residents, who deserve to have genuine trust in their officials.

Thank you for your time. It's time to bring dignity back to Cupertino.

vivekkls@gmail.com 10698 Hale Pl Cupertino, California 95014-1627

From:	Sue Moore
То:	City Council; City Clerk; Cupertino City Manager"s Office; City Attorney"s Office
Subject:	Please include this letter in written communications for Agenda Item 11 for the 3/7/2023 Council Meeting
Date:	Thursday, March 2, 2023 10:35:45 PM

Dear Cupertino City Council,

I am writing in regards to the agenda Item 11: Please reconsider your actions to remove Commissioner Wang from the planning commission.

The attempted removal of Commissioner Wang is unjust and politically motivated by a new majority City Council that is rapidly losing the community's trust and faith. These new council members have collude with others to remove the resident focused council members from key committees, sought to shut down commissions where they do not have a majority, and seek to silence public commentary on agenda items at council and commission meetings.

Just a few weeks ago, this city council and city staff attempted to write into the city code a way to remove former two-time Mayor Steven Scharf and current two-time Chair of the Planning Commission. This action was deemed unlawful.

The latest endeavor attempts to remove former two-time Chair and one-time Vice Chair of the planning commission R "Ray" Wang on untrue charges of treating staff and consultants poorly. The attempts to defame him and his reputation are quite shameful.

The residents see this attack on Wang as part of a larger strategy to remove resident focused commissioners and replace them with a "rubber stamped" commission that will do your bidding from approving a unnecessary, expensive new city hall, to jeopardizing future housing site selections and appeasement of developers who seek to build on the toxic site at Vallco without cleaning the land up.

Commissioner Wang has a long history of defending his community from special interests who seek to take advantage of residents. I support his hard work and determination to represent the resident's interests

Wang and current planning commissioners, Steven Scharf and Muni Madhdhipatla, have worked hard to approve the Westport Project, the new hotel at Cupertino Village, the Bateh Brothers site for new mixed-use housing, and have completed their duty in housing element site selection.

Wang has been a strong advocate for resident focused causes and keeping the city staff accountable.

Commissioner Wang pointed out that the housing element consultant EMC failed to complete the project required and cost the city 100's of thousands of dollars and that the staff failed to take responsibility and accountability for hiring this consultant. Mr. Wang was then told he was not respectful of our city staff and the consultant by stating these facts.

Previous city councils have not capriciously dismissed commissioners in this fashion nor should they in the future.

I feel commissioner Wang has represented us well and should continue to serve as our voice in the community. Wang should serve out his term and you should be ashamed at your attempts to remove him.

Again, please reconsider your actions to remove Wang from the planning commission.

Respectfully,

Susan Moore, 40 + year resident Sent from my iPad

City Clerk Kirsten Squarcia,

Dear Cupertino City Council, City Attorney, City Manager, and City Clerk

Please include my letter as written communication for the 3/7/2023 City Council meeting, Agenda Item 11, RETAIN, do not remove, Planning Commissioner Ray Wang."

Stop The Divisiveness And Dirty Politics - Do Not Remove Planning Commissioner Wang

The attempted removal of Wang is unjust and politically motivated by a majority City Council that has lost the community's trust and faith. These new council members have colluded with staff to remove the resident focused council members from key committees, sought to shut down commissions where they do not have a majority, and seek to silence public commentary on agenda items at council and commission meetings.

Just a few weeks ago, this city council and city staff attempted to write into the city code a way to remove former two-time Mayor Steven Scharf and current two-time Chair of the Planning Commission. This action was deemed unlawful and atrocious.

The latest endeavor attempts to remove former two-time Chair and one-time Vice Chair of the planning commission R "Ray" Wang on trumped up charges of treating staff and consultants poorly, and calling out the staff's sand bagging of requests from the commission. The attempts to defame him and his reputation are quite shameful.

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In fact, Wang continues to question why no action has been taken to create 5G tower architectural standards to protect our neighborhoods. The lack of a response by staff has been unacceptable.

Wang also criticized a very inept housing element consultant at EMC who failed to complete the project required and cost the city 100's of thousands of dollars. For that, the staff again failed to take responsibility and accountability for hiring a bad consultant and he was told he was not respectful in criticizing our city staff and the consultant.

This pattern of city staff behavior has been consistently challenged by Wang and the other proresident focused commissioners and council members. We need more residents like Wang who represent the interests of residents.

Your removal of Wang is unjust and politically motivated as many members of City Council including gave donations to the instigator, Richard Mehlinger who has a personal vendetta against Wang.

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Wang should serve out his term and you should be ashamed at your attempts to remove him.

Please reconsider your actions to remove Wang from the planning commission.

Namita Sripathi ramsripathi@gmail.com 20681 mcclellan road cupertino, California 95014

City Clerk Kirsten Squarcia,

I'm one of the many Cupertino residents who moved here because it is peaceful, safe and family friendly. We want our leaders to keep Cupertino as peaceful, safe and family friendly as it is. These are the characters defining and shaping Cupertino, our home town.

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Ping Gao gaoping77@yahoo.com 20201 Patric Ct Cupertino , California 95014

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Soon-Chart Yu soon\_yu@yahoo.com 619 plymouth way burlingame, California 94010

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Chris Wong chris.wong@sbcglobal.net 4931 Portmarnoch Ct San Jose, California 95138

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David Lee fyujunk@yahoo.com.sg

Cupertino, California 95014

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Balaram Donthi bdonthi@yahoo.com 10680 Johnson Ave Cupertino, California 95014

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Jun Ma junma16@gmail.com

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Wang has been a strong advocate for keeping the city staff accountable.

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He also criticized an inept housing element consultant who failed to complete the project required and cost the city 100s of thousands of dollars. For that, the staff again failed to take responsibility and deflected criticism by saying Wang was not respectful. That accusation maligns his character. I've never known Wang to be anything less than courteous and haven't heard anyone else say otherwise.

Removing Wang and the other pro-resident focused commissioners and council members is politically motivated. He has done right by the residents and his removal is unjust.

Lise Feng lise.feng@gmail.com 16148 Loretta Lane Los Gatos, California 95032

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T Wu twujunks@yahoo.com

Cupertino, California 95014

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Robert Chen orthorobert@gmail.com 20500 Town Center Lane Cupertino, California 95014

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Cheryl Lin cheryl2t@gmail.com

Cupertino, California 95014

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In the time that I have known Commissioner Wang, he has defended his community from developers and business interests who seek to take advantage of residents and their rights time and time again. Though Wang can at times come across as harsh, I provide my unwavering support of Wang's stance, hard work, and determination to represent his residents' interests.

Wang and the current planning commissioners, Steven Scharf and Muni Madhdhipatla, have worked hard to approve the Westport Project, the new hotel at Cupertino Village, the Bateh Brothers site for new mixed-use housing, and perform their duty in housing element site selection.

Wang persists in advocating for resident-focused causes, holding the city staff accountable, and leading by example in telling the people how it is -- even when others resort to engaging in blatant retribution.

Wang continues to question why no action has been taken to create 5G tower architectural standards to protect our neighborhoods. The lack of a response by staff has been unacceptable.

Wang also criticized a very inept housing element consultant at EMC who failed to complete the project required and cost the city 100's of thousands of dollars. For that, the staff again failed to take responsibility and accountability for hiring a bad consultant and he was told he was not respectful in criticizing our city staff and the consultant.

This pattern of city staff behavior has been consistently challenged by Wang and the other proresident focused commissioners and council members.

In a world where bad behavior often goes unregulated and ungoverned, we need more watchdog residents like Wang, who not only represent the interests of their fellow residents, but also improve the quality of those selected to operate community funds by speaking up, speaking out, and speaking for the residents.

Your potential removal of Wang is unfounded and unjust, and I hope and trust that you can put aside political differences and do what is right to represent your residents more fairly.

Ari Qayumi ariqayumi@gmail.com 700 El Camino Real, Suite 120, 1029 Menlo Park, California 94025

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Wang and the current planning commissioners Steven Scharf and Muni Madhdhipatla have worked hard to approve the Westport Project, the new hotel at Cupertino Village, the Bateh Brothers site for new mixed-use housing, and complete their duty in housing element site selection.

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This pattern of city staff behavior has been consistently challenged by Wang and the other proresident focused commissioners and council members. We need more residents like Wang who represent the interests of residents.

Your potential removal of Wang is unjust and politically motivated.

Luzvilla Burkhart vburkhart7@gmail.com 10133 S. Tantau Avenue Cupertino, California 95014

City Clerk Kirsten Squarcia,

Dear Cupertino City Council, City Attorney, City Manager, and City Clerk

I am writing to you today with regards to the agenda item considering the removal of Commissioner Wang.

The attempted removal of Wang is unjust and politically motivated by a majority City Council that has lost the community's trust and faith. These new council members have colluded with staff to remove the resident focused council members from key committees, sought to shut down commissions where they do not have a majority, and seek to silence public commentary on agenda items at council and commission meetings.

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We feel Wang has represented us well and should continue to serve as our voice in the community

Wang should serve out his term and you should be ashamed at your attempts to remove him.

Please reconsider your actions to remove Wang from the planning commission.

B F BILL@BILLFRYCONSTRUCTION.COM

Cupertino, California 95014

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Vincent Burkhart vburkhart7@gmail.com 10133 S. Tantau avenue Cupertino, California 95014

City Clerk Kirsten Squarcia,

I hope you are doing well! I've been a Cupertino resident for 26 years, and am glad I can call this place home. Since the pandemic, I've been trying to make an effort to also get to know more of my neighbors and be a bit more involved in our local politics. However, in that process, I've experienced and seen a lot of strangely hateful language and actions from the sitting Planning Commissioner Ray Wang. That is why I am here today to voice my strong support for the removal of Planning Commissioner Ray Wang.

As a Cupertino official, Ray has urged fellow residents to doxx other residents over local housing disputes, and had tried to accuse groups like the Cupertino Rotary and the Cupertino Chamber of Commerce of conspiracy theory-level manipulation and involvement in our lives. In my own experience, I've seen him outright lie and use violent language against others in community spaces like Nextdoor - and I have yet to see him say anything that hasn't been aggrandizing or boastful in any space I've been with him in. This is seriously unbecoming behavior of someone who is a representative of my city, and does not represent my best interests. Not only that, but for issues as serious as those considered by a Planning Commissioner - huge investments in property in housing - he is not someone who is reasonable or puts an effort to learn much about the field, or this community's needs.

Thank you for reading my letter, and please consider the removal of Ray Wang from the position of Planning Commissioner.

Nicholas Egan nsmegan@gmail.com 11735 RIdge Creek Ct. Cupertino, California 95014

City Clerk Kirsten Squarcia,

Ray has a history of standing with residents and standing up to development/financial interests. We need him to represent Cupertino residents' interest Ray has been threatened by the aggressive growth industry, who attempted to scare him by framing him with a fake complaint. Ray suffered personally and professionally from the attacks, but he continues representing Cupertino residents' interest, and his effort to protect residents was successful. As Cupertino residents, we need him continue being a commissioner on the Cupertino Planning Commission.

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Yao Cindy YL2T66@gmail.com

Cupertino, California 95014

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Michael Ni mniext@gmail.com 1842 Hamilton Avenue Palo Alto, California 94303

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Dear Cupertino City Council, City Attorney, City Manager, and City Clerk

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Rithvik Madhdhipatla rithvikm@gmail.com 20601 McClellan Road Cupertino, California 95014

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Jean Wang jeanhmwang@gmail.com 10148 S Tantau Ave Cupertino, California 95014

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Dear Cupertino City Council, City Attorney, City Manager, and City Clerk

I am writing to you today with regards to the agenda item considering the removal of Commissioner Wang (Agenda Item #11)

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Wang should serve out his term and you should be ashamed at your attempts to remove him.

Please reconsider your actions to remove Wang from the planning commission.

Karen Norris knorris365@yahoo.com 6032 Acacia Avenue Oakland, California 94618

City Clerk Kirsten Squarcia,

Dear Cupertino City Council, City Attorney, City Manager, and City Clerk

I am writing to you today with regards to the agenda item considering the removal of Commissioner Wang.

The attempted removal of Wang is unjust and politically motivated by a newly elected City Council members that have lost the community's trust and faith. These new council members have colluded with staff to remove the resident focused council members from key committees, sought to shut down commissions where they do not have a majority, and seek to silence public commentary on agenda items at council and commission meetings.

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Deepika Kapil d\_kapil@yahoo.com 6544 Clifford dr. Cupertino, California 95014

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Charlie Lin charlielin2004@yahoo.com

Cupertino, California 95014

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Reza Soudagar rsoudagar@yahoo.com 6032 Acacia Avenue Oakland, California 94618

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Tong Zheng tongzhengtz@yahoo.com

Santa Clara, California 95051

City Clerk Kirsten Squarcia,

I am a Cupertino community member. I am proud of our community and love living here. We are home to some of the brightest and most compassionate minds in the world and the people that represent us should reflect that. Unfortunately, prior leadership that has greatly damaged our reputation, including the past actions of Planning Commissioner R. Wang. That is why I am here today to voice my strong support for the removal of Planning Commissioner R. Wang.

He has repeatedly abused his power to harass community members, even trying to get housing activists fired from their jobs. He lies and spreads misinformation. His bullying tactics to silence opponents are a stain on the city, and his rhetoric is heavily damaging for our push to make progress on affordable housing..

I know, for myself, his tactics make me timid about sharing thoughts during the public comment period, as I am scared I will be attacked for having the "wrong" opinion (as has happened on NextDoor). And, from the last election, it seems at least half of the residents probably have different opinions than him. He needs to listen to all of us, respectfully.

I believe in Cupertino and its future—that's why I am here speaking for democracy and for ethical leadership. It's past time for the Council to hold Commissioner Wang accountable. Please honor the lived experiences of those who have been personally harmed by Mr. Wang and do the right thing. Please honor the intelligence and character of our good residents, who deserve to have genuine trust in their officials.

Thank you for your time. It's time to bring dignity back to Cupertino.

Debra Timmers datimmers@gmail.com 22701 Medina Lane Cupertino, California 95014

City Clerk Kirsten Squarcia,

I am the chair of the Cupertino Bicycle Pedestrian Commission, speaking as an individual only. Cupertino holds an important place in my heart, and I believe that as community members and leaders, we must hold everyone in our community to high standards, especially elected and appointed officials. We must confront the mistakes that our City leadership has made in the past. I voice my strong support for the removal of Planning Commissioner R. Wang.

While a sitting Planning Commissioner City official, Commissioner Wang doxed community members for their political views. He has disrespected, insulted, and alleged conspiracy theories against core community partners like Cupertino Rotary and the Cupertino Chamber of Commerce. He harassed a City Councilmember in Redwood City and faced the consequences of being prosecuted for two felonies. These actions are unacceptable by anybody in our community, let alone an appointed commissioner. This behavior is not new, yet the 2021 Council reappointed Wang to the commission. Councilmembers Chao and Moore should take responsibility for the mistake of enabling Commissioner Wang to abuse his position of power to harass our community members.

I believe in Cupertino and its future—that's why I am here speaking for democracy and for ethical leadership. This is not a matter of politics, but a matter of ethics and treating people with respect and dignity. It's past time for the Council to hold Commissioner Wang accountable. Please honor the lived experiences of those who have been personally harmed by Mr. Wang and do the right thing. Please honor the intelligence and character of our good residents, who deserve to have genuine trust in their officials.

I hope you have it in your hearts to do the right thing and remove Commissioner Wang.

John Zhao jzhao098@gmail.com 10411 Lansdale Ave Cupertino, California 95014

City Clerk Kirsten Squarcia,

I am writing to request the prompt removal of Planning Commissioner Ray Wang.

I am grateful to see the recent steps that the City has taken to strengthen integrity and good governance at City Hall. These are important reforms, especially given the damage that our reputation took in recent years due to mismanagement. However, these steps are incomplete as long as Mr. Wang remains on the Commission.

While a sitting Planning Commissioner City official, he urged fellow residents to call the employers of pro-housing activists to try to get them fired from their jobs. He has disrespected, insulted, and alleged conspiracy theories against core community partners like Cupertino Rotary and the Cupertino Chamber of Commerce. He harassed a City Councilmember in Redwood City (was a planning commissioner), signing her up for porn. He faced criminal prosecution for this particular conduct, but instead of admitting the truth, he lied that developer interests hacked his computer.

It was gravely disappointing to see the City Council reappoint Mr. Wang to the Commission in 2021, despite being advised of his conduct. Mr. Wang has never apologized to the community members he has harmed, and I do not have any faith that his conduct will improve. It's past time for the Council to hold him accountable. Please honor the lived experiences of those who have been personally harmed by Mr. Wang and do the right thing. Please honor the intelligence and character of our good residents, who deserve to have genuine trust in their officials.

Thank you for your time and for supporting integrity in Cupertino.

Kamyab Mashian kamyab.mashian@gmail.com

Sunnyvale, California 94086

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Wang should serve out his term and you should be ashamed at your attempts to remove him.

Please reconsider your actions to remove Wang from the planning commission.

Ram Sripathi ramsripathi@gmail.com 20681 , Mcclellan Road Cupertino, California 95014

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Kun Li melody19891007@gmail.com

City Clerk Kirsten Squarcia,

I am a Cupertino community member. This community and city mean a lot to me as I went to high school and community college here in Cupertino. I believe we are home to some of the brightest and most compassionate minds in California. Unfortunately, we are still recovering from prior leadership that has greatly damaged our reputation, including the past actions of Planning Commissioner R. Wang. That is why I am here today to voice my strong support for the removal of Planning Commissioner R. Wang.

While a sitting Planning Commissioner City official, he urged fellow residents to call the employers of pro-housing activists to try to get them fired from their jobs. He has disrespected, insulted, and alleged conspiracy theories against core community partners like Cupertino Rotary and the Cupertino Chamber of Commerce. He harassed a City Councilmember in Redwood City (was a planning commissioner), signing her up for porn. Instead of admitting the truth, he lied that developer interests hacked his computer. He also threatened my friend and Sunnyvale City Councilmember, Richard Mehlinger for criticizing R. Wang's poor leadership.

Commissioner Wang even acts on misinformation to propel his political agenda, instead of listening to legal advice, putting the city at risk of being sued. For example, when the City sought to fix a density bonus ordinance to comply with state law, he compared this to free and fair democratic elections in the Soviet Union."

I believe in Cupertino and its future—that's why I am here speaking for democracy and for ethical leadership. It's past time for the Council to hold Commissioner Wang accountable. Please honor the lived experiences of those who have been personally harmed by Mr. Wang and do the right thing. Please honor the intelligence and character of our good residents, who deserve to have genuine trust in their officials.

Thank you for your time. It's time to bring dignity back to Cupertino.

Philip Nguyen vietwhammies@gmail.com 743 Lakewood Dr Sunnyvale, California 94089

City Clerk Kirsten Squarcia,

I have lived in Cupertino 35 years, and served on the Housing Commission for the past four years. This community means a lot to me. I have invested a lot of my time in civic work.

Unfortunately, we are still recovering from prior leadership that has greatly damaged our reputation, including the past actions of Planning Commissioner R. Wang. That is why I am here today to voice my strong support for the removal of Planning Commissioner R. Wang.

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Connie Cunningham cunninghamconniel@gmail.com 1119 Milky Way Cupertino, California 95014

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Yvonne Thorstenson yrthor@gmail.com 7744 Robindell Way Cupertino, California 95014

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Your potential removal of Wang is unjust and politically motivated.

Meeta Upadhyay meetu\_au@hotmail.com

City Clerk Kirsten Squarcia,

Commissioner Wang has a long history of defending his community from developers and business interests who seek to take advantage of residents and their rights. I support his hard work and determination to represent the resident's interests

Wang and the current planning commissioners Steven Scharf and Muni Madhdhipatla have worked hard to approve the Westport Project, the new hotel at Cupertino Village, the Bateh Brothers site for new mixed-use housing, and complete their duty in housing element site selection.

Wang has been a strong advocate for resident focused causes and keeping the city staff accountable.

In fact, Wang continues to question why no action has been taken to create 5G tower architectural standards to protect our neighborhoods. The lack of a response by staff has been unacceptable.

Wang also criticized a very inept housing element consultant at EMC who failed to complete the project required and cost the city 100's of thousands of dollars. For that, the staff again failed to take responsibility and accountability for hiring a bad consultant and he was told he was not respectful in criticizing our city staff and the consultant.

This pattern of city staff behavior has been consistently challenged by Wang and the other proresident focused commissioners and council members. We need more residents like Wang who represent the interests of residents.

Your potential removal of Wang is unjust and politically motivated.

Rahul Vasanth rahulvasanth@protonmail.com

City Clerk Kirsten Squarcia,

Dear Cupertino City Council, City Attorney, City Manager, and City Clerk

I am writing to you today with regards to the agenda item considering the removal of Commissioner Wang.

The attempted removal of Wang is unjust and politically motivated by a majority City Council that has lost the community's trust and faith. These new council members have colluded with staff to remove the resident focused council members from key committees, sought to shut down commissions where they do not have a majority, and seek to silence public commentary on agenda items at council and commission meetings.

Just a few weeks ago, this city council and city staff attempted to write into the city code a way to remove former two-time Mayor Steven Scharf and current two-time Chair of the Planning Commission. This action was unlawful and atrocious.

Commissioner Wang has a long history of defending his community from developers and business interests who seek to take advantage of residents and their rights. I support his hard work and determination to represent the resident's interests.

The potential removal of Wang is unjust and politically motivated.

Previous city councils have not capriciously dismissed commissioners in this fashion nor should they in the future..

We feel Wang has represented us well and should continue to serve as our voice in the community

Wang should serve out his term and you should be ashamed at your attempts to remove him.

Please reconsider your actions to remove Wang from the planning commission.

Sunil Shukla waylaalias007@outlook.com 10227 S. Foothill Blvd Cupertino, California 95014

From:	<u>Yao Lin</u>
To:	Kirsten Squarcia
Subject:	Planning Commissioner Wang Should Not Be Removed
Date:	Thursday, March 2, 2023 7:05:52 PM

City Clerk Kirsten Squarcia,

Ray has a history of standing with residents and standing up to development/financial interests. We need him to represent Cupertino residents' interest Ray has been threatened by the aggressive growth industry, who attempted to scare him by framing him with a fake complaint. Ray suffered personally and professionally from the attacks, but he continues representing Cupertino residents' interest, and his effort to protect residents was successful. As Cupertino residents, we need him continue being a commissioner on the Cupertino Planning Commission.

Your potential removal of Wang is unjust and politically motivated.

Yao Lin YL2T66@gmail.com

City Clerk Kirsten Squarcia,

Dear Cupertino City Council, City Attorney, City Manager, and City Clerk:

I am writing you to protest the removal of Commissioner Wang.

Removing him is unjust as he has steadfastly championed policies that benefit the community. He's being targeted by new council members and staff who are seeking to silence public commentary on agenda items at council and commission meetings.

Removing Wang is ad unlawful as when city council and city staff attempted to write into the city code a way to remove former two-time Mayor Steven Scharf and current two-time Chair of the Planning Commission, which was deemed unlawful.

The latest endeavor attempts to remove Wang on trumped up charges of treating staff and consultants poorly, and calling out the staff's sand bagging of requests from the commission. The attempts to defame him and his reputation are politically motivated. I have worked with Wang and he has been nothing but courteous.

Wang has a long history of defending his community from developers and business interests who seek to take advantage of residents and their rights. I support his work representing the resident's interests.

Wang and the current planning commissioners Steven Scharf and Muni Madhdhipatla have worked hard to approve the Westport Project, the new hotel at Cupertino Village, the Bateh Brothers site for new mixed-use housing, and complete their duty in housing element site selection.

Wang has been a strong advocate for resident focused causes and keeping the city staff accountable. He is good for Cupertino! We need more council members like him to hold inept people responsible:

Wang continues to question why no action has been taken to create 5G tower architectural standards to protect our neighborhoods.

He also criticized a very inept housing element consultant at EMC who failed to complete the project required and cost the city 100s of thousands of dollars. This is in contrast to the staff again failing to take responsibility for hiring a bad consultant. For his honesty, Wang was told

he was not respectful in his critique.

This pattern of city staff behavior has been consistently challenged by Wang and the other proresident focused commissioners and council members.

Your removal of Wang is unjust. Previous city councils have not capriciously dismissed commissioners in this fashion nor should they in the future.

Wang has represented Cupertino well and should continue to serve. Please reconsider your actions to remove Wang from the planning commission.

Lise Feng lise.feng@gmail.com 16148 Loretta Lane Los Gatos, California 95032

City Clerk Kirsten Squarcia,

Dear Cupertino City Council, City Attorney, City Manager, and City Clerk

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Commissioner Wang has a long history of defending his community from developers and business interests who seek to take advantage of residents and their rights. I support his hard work and determination to represent the resident's interests.

The potential removal of Wang is unjust and politically motivated.

Ray Wang has been a visionary for his community and the technology industry for more than two decades. He is a strong communicator, collaborator, and always willing to offer help or assistance. The way he is being treated is reprehensible, and removing him will reflect poorly on the council, and bring additional scrutiny upon every action this group takes from far beyond the borders of Cupertino.

Please reconsider your actions to remove Wang from the planning commission.

John Ragsdale jkragsdale@gmail.com 97 E. St. James #41 San Jose, California 95112

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The latest endeavor attempts to remove former two-time Chair and one-time Vice Chair of the planning commission R "Ray" Wang on trumped up charges of treating staff and consultants poorly, and calling out the staff's sand bagging of requests from the commission. The attempts to defame him and his reputation are quite shameful.

The residents see this attack on Wang as part of a larger strategy to remove resident focused commissioners and replace them a "rubber stamped" commission that will do your bidding from approving a unnecessary expensive new city hall to jeopardizing future housing site selections and appeasement of developers who seek to build on the toxic site at Vallco without cleaning the land up.

Commissioner Wang has a long history of defending his community from developers and business interests who seek to take advantage of residents and their rights. I support his hard work and determination to represent the resident's interests

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In fact, Wang continues to question why no action has been taken to create 5G tower architectural standards to protect our neighborhoods. The lack of a response by staff has been unacceptable.

Wang also criticized a very inept housing element consultant at EMC who failed to complete the project required and cost the city 100's of thousands of dollars. For that, the staff again failed to take responsibility and accountability for hiring a bad consultant and he was told he was not respectful in criticizing our city staff and the consultant.

This pattern of city staff behavior has been consistently challenged by Wang and the other proresident focused commissioners and council members. We need more residents like Wang who represent the interests of residents.

Your removal of Wang is unjust and politically motivated as many members of City Council including gave donations to the instigator, Richard Mehlinger who has a personal vendetta against Wang.

Previous city councils have not capriciously dismissed commissioners in this fashion nor should they in the future.

We feel Wang has represented us well and should continue to serve as our voice in the community

Wang should serve out his term and you should be ashamed at your attempts to remove him.

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Durgesh Srivastava durgesh@yahoo.com

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Himani Singh singh.himani@yahoo.com 1079 November drive Cupertino , California 94014

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Ravi Kiran Singh Sapa ravikiransingh@gmail.com 1125 Kentwood Ave Cupertino, California 95014

All Cupertino City Council,

Dear Cupertino City Council, City Attorney, City Manager, and City Clerk

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Stop The Divisiveness And Dirty Politics - Do Not Remove Planning Commissioner Wang

Dear Cupertino City Council, City Attorney, City Manager, and City Clerk

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The new majority have sought to shut down commissions where their views do not prevail. The new majority seek to silence public commentary on agenda items at council and commission meetings, which limits are codified in a new process manual.

The residents see the attack on Commissioner Wang as part of a larger strategy to remove resident-focused Planning commissioners and replace them with a "rubber stamp" commission that will not question the aggressive growth agenda. Your recent actions and the City's recent history suggest that the following agenda is likely:

- Approving an unnecessary, expensive new city hall.

- Jeopardizing future housing site selections by including an excessively large buffer in the current housing cycle.

-Appeasing developers who seek to circumvent prudent processes.

Consider how the 2018 city council and staff let the Vallco developer test his own site for toxins. The Vallco owner found no significant levels of toxins. The project was set to move forward until alert residents pressed for further investigation, which revealed significant levels of toxins. Now the County manages the site cleanup and the city is saved from a possibly large public safety liability.

Just a few weeks ago, this city council and city staff attempted to write into the city code a way to remove former two-time Mayor and current two-time Chair of the Planning Commission, Steven Scharf. This action was politically motivated and as the City Attorney determined, it was also unlawful.

The latest endeavor by the new council majority to gain control of the Planning Commission is to remove former two-time Chair and one-time Vice Chair of the Planning Commission, R "Ray" Wang, on trumped-up charges of treating staff and consultants poorly. The malicious attempts by the three-member majority to defame him cast a shameful pall over the City Council.

I support Commissioner Wang's hard work and determination to represent the resident's interests.

Wang and the current planning commissioners Steven Scharf and Muni Madhdhipatla have worked hard for sensible growth:

-Approved the Westport Project, which provides a large contingent of the housing that is mandated by the State of California. The project is sensible because it does not jeopardize future housing elements by adding excessive office space.

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Commissioner Wang should serve out his term.

Please reconsider the council's actions to remove Wang from the Planning Commission.

Xiao Dan Weng wengxiaodan@gmail.com 1061 Whitebick Dr San Jose, California 95129

All Cupertino City Council,

Dear Cupertino City Council, City Attorney, City Manager, and City Clerk

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I support Commissioner Wang's hard work and determination to represent the resident's interests.

Wang and the current planning commissioners Steven Scharf and Muni Madhdhipatla have worked hard for sensible growth:

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Commissioner Wang has a long history of defending his community from developers and business interests who seek to take advantage of residents and their rights. Wang has been a strong advocate for resident-focused causes and keeping the city staff accountable.

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Commissioner Wang should serve out his term.

Please reconsider the council's actions to remove Wang from the Planning Commission.

Vijayalakshmi Prakash vmandalappu@yahoo.com 10451 N Portal Avenue Cupertino , California 95014

All Cupertino City Council,

Dear Cupertino City Council, City Attorney, City Manager, and City Clerk

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Julia Zhao yanp.zhao@gmail.com

Sanat Clara, California 95051

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Manish Gajjar manishcgajjar@gmail.com 20644 Mapletree PI, Cupertino, CA 95014, 20644 Mapletree PI CUPERTINO, California 95014

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I'd like to add that the self-promoting Mercury news articles are sinister PR tools to try to justify wresting control of the city from sensible development. I really hope we won't need another resident revolt against self-dealing developer puppets within the city.

Urs Mader urs\_mader@icloud.com 10122 S Tantau Ave Cupertino, California 95014

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The removal of Commissioner Wang will make residents feel unsafe to serve on a commission. no stability. This would also send a bad message to the community.

1. The reasons given are childish at best. I mean no offense, but complaining about a post on next-door as a reason for removal was absolutely ludicrous. Ironically the person, accusing him of such was defending freedom of speech. Yet there he was attacking Commissioner Wang for freedom of speech.

2. Other reasons given were berating staff. The only berating that commissioner Wang has come close to was when EMC was not performing and it was obvious that the delay of the housing element was either on purpose or neglect. No one was managing things well enough to get it done. Commissioner Wang was communicating what many people wanted to say. I'm not sure if it's true but it's my understanding that some of the delays derived from staff delays? I don't know if that's true but I do know that it's a EMC completely dropped the ball and was submitting less than expected results. It was almost as if someone was trying to make the previous council look bad? All the staff I've ever worked with has always been very willing to do their job, so I do not blame the staff per se , if you're considering commissioners Wang's response to EMC, then I think he should be complemented for trying to get things done and speaking the truth; probably the only record that states how frustrating and how it was not the fault of the previous council but the consultants EMC.

3. The 20 year old accusation they keep bringing up is disgraceful by anyone bringing it up. There is a letter from the attorney that will explain and clarify this smear. I will read it during oral communication.

4. The new rule of only speaking for 10 minutes cumulatively is very anti-democratic. If we

were a huge city that requires such, I could see that but we are yet only 60,000. It feels like another way current council is shutting down the public.

I see the attack on Commissioner Wang as part of a larger strategy to remove resident-focused Planning commissioners.

Consider how the 2018 city council and staff let the Vallco developer test his own site for toxins. The Vallco owner found no significant levels of toxins. The project was set to move forward until alert residents pressed for further investigation, which revealed significant levels of toxins. Now the County manages the site cleanup and the city is saved from a possibly large public safety liability.

Just a few weeks ago, this city council and city staff attempted to write into the city code a way to remove former two-time Mayor and current two-time Chair of the Planning Commission, Steven Scharf. This action was politically motivated and as the City Attorney determined, it was also unlawful.

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Commissioner Wang should serve out his term.

Please reconsider the council's actions to remove Wang from the Planning Commission.

Tessa Parish tessa@parishrealestategroup.com Will ct Cupertino, California 95014

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- Approving an unnecessary, expensive new city hall.

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I support Commissioner Wang's hard work and determination to represent the resident's interests.

Wang and the current planning commissioners Steven Scharf and Muni Madhdhipatla have worked hard for sensible growth:

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Commissioner Wang has a long history of defending his community from developers and business interests who seek to take advantage of residents and their rights. Wang has been a strong advocate for resident-focused causes and keeping the city staff accountable.

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Padma Mallipeddi pmallipeddi@yahoo.com

Cupertino , California 95014

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Hello,

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Just a few weeks ago, this city council and city staff attempted to write into the city code a way to remove former two-time Mayor and current two-time Chair of the Planning Commission, Steven Scharf. This action was politically motivated and as the City Attorney determined, it was also unlawful.

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Gary Shamshoian ibdengineering@yahoo.com 18765 tuggle avenue cupertino, California 95014

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Priya Tiruthani nagapriyak@gmail.com

Cupertino, California 95014

From:	Tatum Webb
To:	<u>Kirsten Squarcia</u>
Subject:	Driving Community Engagement
Date:	Friday, March 3, 2023 6:40:09 AM

## Hey Kirsten,

I understand I've reached out a few times, but I was hoping you'd be interested in briefly discussing our community engagement solution as it relates to your initiatives.

As the industry leader in Experience Management, the Qualtrics platform takes a citizen-centric approach that helps county officials collect feedback and uncover actionable insights to automatically deliver recommended actions on how to better meet the expectations of California residents in real time all in one place.

We're working closely with state and local governments to:

(1) Gather feedback from residents

(2) Identify where experience gaps exist

(3) Act to make data-driven decisions to build trust and confront inadequacies head on by modernizing aging systems and improving customer service.

Citizens have new and evolved expectations on how they should be engaging with their Governments, and over the last few months we've been working with various departments across other public sector institutions to help with the following:

- 1. **Connecting with Citizens, any way that they want** Leverage SMS, Social Media, email and other channels to connect to your citizens on multiple platforms.
- 2. **Deliver Online Services, in any language** Quickly update all of your touch points to incorporate as many as 80 languages. Leverage the AI to translate the comments back into English.
- 3. **Improving Service Delivery** Collecting real time feedback to understand if the services and offerings you provide are benefiting the citizens that rely on you, which allows you to consistently focus on what matters most.
- 4. **Digital Form and Action Transformation** Digitizing paper processes to reduce the amount of time a customer or citizen needs to qualify for a service.

Are you available for a quick 20-minute call any time in the next few weeks? I'd like to understand your mandates and discuss how we can potentially help you be successful in 2023.

If this doesn't fall under your responsibilities, is there a peer you'd be comfortable to connect me with?

Best, Tatum Tatum Webb Qualtrics XM Healthcare 6023505055

If you'd like me to stop sending you emails, please <u>click here</u>

City Clerk Kirsten Squarcia,

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Colin Murphy colinjmurphy@me.com 241 Brook Road Lyman, NH 03585

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Vera Cai vera\_cai@hotmail.com

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Honorable Mayor Wei, Vice Mayor Mohan, and Council Members Chao, Fruen, and Moore:

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The effort to remove Commissioner Wang from the Planning Commission is misguided and unwise.

The residents see the attack on Commissioner Wang as part of a larger strategy to remove resident-focused planning commissioners and replace them with commissioners who will not question an aggressive growth agenda.

Alarming actions and advocacy by Council Members who seek to replace Commissioner Wang on the Planning Commission include:

- advocating in favor of an unnecessary, expensive new city hall and 500-person theater, while recent real estate acquisitions and renovation would accommodate safety, workspace, and storage needs for one-quarter the cost of new construction. And, 2 theaters are already available for community use located at De Anza College.

- Jeopardizing future housing site selections by including an excessively large buffer in the current Housing Element cycle.

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Recently, the Council majority and City staff attempted to write into the city code a way to remove former two-time Mayor and current two-time Chair of the Planning Commission, Steven Scharf. It was after the City Attorney clarified that a provision to prevent a former Council Member from serving on a commission could not be used to remove a sitting commissioner that certain Council Members pivoted to today's campaign to discredit Commissioner Wang. The smear campaign provides very poor cover for what appears to be an action to seize

control of a Planning Commission seat that was not open for a new appointment in 2023.

The effort to defame Commissioner Wang for political gain is obvious and regrettable.

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Commissioner Wang rightfully criticized the unacceptable work product of the Housing Element consultant who cost the City hundreds of thousands of dollars but failed to complete the required project. While staff was apparently reluctant to take responsibility for the unacceptable work product or take steps to correct course—or to even require the consultant to provide a timeline with deliverables and dates—Commissioner Wang was taken to task for speaking the truth as soon as it became clear that the Housing Element consultant's work effort was not meeting expectations.

We need more residents like Ray Wang who represent the interests of residents. Ray Wang has represented Cupertino well and should continue to serve on the Planning Commission.

The effort to remove Commissioner Wang from the Planning Commission may be politically expedient for today's Council majority, but it is a reckless and undignified action that carries its own burden of unintended consequences.

Commissioner Wang should remain on the Planning Commission to serve out his term.

Please reconsider the Council's actions to remove Wang from the Planning Commission.

Sincerely,

Liana Crabtree Cupertino resident Liana Crabtree lianacrabtree@yahoo.com

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The attempted removal of Commissioner Wang is unjust and politically motivated by the new, three-member City Council majority that has lost the community's trust and faith. The new majority have colluded with staff to remove the resident-focused council members from key committees.

The new majority have sought to shut down commissions where their views do not prevail. The new majority seek to silence public commentary on agenda items at council and commission meetings, which limits are codified in a new process manual.

The residents see the attack on Commissioner Wang as part of a larger strategy to remove resident-focused Planning commissioners and replace them with a "rubber stamp" commission that will not question the aggressive growth agenda. Your recent actions and the City's recent history suggest that the following agenda is likely:

- Approving an unnecessary, expensive new city hall.

- Jeopardizing future housing site selections by including an excessively large buffer in the current housing cycle.

-Appeasing developers who seek to circumvent prudent processes.

Consider how the 2018 city council and staff let the Vallco developer test his own site for toxins. The Vallco owner found no significant levels of toxins. The project was set to move forward until alert residents pressed for further investigation, which revealed significant levels of toxins. Now the County manages the site cleanup and the city is saved from a possibly large public safety liability.

Just a few weeks ago, this city council and city staff attempted to write into the city code a way to remove former two-time Mayor and current two-time Chair of the Planning Commission, Steven Scharf. This action was politically motivated and as the City Attorney determined, it was also unlawful.

The latest endeavor by the new council majority to gain control of the Planning Commission is to remove former two-time Chair and one-time Vice Chair of the Planning Commission, R "Ray" Wang, on trumped-up charges of treating staff and consultants poorly. The malicious attempts by the three-member majority to defame him cast a shameful pall over the City Council.

I support Commissioner Wang's hard work and determination to represent the resident's interests.

Wang and the current planning commissioners Steven Scharf and Muni Madhdhipatla have worked hard for sensible growth:

-Approved the Westport Project, which provides a large contingent of the housing that is mandated by the State of California. The project is sensible because it does not jeopardize future housing elements by adding excessive office space.

-Approved the new hotel at Cupertino Village, which provides a plentiful tax revenue stream to Cupertino.

-Approved the Bateh Brothers site for new mixed-use housing. The developer followed appropriate processes and did not insist on overbuilding.

-Completed their duty in housing element site selection.

Commissioner Wang has a long history of defending his community from developers and business interests who seek to take advantage of residents and their rights. Wang has been a strong advocate for resident-focused causes and keeping the city staff accountable.

Wang questioned why staff have taken no action to create 5G tower architectural standards to protect our neighborhoods. The lack of a response from staff has been unacceptable.

Wang also criticized a very inept housing element consultant at EMC who failed to complete the required project and cost the city 100's of thousands of dollars. The staff failed to take responsibility and be accountable for hiring a bad consultant but Wang was told that he was not respectful for criticizing the city staff and the consultant.

We need more residents like Wang who represent the interests of residents. We feel Wang has represented us well and should continue to serve as our voice on the Planning Commission.

It is not right that the current council majority has opportunistically attempted to use Commissioner Wang's focus on resident safety and staff accountability against him. Previous city councils have not capriciously dismissed commissioners in this fashion nor should they in the future. The attempted removal of Commissioner Wang is politically expedient for the new council majority but it is unjust and unprecedented.

Commissioner Wang should serve out his term.

Please reconsider the council's actions to remove Wang from the Planning Commission.

Durgesh Srivastava durgesh@yahoo.com

City Clerk Kirsten Squarcia,

I am a Cupertino community member. This community means a lot to me, and I believe we are home to some of the brightest and most compassionate minds in California. Unfortunately, we are still recovering from prior leadership that has greatly damaged our reputation, including the past actions of Planning Commissioner R. Wang. That is why I am here today to voice my strong support for the removal of Planning Commissioner R. Wang.

While a sitting Planning Commissioner City official, he urged fellow residents to call the employers of pro-housing activists to try to get them fired from their jobs. He has disrespected, insulted, and alleged conspiracy theories against core community partners like Cupertino Rotary and the Cupertino Chamber of Commerce. He continually harassed a City Councilmember in Redwood City (was a planning commissioner), signing her up for porn. Instead of admitting the truth, he lied that developer interests hacked his computer.

Commissioner Wang even acts on misinformation to propel his political agenda, instead of listening to legal advice, putting the city at risk of being sued. For example, when the City sought to fix a density bonus ordinance to comply with state law, he compared this to free and fair democratic elections in the Soviet Union."

I believe in Cupertino and its future—that's why I am here speaking for democracy and for ethical leadership. It's past time for the Council to hold Commissioner Wang accountable. Please honor the lived experiences of those who have been personally harmed by Mr. Wang and do the right thing. Please honor the intelligence and character of our good residents, who deserve to have genuine trust in their officials.

Thank you for your time. It's time to bring dignity back to Cupertino.

Xinpei Lu lux733360@gmail.com 10141 Craft Dr, Apt A Cupertino, California 95014

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The attempted removal of Wang is unjust and politically motivated by a majority City Council that has lost the community's trust and faith. These new council members have colluded with staff to remove the resident focused council members from key committees, sought to shut down commissions where they do not have a majority, and seek to silence public commentary on agenda items at council and commission meetings.

Just a few weeks ago, this city council and city staff attempted to write into the city code a way to remove former two-time Mayor Steven Scharf and current two-time Chair of the Planning Commission. This action was deemed unlawful and atrocious.

The latest endeavor attempts to remove former two-time Chair and one-time Vice Chair of the planning commission R "Ray" Wang on trumped up charges of treating staff and consultants poorly, and calling out the staff's sand bagging of requests from the commission. The attempts to defame him and his reputation are quite shameful. This is very disappointing.

The residents see this attack on Wang as part of a larger strategy to remove resident focused commissioners and replace them a "rubber stamped" commission that will do your bidding from approving a unnecessary expensive new city hall to jeopardizing future housing site selections and appeasement of developers who seek to build on the toxic site at Vallco without cleaning the land up.

Commissioner Wang has a long history of defending his community from developers and business interests who seek to take advantage of residents and their rights. I support his hard work and determination to represent the resident's interests.

Wang and the current planning commissioners Steven Scharf and Muni Madhdhipatla have worked hard to approve the Westport Project, the new hotel at Cupertino Village, the Bateh Brothers site for new mixed-use housing, and complete their duty in housing element site selection. Wang has been a strong advocate for resident focused causes and keeping the city staff accountable.

In fact, Wang continues to question why no action has been taken to create 5G tower architectural standards to protect our neighborhoods. The lack of a response by staff has been unacceptable and clearly showcases their lack of accountability.

Wang also criticized a very inept housing element consultant at EMC who failed to complete the project required and cost the city 100's of thousands of dollars. For that, the staff again failed to take responsibility and accountability for hiring a bad consultant and he was told he was not respectful in criticizing our city staff and the consultant.

This pattern of city staff behavior has been consistently challenged by Wang and the other proresident focused commissioners and council members. We need more residents like Wang who represent the interests of residents and speak up against all other interests that do not act for the well being of Cupertino residents.

Your removal of Wang is unjust and politically motivated.

We feel Wang has represented us well and should continue to serve as our voice in the community

Wang should serve out his term and should not be removed from his position due to false accusations.

Please reconsider your actions to remove Wang from the planning commission.

Krithika Srinivasan krithikas@yahoo.com

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Your removal of Wang is unjust and politically motivated as many members of City Council including gave donations to the instigator, Richard Mehlinger who has a personal vendetta against Wang.

Previous city councils have not capriciously dismissed commissioners in this fashion nor should they in the future.

We feel Wang has represented us well and should continue to serve as our voice in the community

Wang should serve out his term and you should be ashamed at your attempts to remove him.

Please reconsider your actions to remove Wang from the planning commission.

Karen Norris knorris365@yahoo.com 6032 Acacia Ave Oakland, California 94618

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I was born and raised in Cupertino and lived here most of my life. This community means a lot to me, and I believe we are home to some of the brightest and most compassionate minds in California. Unfortunately, we are still recovering from prior leadership that has greatly damaged our reputation, including the past actions of Planning Commissioner R. Wang. That is why I am here today to voice my strong support for the removal of Planning Commissioner R. Wang.

While a sitting Planning Commissioner City official, he urged fellow residents to call the employers of pro-housing activists to try to get them fired from their jobs. He has disrespected, insulted, and alleged conspiracy theories against core community partners like Cupertino Rotary and the Cupertino Chamber of Commerce. He sexually harassed a City Councilmember in Redwood City (was a planning commissioner), signing her up for porn. Instead of admitting the truth, he lied that developer interests hacked his computer.

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I believe in Cupertino and its future-that's why I am here speaking for democracy and for ethical leadership. It's past time for the Council to hold Commissioner Wang accountable. Please honor the lived experiences of those who have been personally harmed by Mr. Wang and do the right thing. Please honor the intelligence and character of our good residents, who deserve to have genuine trust in their officials.

Thank you for your time. It's time to bring dignity back to Cupertino.

sydney.y.ji@gmail.com

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N Wang spamhackad@gmail.com

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T Wu twujunks@yahoo.com

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Luzvilla Burkhart vburkhart7@gmail.com 10133 S. Tantau Ave. Cupertino, California 95014

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Reza Soudagar rsoudagar@yahoo.com 6032 Acacia Avenue Oakland, California 94618

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The residents see this attack on Wang as part of a larger strategy to remove resident focused commissioners and replace them a "rubber stamped" commission that will do your bidding from approving a unnecessary expensive new city hall to jeopardizing future housing site selections and appeasement of developers who seek to build on the toxic site at Vallco without cleaning the land up.

I've known Ray for over 30 years. The trumped up charges continue with these divisive YIMBYs

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David Lee fyujunk@yahoo.com.sg

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Your potential removal of Wang is unjust and politically motivated.

Jean Wang jeanhmwang@gmail.com 10148 S Tantau Ave Cupertino, California 95014

From:	<u>Jenny Griffin</u>
То:	City Clerk
Cc:	grenna5000@yahoo.com
Subject:	Fwd: City Council Agenda Issues
Date:	Saturday, March 4, 2023 3:44:12 PM

FYI. Please add to the Public Record for the City Council Agenda on March 7, 2023, Especially per items (currently 11) concerning the removal of Mr. Wang from the Planning Commission, Item Number 4 on Consent Calendar concerning dissolving the ERC, the DRC, the LRC and the Audit Committees, Item 10 on the Consent Calendar About the Housing Element Consultants and Item Number 15 about the Chamber of Commerce.

Thank you very much.

------ Original Message -----Subject: City Council Agenda Issues
From: Jenny Griffin <grenna5000@yahoo.com>
Sent: Saturday, March 4, 2023, 3:36 PM
To: citycouncil@cupertino.org
CC: grenna5000@yahoo.com

Dear City Council:

The Cupertino City Council Agenda for March 7, 2023 is unprofessional and confusing.

The item (now 11) attempting to remove Mr. Wang from his Planning Commission seat is extremely

unprofessional in every sense of the word. This is bordering on a creating a circus scandal in the City

Council Chambers. This item should be removed from the agenda.

Why is Number 4 on the Consent Calendar again? This item is attempting to dissolve the ERC, the DRC,

The LRC and the Audit Committee. No one from the public can pull the item to discuss it So why is it back on the Consent Calendar? To just show the public they can't speak on anything

Anymore and every commission t hat we had in the city has been dissolved?

Again, why is Item 10 under the Consent Calendar? No one from the public can talk about the Housing Element or the Consultants? So the public spent a great deal of their time and effort Participating in the supposed public meetings from the Housing Elements. We did our time. We

Did our duty. We sat through through meeting after meeting as dictated by the Housing Element agenda. We apparently wasted our time as we are apparently not going to be allowed To speak on the Housing Element now. This item needs to be pulled to allow the public to Speak or I guess we wasted our entire spring, summer and fall and winter of 2022 attending to The tirades of the RHNA and the never ending rules from HCD over the Housing Element. The Housing Element apparently tells the public when they get to say anything about what happens

In their city.

Also, why is Item 15 under an Informational item? Doesn't the public get to ask questions on Things pertaining to such things as the Chamber of Commerce or as was listed in the last City Council Agenda under informational The request to increase restaurant space at Main Street? What ever happened to that item?

Please put the City Council Agenda back to the sensible order that it used to have and please Remove the highly embarrassing and unprofessional item (Now Number 11) accusing Mr. Wang of all manner of outrageous things and trying to remove him from his Planning Commission seat. This item is highly irregular, unorthodox and deeply disturbing to be Appearing in a City Council Agenda. Indeed, it is highly shocking.

Sincerely,

Jennifer Griffin

City Clerk Kirsten Squarcia,

ABSOLUTELY remove Ray Wang from the Planning Commission. He is responsible for a lot of chaos and ill-will, and stands in the way of much needed progress on so many Commission matters.

MARTY STEIN marty-s@sonic.net 23500 CRISTO REY DR. CUPERTINO, California 95014

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I believe in Cupertino and its future—that's why I am here speaking for democracy and for ethical leadership. It's past time for the Council to hold Commissioner Wang accountable. Please honor the lived experiences of those who have been personally harmed by Mr. Wang and do the right thing. Please honor the intelligence and character of our good residents, who deserve to have genuine trust in their officials.

Thank you for your time. It's time to bring dignity back to Cupertino.

Gail Smith smithgail18@att.net 23700 Paloma Court, Villa 10 Cupertino, California 95014

From:	Pamela Wu
To:	<u>City Clerk; Christopher Jensen; Matt Morley</u>
Subject:	FW: Written communication, Council Meeting, 3/7/2023, Agenda Item 11, in support of Planning Commissioner R "Ray" Wang
Date:	Tuesday, March 7, 2023 9:00:28 PM

Kirsten, not sure if you were bcc'd. If not, please share with council.

Thanks

Pamela

_	Pamela Wu City Manager City Manager's Office PamelaW@cupertino.org (408)777-1322

From: R Wang <info@sg.actionnetwork.org>

Sent: Tuesday, March 7, 2023 8:59 PM

To: Pamela Wu <PamelaW@cupertino.org>

**Subject:** Written communication, Council Meeting, 3/7/2023, Agenda Item 11, in support of Planning Commissioner R "Ray" Wang

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

City Manager Pamela Wu,

March 7th Good evening council, residents of Cupertino, and guests.

It's heartwarming to see a number of friendly faces, dissenting views, and interested citizens here. Let's be honest, today's decision is really the city council's to make. I do serve at the pleasure of the council. But keep in mind we ultimately serve at the pleasure of our residents and voters. For those in power, when we forget that we work for all of our residents in an inclusive manner, we commit hubris. I fundamentally know we are all better than that.

Before we begin I want to thank the 1000s of supporters who believe in resident rights and community first. More than 200 people sent over a 1000 letters to the city. Our opposition barely sent 91 letters and many of those letters were not from Cupertino residents.

Your support means the world to me and rest assured regardless of the decision we all

need to remain vigilant or we will lose the democracy we cherish and the quality of life we worked hard for

We need to put an end to the vindictive politics of JR Fruen and his crowd.

Let's start there. Mr Fruen's carefully orchestrated attacks on me and organized defamation through the non- profit he created, Cupertino For All, is a gross violation of the ethics code and handbook he signed. Just because he's not on the organization's website, he's still listed as a director with the Secretory of state. He's actively working with his group to coordinate attacks and work with the numerous organization's outside of Cupertino who DO NOT share our resident's interests in sensible growth. He even sent an email to his supporters with the same talking points. In fact, his small but vocal group have deliberately distorted facts in a thinly veiled attack on democracy and due process in Cupertino and also in other unsuspecting cities. Many of these organizations have a network paid for by developer interests and lobbyists fighting against your best interests

Despite his harmful actions, I am more than willing to give the benefit of doubt for the many that are and have been misled by Mr Fruen and his small band of activists. Sometimes you get caught up in the heat of the moment and you forget to do some due diligence. Sometimes you don't have time to get all the facts and hear the other side. There is really no need to continue this type of division in the City. We are all better than that.

As you have heard from the countless letters and conversations from 1000s of supporters, the case made before you is false. The allegations made on sexual harassment are not true. A legal opinion of the case shows this despite Ms Foust's veiled attempt at double jeopardy on a case that was sealed 20 years ago per her agreement, she was not the victim of sexual harassment, she was the victim of a developer interest who hacked my network to sign her up onto porn sites. Their attempt to frame me for standing up injured me personally and financially. But I would stand up for my residents again as I am today. Re-writing history like this is a form of defamation.

More importantly, the allegations on criticizing staff are justified as the consultant was ultimately let go for poor performance. The questions about our former assistant city managers behavior were proven accurate as she left and has a history of being let go for poorly treating both residents and other staff. You can read about this in the papers and talk to other city staff who worked with her. Our residents also have every right to have the issue of 5g towers on our agendas and they should be heard by from the staff.

If our jobs as a commissioner is not to provide oversight then what is it?

Certainly, not rubber stamp bad decisions.

No. Our job as commissioners is to provide oversight, guidance , and input. Sometimes we have to point out when things are upside down or not correct. Otherwise why have commissions?

Some planning commissions in the past have rubber stamped decisions that could have massive health impacts on today's residents and future residents such as Vallco. Did you know that the land there is contaminated and listed as a Geo Tracker site. The developer cannot build unless they clean up the site, or rewrite legislation in Sacramento to make an exception which they are trying. If that was under our planning commission, we would never have let that happen. In fact, we did do that with a pro-resident and community interest council.

The bottom line - none of the allegations thrown at me have merit and more importantly none of the majority council has made an effort to reach out to me to hear my side.

Let that sink in for a second. NONE.

The mayor, the vice mayor and Fruen never once asked me about these allegations. They never once sought out the truth or to learn about my side of the story. This is their first instance of hearing this side of the story and I hope they take this to heart.

Part of the democratic process is forgiveness, especially when the facts dispel misinformation and lies told at the heat of the moment This is why we have due process and for those experienced council members, one often waits to hear the facts before making a decision, unless motivated by political means.

In my case it should be apparent that the allegations raised by JR and his Cupertino for all non Profit, outside housing activist groups are patently false and politically motivated. They don't' want any resident focused leaders to emerge and fight back for resident rights. They want you to back down and not fight back. I want you to take this as a moment in history when we rise up and put an end to this vindictive behavior filled with Sal Lewinsky tactics of vilification, shaming, bullying, and threats for removal. Those actions are not what a democracy should tolerate.

So I ask the council, if you choose to remove me purely on political grinds, at least be transparent to the public that is your intention. Be clear it is purely political. Do not hide under fake charges.

So I appeal to our Chinese heritage Mayor and our South Indian heritage Vice Mayor. Your decision today will have consequences on future councils. Your constituents are watching to see how fairly you treat another member of the API community.

Will commissioners be removed at whim for political purposes or will their removal truly have grounds for merit. Will commissioners have a waning period if they truly do make a mistake?

More importantly, how will your community view your actions today if you eliminate a planning commissioner for political reasons with broad community support, despite the case before you.

I seek your support in keeping my role as a planning commissioner. I hope the public understands that I've been wronged and defamed by voices in the community and mainly outside of the community who do not believe in the diversity of thought and who do not seek compromise only political retribution.

I hope in your hearts and minds that you set the right precedent that removal should be based on merit, performance, and real facts with due process, not political theater. We are all better than that.

R Wang

R Wang suzyq@protonmail.com

Cupertino, California 95014

City Clerk Kirsten Squarcia,

Dear Mayor Chien, Fellow Council and City Staff. As a 42 year+ resident and volunteer community supporter, I strong recommend that you remove Raymond Wang from his position as an Appointed City Planning Commissioner.

All city leaders - both elected and appointed are community role models and should be held to a high standard of behavior and comportment. You know better that I, that Ray Wang would not meet the most minimal standards. Character counts and Mr. Wang is deficient in that dimension.

The city has been left with an incredible deficit of actions and plans to address our lack of affordable housing, and slow response to needed capital improvements. Wang has been instrumental in putting our city in this position. It's time for some new blood who can clean up the mess left behind by the previous administration.

Thank you for your time. It's time to bring dignity back to Cupertino.

Lawrence Dean 22159 Rae Lane Cupertino. CA 95014

Lawrence Dean LDean95014@yahoo.com 22159 Rae Lane Cupertino, California 95014

From:	Abdullah Memon
То:	City Clerk; City Council
Subject:	Video for Public Comment 03/07
Date:	Tuesday, March 7, 2023 6:10:17 PM

Dear Cupertino City Council and City Clerk,

I'd like to use the following time stamped video at 35 min and 47 seconds for my public comment tonight regarding item #11. My name is Abdullah.

https://www.youtube.com/watch?v=AC4wMTqW7lA#t=35m47s

Sincerely, Abdullah Memon

City Clerk Kirsten Squarcia,

I am a Cupertino resident. Unfortunately, we are still recovering from prior leadership that has greatly damaged our reputation, including the past actions of Planning Commissioner R. Wang. That is why I am here today to voice my strong support for the removal of Planning Commissioner R. Wang.

While a sitting Planning Commissioner City official, he urged fellow residents to call the employers of pro-housing activists to try to get them fired from their jobs. He has disrespected, insulted, and alleged conspiracy theories against core community partners like Cupertino Rotary and the Cupertino Chamber of Commerce. He continually harassed a City Councilmember in Redwood City (was a planning commissioner), signing her up for porn. Instead of admitting the truth, he lied that developer interests hacked his computer.

Commissioner Wang even acts on misinformation to propel his political agenda, instead of listening to legal advice, putting the city at risk of being sued. For example, when the City sought to fix a density bonus ordinance to comply with state law, he compared this to free and fair democratic elections in the Soviet Union."

I believe in Cupertino and its future—that's why I am here speaking for democracy and for ethical leadership. It's past time for the Council to hold Commissioner Wang accountable. Please honor the lived experiences of those who have been personally harmed by Mr. Wang and do the right thing. Please honor the intelligence and character of our good residents, who deserve to have genuine trust in their officials.

Thank you for your time. It's time to bring dignity and respect back to Cupertino.

John Geis jgeis@yahoo.com 10714 Deep Cliffe Dr Cupertino, California 95014

City Clerk Kirsten Squarcia,

I am a Cupertino community member. This community means a lot to me, and I believe we are home to some of the brightest and most compassionate minds in California. Unfortunately, we are still recovering from prior leadership that has greatly damaged our reputation, including the past actions of Planning Commissioner R. Wang. That is why I am here today to voice my strong support for the removal of Planning Commissioner R. Wang.

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Kiran Kundargi kundargikiran@yahoo.com 10890 Santa Teresa Drive Cupertino, California 95014

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Hema Kundargi hema.kundwrgi152@gmail.com 10890 Santa Teresa Dr Cupertino , California 95015

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Candy Carter candycarter@alumni.stanford.edu 23800 Amapolo Court V8 Cupertino, California 95014

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The new Council should hold Commissioner Wang accountable.

To complaints from his supporters that this is all "political", I respond they are 100% correct. Elections have consequences. Mr. Wang was clearly, obviously and painfully originally a "political" appointment by the previous City Council members. He was appointed to carry out their strong anti-housing "agenda" at the Planning Commission. Well, there has been a new election and the new majority is well within their rights replace Mr. Wang with someone who better reflects the ideas and thoughts of the majority of the citizens as reflected in the new City Council majority

Thank you for your time.

Tom Scannell tscannell01@earthlink.net 10208 Cass Place Cupertino, California 95014

City Clerk Kirsten Squarcia,

My name is Andrew Siegler, and I am a Cupertino community member--I attend De Anza College and enjoy the greater Cupertino community.

This community means a lot to me, and I believe we are home to some of the brightest and most compassionate minds in California. Unfortunately, we are still recovering from prior leadership that has greatly damaged our reputation, including the past actions of Planning Commissioner R. Wang. That is why I am here today to voice my strong support for the removal of Planning Commissioner R. Wang.

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Thank you for your time. It's time to bring dignity back to Cupertino.

Andrew Siegler siegler669@gmail.com 1060 S Third Street, Unit 286 San Jose, California 95112

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Thank you for your time. It's time to bring dignity back to Cupertino.

jeremy xue jeremyxue@gmail.com 10407 colby avenue cupertino, California 95014

From:	Eric Schaefer
To:	City Clerk; Kirsten Squarcia
Subject:	Agenda Item 11 Slide for Rick Resident
Date:	Tuesday, March 7, 2023 6:31:19 PM
Attachments:	ForRayDisplay.pdf

City Clerk Squarcia,

At the March 7, 2023 City Council meeting, I plan to speak on agenda Item 11 "RETAIN, do not remove, Planning Commissioner Ray Wang". I will attend via Zoom. Would you please display the attached 1-page document when it is my turn to speak?

Thank you!

-- Rick

# Leads successful projects

- Owns a successful business
- Planning Commission chair and vice-chair
- Completed Housing Element work on time and per specs
- Approved the large Westport and Marina projects in support of housing that is needed and State-mandated

# Serves residents

- Small business owner perspective
- Has **integrity** to stand up to aggressive growth interests that threaten residents' quality of life:
  - Redwood City: Removed treated wastewater from parks and residential areas
  - Petition-gathering Cupertino residents vs. hired agitators from out of town
  - Cleanup of toxic Vallco
- Enables **sensible growth** of the city:
  - Housing Element contains the required 4,588 housing units and no extras
  - Approved Westport and Marina projects, which balances the growth of office and housing
  - Supports local control of planning decisions
- Saves our tax dollars by calling out inefficient processes and personnel

Here is the statement I read in the meeting. There might be slight variation to the spoken record.

Please enter it into the meeting record.

It is interesting to see that we have many "cupertino community members" outside of Cupertino who sent template letters to us. Many are in San Jose, in Campbell, Los Gatos, Sunnyvale and Oakland and even Los Angeles.

I'd like to speak from my lived experience of someone who has been attacked by many who have spoken here today. Even when I know first hand of the words I said and the context I said it, I have found that often your seemingly convincing claims against me are **totally false**. This has happened repeatedly here both outside of the Council meeting and here in this Council meeting. Therefore, I am afraid that I cannot trust any one-sided narratives against someone without evidence showing exactly what was said and under what circumstances. Let alone that most of the speakers today asking for the removal of RW did not have any first-hand experience with their claim.

Many of the claims made in the Civil Grand Jury Report on Cupertino are false or inaccurate, as indicated by the city responses. Many were made by someone who totally did not understand how things work in city government, since a simple email to the City could have clarified some issues, but they never wrote to the City. This is why one-sided narratives are not trustworthy.

Now when such one-sided negative narratives are spread by people who seek to gain political power, one must wonder about the accuracy of such narratives. When you have 100 people repeat the same one-sided narrative, it does not make them come true.

Today the handful of people who likely had the first hand narrative today happen to be those who repeatedly mischaracterized my comments in order to attack me. I am afraid that I cannot trust their narrative without hard evidence.

I am asking you to respect the lived experience of someone who has been attacked multiple times by those with political aims. This is why we don't commit people for a crime, merely one-sided narratives. We have a due process and cross examination before committing someone for a crime. Here we are trying to commit someone in the eyes of public opinion based on one-sided narratives. The reality is that even if the Council doesn't like the recommendation made by the Planning Commission. On the Council, you can always not take their recommendation. And I have always requested to see, not only majority, but also minority recommendations, in case there is a split vote, and I have asked to include rationales for the recommendations.

Therefore, there is no need to remove R Wang in reality.

As we have praised the city staff when they have done a good job, R Wang has done the same. But when there is an issue in the performance of the city government,

How much truth is in the statements said today? Some of these people have attacked me by twisting my words to manufacture a perception they wish to create.

Mayor Wei, I motioned to support you to be the Mayor because I put my trust in you that you will be collaborative and not be utilized by those with political gains. I trust that you will use common sense and try to mend the community, rather than further divide us. As you have demonstrated today to allow RW 5 minutes to speak and allow a member's comment to be read by another member. You are a person who is reasonable.

Every City Council before today has the discretion to remove commissioners. But they did not. They did not.

No newly elected City Councilmembers have attempted to remove commissioners as soon as they got on the Council

Don't set such a divisive precedent for Cupertino to remove a commissioner based on onesided narratives apparently brought on by those with political aims in mind.

Councilmember Mohan You are another person who has commons sense also.

You are not like them. You are better than them.

I would ask you to reflect. What first-hand evidence you have, which has been verified through cross examination today on everything said today? I hope that you base your action on due process and sound democracy.

## Liang Chao

Council Member City Council LiangChao@cupertino.org 408-777-3192

From:	<u>Kitty Moore</u>
To:	Kirsten Squarcia
Subject:	Item 11 Comments Moore
Date:	Wednesday, March 8, 2023 8:24:47 PM
Attachments:	20230307 City Council Ray Wang.pdf

Hi Kirsten,

If possible, please add the 5 minute speech I gave during this item into the record.

# Kitty Moore Kitty Moore Councilmember City Council Kmoore@cupertino.org (408) 777-1389 Image: Council of the second second

### Councilmember Moore Comments RE March 7, 2023 Item 11, Consider the Removal of Planning Commissioner Ray Wang

Cupertino City Council recently adopted restrictive policies for the City Council, commissioners, and members of the Public to follow, eliminating council's ability to speak on the individual Informational Items, and prohibiting Council members to exercise their lawful right to do public records requests. I did not agree with a number of these restrictions, and noted that there was no process in place for any violations by Council members and as we see here today, there is no policy in place for due process regarding any warning, admonition, probation, or removal of our Commissioners.

The City Council has the curious position here of being the Executive, Legislative, and Judicial branches all rolled into one. That is because Commissioners in Cupertino merely serve at the "Pleasure of the Council" and may be removed by a majority of Council for the offense of causing the Council to not be pleased. I have tried to formulate some metric for whether Commissioner Wang's work has been acceptable, because we have no supportable process.

I could fill a book between the smear blog, the 2016 \$7M campaign by the developer, the 2018 ballot initiative disrupters, and the continued hounding.

I was appointed to the Planning Commission at the start of 2019 along with Commissioner Wang. That very first day, when I came into these chambers, I was pulled aside by our Assistant City attorney and advised that I was going to be verbally abused by members of the public and was offered some friendly advice, and sure enough current newly elected Sunnyvale Councilmember Mehlinger came to Oral Communications, brought up a Nextdoor post I had made in 2018, expressed his offense at it and told me I needed to resign on my first day. In 2019, the negative attention appeared to move off of me and onto Commissioner Wang with Sunnyvale Councilmember Mehlinger and other familiar individuals.

Commissioner Wang has been extremely thorough about the agenda packet reviews, does his site visits with diligence, provides thoughtful and interesting comments, and has a global perspective from this extensive worldwide travel, advanced economic and financial information, Public Health education, television appearances, and not only does he do the homework on the agendas, he finds time to author books, do interviews, and host conferences and events. Commissioner Wang's bio is amazing, and he has an outgoing personality which goes along with it.

I recall Commissioner Wang's struggle trying to agendize 5G, and it was a frustrating struggle I have also faced trying to get items on the Agenda. I have had multiple struggles with that and having multiple meetings I was chairing be canceled by staff without checking in. Commissioner Wang rightfully complained about the very tardy Housing Element. The City Council has been publicly admonished by members of the public for being exposed to the builder's remedy because the contractor was not able to complete the Housing Element in time, the City Manager even ended their contract. And tonight, after months have elapsed, we have a new

consultant contract on the agenda. Commissioner Wang's frustration was more than echoed by even his opponents.

Council needs to formulate a policy like Los Gatos' for Commissioners which would address Censure and removal, they have a commissioner who was recently censured and that has drawn the attention of the ACLU, for example. The policy should be thoughtfully formed. I cannot agree with simply removing Commissioner Wang with the pleasure or not metric, without a process.

Barring a knowable training and removal process, after witnessing how it unfolds here with no process in place, I request that Council agendize a policy process for admonition, probation, censureship, and removal of any commissioners, and also provide some process also for Council, so that we are not relying on subjective views, and have steps in process. I am deeply concerned for all of our Commissioners who volunteer their time, effort, and energy, that we are sending the message that Council is vengeful. In the history of Cupertino, no Planning commissioner has been removed by Council, which is likely why there has not been a discussion regarding policy to do so, and I request that be done now. We should also have some set of limits so we are not having vengeance on old news and retroactively punishing, when we want to grow our Commissioners and Councilmembers and encourage young people and those who find this kind of meeting truly off-putting, to want to join in the community engagement process and feel comfortable participating in civics.

Thank you.

**Councilmember Moore** 

City Clerk Kirsten Squarcia,

Dear Cupertino City Council, City Attorney, City Manager, and City Clerk

Please include my letter as written communication for the 3/7/2023 City Council meeting, Agenda Item 11, RETAIN, do not remove, Planning Commissioner Ray Wang."

Stop The Divisiveness And Dirty Politics - Do Not Remove Planning Commissioner Wang

The attempted removal of Commissioner Wang is unjust and politically motivated by the two newly elected City Council member Sheila Mohan and J.R. Fruen, who was elected by a thin margin of less one percent of votes casted. But under the leadership of Mayor Hung Wei, this 3-person WMF (Wei, Mohan, Fruen) Council Majority has taken swift actions to change long-standing city practices in less than 3 months. They are causing massive levels of mistrust.

Your actions are divisive for Cupertino residents and in total disregard to the few thousand residents who voted for your opponents, We are your constituents too. Will you do everything in your power to gain majority control, not only in the City Council, but also in every commission? Are you this shameless?

The 2023 WMF Council Majority :

-have removed the resident-focused council members from key committees.
-have adopted procedures to shut down commissions where their views do not prevail.
-have adopted procedures to silence public commentary on agenda items at council and - commission meetings in the "name of efficient meetings"

You have lost the community's trust and faith by breaking your campaign promises to be collaborative and be inclusive and to bring the community together. Instead, every action you have taken so far seems to show that you are unwilling to compromise and work with the other side, which still represents almost 50% of Cupertino residents.

I urge you to do due diligence to investigate any allegations made against a city official so that your one-sided perception, often taken out of context, and often politically motivated won't become the grounds for your decision to remove a beloved Planning Commissioner.

I urge you to give any city official a warning with findings and recommendations based on solid evidence before you take any formal action for removing anyone from their appointed position.

This is the basic decency that Cupertino voters expected of you, yet you were so eager to agendize this item without a proper inquiry.

As the City Attorney has confirmed that in the "A House Divided" report, the Civil Grand Jury's accusation of a Council member's action to direct staff was mistaken. Many of the other claims made in the Civil Grand Jury's report about the City of Cupertino were false too since they rely on one-sided interviews without any cross examination. The Civil Grand Jury is limited in what they could do, but Cupertino City Council has the ability to conduct an investigation. Why have you not done so?

The City of Los Gatos has formed a subcommittee to investigate an accusation on their Planning Commissioner, even when the accusation is based on an email with written evidence. Eventually the Los Gatos City Council decided to censure the Commissioner.

The accusations you have received on Planning Commissioner R. Wang have been anecdotal and made by people with clear political motives (follow the money and the donations in the last election). We have the campaign disclosure forms.

Wouldn't it be much more necessary for Cupertino to form a subcommittee with balanced members to investigate the accusations made before the Council take any formal action?

Anything less would appear to demonstrate that the WMF Cupertino City Council is politically motivated to remove a commissioner for political gain and that the Cupertino City Council does not care about the truth nor cares about hurting the reputation of one of their own citizens based on potentially false accusations by a vindictive council member in Sunnyvale and one in Cupertino?

Mayor Wei, can we put our renewed trust in you to do the right thing and not remove a Planning Commissioner without an investigation to establish evidence?

Vice Mayor Mohan and council member Fruen, can we put our trust in you that you will serve ALL Cupertino residents whether they support your political views or not?

Can we trust all of you to do the diligence before taking drastic actions, in response to those who are politically motivated to remove their opponents?

Here are all the contributions of Commissioner Wang, which you should take into consideration before taking any action:

+ Continued perseverance, hard work and determination to represent the resident's interests.

+ Wang and the current planning commissioners Steven Scharf and Muni Madhdhipatla have worked hard for sensible growth:

- Approved the Westport Project, which provides a large contingent of the housing that is mandated by the State of California. The project is sensible because it does not jeopardize future housing elements by adding excessive office space.

- Approved the new hotel at Cupertino Village, which provides a plentiful tax revenue stream to Cupertino.

- Approved the Bateh Brothers site for new mixed-use housing. The developer followed appropriate processes and did not insist on overbuilding.

- Completed their duty in housing element site selection.

+ Commissioner Wang has a long history of defending his community from developers and business interests who seek to take advantage of residents and their rights. Wang has been a strong advocate for resident-focused causes and keeping the city staff accountable.

+ Wang questioned why staff have taken no action to create 5G tower architectural standards to protect our neighborhoods. The community has been frustrated with the lack of action by the city.

+ Wang asks tough questions that both the residents and the decision makers need in order to have sufficient information. Wang pushes to get more information and to speed up the site selection for Housing Element, while providing ample time for the residents to comment.

+ His care for public concerns are well appreciated by many who spend time attending these meetings.

+ We need officials like Wang who keep the consultants and staff accountable in order to provide excellent services to the city residents.

+ We need more residents like Wang who represent the interests of residents. We feel Wang has represented us well and should continue to serve as our voice on the Planning Commission.

Commissioner Wang should serve out his term and continue his oversight of the cities planning activities.

Please reconsider the council's actions to remove Wang from the Planning Commission.

Do not remove him!

penny zhang pennyzvan@gmail.com western drive cupertino, ca95014

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xin Wang xinxwang@gmail.com

Cupertino, California 95014

From:	<u>R Wang</u>
To:	<u>Kirsten Squarcia</u>
Subject:	Written communication, Council Meeting, 3/7/2023, Agenda Item 11, in support of Planning Commissioner R "Ray" Wang
Date:	Tuesday, March 7, 2023 8:58:48 PM

City Clerk Kirsten Squarcia,

March 7th

Good evening council, residents of Cupertino, and guests.

It's heartwarming to see a number of friendly faces, dissenting views, and interested citizens here. Let's be honest, today's decision is really the city council's to make. I do serve at the pleasure of the council. But keep in mind we ultimately serve at the pleasure of our residents and voters. For those in power, when we forget that we work for all of our residents in an inclusive manner, we commit hubris. I fundamentally know we are all better than that.

Before we begin I want to thank the 1000s of supporters who believe in resident rights and community first. More than 200 people sent over a 1000 letters to the city. Our opposition barely sent 91 letters and many of those letters were not from Cupertino residents.

Your support means the world to me and rest assured regardless of the decision we all need to remain vigilant or we will lose the democracy we cherish and the quality of life we worked hard for

We need to put an end to the vindictive politics of JR Fruen and his crowd.

Let's start there. Mr Fruen's carefully orchestrated attacks on me and organized defamation through the non- profit he created, Cupertino For All, is a gross violation of the ethics code and handbook he signed. Just because he's not on the organization's website, he's still listed as a director with the Secretory of state. He's actively working with his group to coordinate attacks and work with the numerous organization's outside of Cupertino who DO NOT share our resident's interests in sensible growth. He even sent an email to his supporters with the same talking points. In fact, his small but vocal group have deliberately distorted facts in a thinly veiled attack on democracy and due process in Cupertino and also in other unsuspecting cities. Many of these organizations have a network paid for by developer interests and lobbyists fighting against your best interests

Despite his harmful actions, I am more than willing to give the benefit of doubt for the many that are and have been misled by Mr Fruen and his small band of activists. Sometimes you get caught up in the heat of the moment and you forget to do some due diligence. Sometimes you don't have time to get all the facts and hear the other side. There is really no need to continue

this type of division in the City. We are all better than that.

As you have heard from the countless letters and conversations from 1000s of supporters, the case made before you is false. The allegations made on sexual harassment are not true. A legal opinion of the case shows this despite Ms Foust's veiled attempt at double jeopardy on a case that was sealed 20 years ago per her agreement, she was not the victim of sexual harassment, she was the victim of a developer interest who hacked my network to sign her up onto porn sites. Their attempt to frame me for standing up injured me personally and financially. But I would stand up for my residents again as I am today. Re-writing history like this is a form of defamation.

More importantly, the allegations on criticizing staff are justified as the consultant was ultimately let go for poor performance. The questions about our former assistant city managers behavior were proven accurate as she left and has a history of being let go for poorly treating both residents and other staff. You can read about this in the papers and talk to other city staff who worked with her. Our residents also have every right to have the issue of 5g towers on our agendas and they should be heard by from the staff.

If our jobs as a commissioner is not to provide oversight then what is it?

Certainly, not rubber stamp bad decisions.

No. Our job as commissioners is to provide oversight, guidance , and input. Sometimes we have to point out when things are upside down or not correct. Otherwise why have commissions?

Some planning commissions in the past have rubber stamped decisions that could have massive health impacts on today's residents and future residents such as Vallco. Did you know that the land there is contaminated and listed as a Geo Tracker site. The developer cannot build unless they clean up the site, or rewrite legislation in Sacramento to make an exception which they are trying. If that was under our planning commission, we would never have let that happen. In fact, we did do that with a pro-resident and community interest council.

The bottom line - none of the allegations thrown at me have merit and more importantly none of the majority council has made an effort to reach out to me to hear my side.

Let that sink in for a second. NONE.

The mayor, the vice mayor and Fruen never once asked me about these allegations. They never once sought out the truth or to learn about my side of the story. This is their first instance of hearing this side of the story and I hope they take this to heart.

Part of the democratic process is forgiveness, especially when the facts dispel misinformation and lies told at the heat of the moment This is why we have due process and for those experienced council members, one often waits to hear the facts before making a decision, unless motivated by political means.

In my case it should be apparent that the allegations raised by JR and his Cupertino for all non

Profit, outside housing activist groups are patently false and politically motivated. They don't' want any resident focused leaders to emerge and fight back for resident rights. They want you to back down and not fight back. I want you to take this aa a moment in history when we rise up and put an end to this vindictive behavior filled with Sal Lewinsky tactics of vilification, shaming, bullying, and threats for removal. Those actions are not what a democracy should tolerate.

So I ask the council, if you choose to remove me purely on political grinds, at least be transparent to the public that is your intention. Be clear it is purely political. Do not hide under fake charges.

So I appeal to our Chinese heritage Mayor and our South Indian heritage Vice Mayor. Your decision today will have consequences on future councils. Your constituents are watching to see how fairly you treat another member of the API community.

Will commissioners be removed at whim for political purposes or will their removal truly have grounds for merit. Will commissioners have a waning period if they truly do make a mistake?

More importantly, how will your community view your actions today if you eliminate a planning commissioner for political reasons with broad community support, despite the case before you.

I seek your support in keeping my role as a planning commissioner. I hope the public understands that I've been wronged and defamed by voices in the community and mainly outside of the community who do not believe in the diversity of thought and who do not seek compromise only political retribution.

I hope in your hearts and minds that you set the right precedent that removal should be based on merit, performance, and real facts with due process, not political theater. We are all better than that.

R Wang

R Wang suzyq@protonmail.com

Cupertino, California 95014

City Clerk Kirsten Squarcia,

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The attempted removal of Commissioner Wang is unjust and politically motivated by the two newly elected City Council member Sheila Mohan and J.R. Fruen, who was elected by a thin margin of less one percent of votes casted. But under the leadership of Mayor Hung Wei, this 3-person WMF (Wei, Mohan, Fruen) Council Majority has taken swift actions to change long-standing city practices in less than 3 months. They are causing massive levels of mistrust.

Your actions are divisive for Cupertino residents and in total disregard to the few thousand residents who voted for your opponents, We are your constituents too. Will you do everything in your power to gain majority control, not only in the City Council, but also in every commission? Are you this shameless?

The 2023 WMF Council Majority :

-have removed the resident-focused council members from key committees.
-have adopted procedures to shut down commissions where their views do not prevail.
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You have lost the community's trust and faith by breaking your campaign promises to be collaborative and be inclusive and to bring the community together. Instead, every action you have taken so far seems to show that you are unwilling to compromise and work with the other side, which still represents almost 50% of Cupertino residents.

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Jiwu Sun rosemarysun55@yahoo.com

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Vasanth Krishnamurthy vasanthk@yahoo.com 19056 Tilson Ave Cupertino , California 95014

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I support Commissioner Wang and his efforts to faithfully and accurately represent the interests of Cupertino citizens. I urge the City Council to retain him in his current position and seek out others like him who will also put the interests of city residents ahead of external operators who are working to limit the power of our citizenry to govern ourselves.

The people of Cupertino are paying attention. Take notice and uphold your duty to represent your fellow city residents and empower them to create the future they desire, rather than limiting their participation in it.

Regards,

-Martin Won

Martin Won martin\_won@yahoo.com 20378 Clay Street Cupertino, California 95014

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Rachna Tripathi rachna\_tripathi@yahoo.co.uk 10680 Stokes Avenue Cupertino, California 95014

## CC 03-07-2023

## #12

# FY 2023-24 CIP Five-year Plan

## BPC Memo to Council

Desk Item



#### PUBLIC WORKS DEPARTMENT

CITY HALL 10300 TORRE AVENUE • CUPERTINO, CA 95014-3255 TELEPHONE: (408) 777-3354 • FAX: (408) 777-3333 CUPERTINO.ORG

### Memorandum

March 7, 2023

To: City Council

From: Susan Michael, Capital Improvement Programs Manager

Re: Fiscal Year 2023/24 Five-year Plan for Capital Improvements Program

On February 23, the Capital Improvement Programs (CIP) Division went to the Bicycle Pedestrian Commission (Commission) requesting an update and feedback on bicycle pedestrian focused CIP projects regarding staff's proposal for the Fiscal Year (FY) 2024-25 five-year CIP projects.

The Commission provided feedback and concluded the item with the following two motions:

**MOTION:** Vice Chair Wolf moved, seconded by Commissioner Marcy to recommend to the City Council to:

- 1. Have the timeline for the Carmen Road Bridge project be moved up to Fiscal Year 2023/2024 and to not deprioritize any Bicycle Pedestrian Commission projects that are currently in progress; and
- 2. Consider adding staffing to accommodate this additional work.

MOTION PASSED: 4-0, John Abstain

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**MOTION**: Vice Chair Wolf moved, seconded by Commissioner Marcy to recommend to the City Council to:

1. Ensure design options for McClellan Road Bridge Reconstruction Project prioritize improved bicycle pedestrian access for Fiscal Year 2024/2025.

MOTION PASSED: 4-0, John Abstain

Susan Michael

Susan Michael Capital Improvement Programs Manager

## CC 03-07-2023

## #12

# FY 2023-24 CIP Five-year Plan

# Response to Councilmember Questions

Desk Item

3/07/2023 City Council Meeting Item #12 Fiscal Year 2023-24 five-year plan for Capital Improvement Program (CIP).

#### Staff's responses to questions received from councilmember are shown in *italics*.

Q1: " Remind me again. For the estimate of the new city hall, how was the \$79M estimate derived? (Chao)

Staff response: 80000sf x \$900/sf = \$72M, plus 5% escalation for each year in the future, for approximately \$79M: As mentioned in the discussion on the City Hall item during the Council meeting, staff does not have sufficient time to prepare cost estimates or any feasibility studies presently, to address Council's request to consider a new City Hall building. We're using the \$72M as a placeholder only. As part of the CIP proposal we're requesting \$1,000,000 in FY23-24 to hire consultants to review/develop programming, cost estimates, site options, etc. We will return to Council when we've made progress and can report more effectively.

Q2: And that cost does not include the community outreach to come up with options, plus the design cost, right? Plus project management? (**Chao**)

Staff response: The cost is vague and undefined, but ultimately we will need the cost estimate to be allinclusive.

Q3: Plus the cost of an interim City Hall? (Chao)

*Staff response: There's a separate project in the CIP for this (called Interim City Hall, funded for \$500,000).* 

Q4: Could you please send me the staffing analysis Councilmember Moore mentioned, which was shared with the subcommittee. (Chao)

Staff response: On the City Hall project page, "other information" tab, "<u>10-13-2022 CH subcomm 04</u> <u>parking planning</u>" Page 39 of 40.

### City Hall: Workplace Planning

Current Staff headcount at City Hall: 130 people

Accounting for Population Growth:

- 10% increase: 143 people
- 20% increase: 156 people

#### Accounting for Telework:

- Current headcount + 10% Growth 30% WFH = 100 people
- Current headcount + 20% Growth 20% WFH = 130 people

Q5: I think I got confused. Let me try to clarify. What's the square footage for the new city hall option on the Nov 2022 agenda? What's the estimated cost? (**Chao**) *Staff Response: \$868/sq. ft. \$27.5M. Please see attached "cost..." pdf.* 

Q6: What's the square footage for the new city hall option in the proposed 2022 CIP plan, which we didn't approve? (**Chao**)

*Staff Response: The design intent was to add a story to the existing footprint. Since the existing footprint is approximately 12,000sq.ft. the total would be approximately 36,000sq.ft.* 

Q7: The current city hall space is 2500 sqft total, but it includes the EOC, and other equipment space. What's the total space for office use then? (**Chao**)

Staff Response: The current city hall space that includes the mechanical space is 24,140 sq. ft. That is the figure that has been used for permitting in years past. The amount of interior space excluding the mechanical space is approximately 21,450 sq. ft. Please refer to the attached "workspace..." pdf.

Q8: What's the total sqft of the City Hall Annex? The lot size? (The meeting date where I can look it up?) (Chao)

Staff Response: We most recently presented information on the City Hall Annex project at the 10/18/22 meeting, where we were seeking to award some contracts. The square footage of the building has been reported at 5700 sq.ft., but that includes the use of a second story. The footprint of the building is 5000 sq.ft., and the site is 21,350 sq.ft.

Q9: What's the total sqft of the Library expansion? What's the occupancy? What's the cost of design and the cost of construction? (The meeting date where I can look it up later?) (**Chao**)

Staff Response: The library expansion area is 5600 sq.ft. The occupancy is type A-3, which is Assembly.

- The cost of construction: \$6.3M total, \$1,123/sq.ft.
- The cost of design: Rodan (Design Build Entity) + EHDD (Bridging Architect) = \$1.05M total, \$188/SF

There were other costs associated with the project, such as construction management. We've discussed the cost at meetings, probably the City Hall items, but I can't point to a specific meeting.

Q10: Does the \$79M estimate for 80,000 sqft new city hall includes the design cost, which I know would be \$4-5M? (**Chao**)

Staff Response: Yes

Q11: Some residents have requested for the Platinum standard building like the new Sunnyvale City Hall. What's the cost to upgrade to the same standard as Sunnyvale? (**Chao**)

Staff Response: For all our building projects, we use the USGBC (US Green Building Council) rating system of LEED as a baseline, requiring the consultants to review the project against the LEED checklist and confirm that we could achieve LEED accreditation if we had chosen to participate in the USGBC system. I haven't checked the current costs, but it was true 10 years ago that it costs at least \$30K to register the project in the LEED system and more money to hire a consultant to process the paperwork. For the Library and City Hall Annex projects, participation in the LEED rating system was not pursued.

Q12: Does the \$79M estimate includes parking structure? How many parking spaces and the estimated cost per space? (**Chao**)

Staff Response: According to the Nov 2022 cost table (attached) the cost per square foot to use for a new 36,000sf building, essential facility, with underground parking was \$582/sq.ft. \$582 x 80,000 = \$46,560,000.

The cost per square foot goes down because the cost/sq.ft. of the underground parking is substantially less than the building above it.

Councilmember Chao, the \$79M is the worst case scenario. The only substance behind that number is that we used the \$900 (rounded from \$908)/sq.ft. figure from the 11/2022 table of cost estimates as a placeholder for the City Hall project based on the 80,00 SF concept that was mentioned by council. As we mentioned to Council in the 2/21/23 meeting, given the short time between Council's direction on the project on 2/21 and the date of the first CIP presentation, the only option was to insert a placeholder cost for the overall project, at this time. Staff will update Council as that information develops.

Q13: The motion by the council majority also includes the 500-person event space, will you add it as a separate future project? (**Chao**)

Staff Response: The action, as recorded by the clerk: "That staff, instead, return to Council with options for a new city hall and civic center up to approximately 80,000 square feet **including** flexible events programming space(s) suitable for events hosting up to 500 people and based primarily upon options previously provided with the City Council at its meeting on November 15, 2022, with alternatives for such flexible events programming space at other city-owned locations, to be considered as part of the City Council's March 7 consideration of the Capital Improvement Program."

Q14: What is the staff head at City Hall in 2012? That's the year the study started the outreach for a new civic center plan, I think. I suppose they have analyzed the staffing needs then to determine the size for the new city hall? (If you can point me to a council meeting date with such info, that's great.) (**Chao**) *Staff Response: You can find all these links on the Civic Center Master Plan page, which can also be found on the City Hall project page.* 

• The Civic Center Master Plan Framework from 2012 includes a report from Fehr & Peers (traffic analysis, on page 48 of the overall report) that states: "The Cupertino Civic Center is home to the Cupertino City Hall, Community Hall, Public Library, and Library Field,... The shared parking lot provides parking for all of the Civic Center's employees, visitors, and city vehicles. The three uses employ a total of approximately 107 employees." That is total for all three buildings.

• The 2015 CCMP appendix (page 132) states that there were 92 employees at City Hall in May 2014.

• In 2022, the city hall staff was 130, when CIP looked at the data. The FY23 budget book stated there were 121 in city hall.

• SCCLD said they have 35-40 staff in the library every day.

You may find the Building Condition Assessment report from 2018 on City Hall to be helpful, but I do not see where it lists the number of employees. On page 39, the section on "Space Programming" begins. (The link can be found on City Hall Project page, under "other information" tab.) <a href="https://www.cupertino.org/home/showpublisheddocument/31669/637959160551930000">https://www.cupertino.org/home/showpublisheddocument/31669/637959160551930000</a>

Q15: How many city staff the City Hall Annex is expected to house? (Chao)

Staff Response: The Annex can hold a maximum of 33 people. We are still working on the floor plans, so that number may decrease.

Q16: This article ("Sunnyvale gets sleek new City Hall" in the San Jose Spotlight) states "The four-story, 120,000-square-foot building is expected to produce enough clean energy to power itself... on the 26acre civic center property...The first phase, which city officials said will cost roughly \$315 million" That's \$2,625/sqft. For us, we also need to include parking. Sunnyvale likely doesn't need extra parking since their city hall sits on 26-acre city center, which has plenty space for parking. Is the \$900/sqft estimate realistic? Could you please let me know how this estimate came from? (Chao) Staff Response: Our cost per square foot numbers are based on industry standards, and were originally generated by professional cost management consultants. How can one logically reconcile the difference between a \$900/sq.ft. cost versus a \$2625/sq.ft.? We'd have to know much more about what is included in the Sunnyvale Civic Center. I do know that the article references a "four-story, 120,000-square-foot building" and later the article states "The new Sunnyvale City Hall, which is pending LEED Platinum certification, is the focal point of the first phase of a planned massive civic center upgrade... which city officials said will cost roughly \$315 million, is partially complete and also includes a new 15,000 squarefoot, two-story addition to the current public safety headquarters building, which was finished last fall. That new building has a dedicated emergency operations center, as well as more space for a detectives bureau. About 17,000 square feet of the existing 35-year-old public safety headquarters is being renovated as well, with updated crime lab space, locker rooms and evidence storage." What we know to be true: that \$315M cost includes at least three different buildings [mentioned in the article].

Q17: The proposal for the 36,000 sqft City Hall in May 2022 and 3-story parking was \$75M, I think. The cost is \$2,083/sqft. How come the cost per square foot is dropped from \$2,083 to \$900? (**Chao**) *Staff Response: According to the Nov 2022 cost table, the cost per square foot to use for a new 36,000sf building, essential facility, with underground parking was \$582/sq.ft.* 

The cost per square foot goes down because the cost/sq.ft. of the underground parking is substantially less than the building above it.

Councilmember Chao, the \$79M is the worst case scenario. The only substance behind that number is that we used the \$900 (rounded from \$908)/sq.ft. figure from the 11/2022 table of cost estimates as a placeholder for the City Hall project based on the 80,00 SF concept that was mentioned by council. As we mentioned to Council in the 2/21/23 meeting, given the short time between Council's direction on the project on 2/21 and the date of the first CIP presentation, the only option was to insert a placeholder cost for the overall project, at this time. Staff will update Council as that information develops.

Q18: Since this is for next year's budget, is this just a 'heads-up' to Council? (**Mohan**) Staff Response: The Capital Improvement Program (CIP) is being presented to City Council for review of the proposed five-year plan, including the FY23-24 proposed projects. Staff will collect input, will work to make the appropriate adjustments to the plan, and will return to City Council for final acceptance of the CIP on April 4. Funding for the final CIP will be included in the City's FY23-24 budget requests anticipated to occur in June.

<b>F</b> undin e	Element	Area SF	Cost / SF	2023 Project Total (+25% soft costs)	2024 Project Total (5% escalation)
<b>Funding</b> Cost Estimates	City Hall Renovation - Seismic Only, Non-Essential Facility	24,140	\$216	\$6,506,635	\$6,831,967
	City Hall Renovation - Seismic Only, Essential Facility	24,140	\$232	\$7,007,540	\$7,357,917
	City Hall Renovation - Seismic, MEP/IT, Interior gut, Non-Essential Facility	24,140	\$807	\$24,364,200	<mark>\$25,582,410</mark>
	City Hall Renovation - Seismic, MEP/IT, Interior gut, Essential Facility	24,140	\$868	\$26,194,616	\$27,504,347
	City Hall Replacement, Non-Essential Facility	24,140	\$804	\$24,250,139	\$25,462,646
	City Hall Replacement, Essential Facility	24,140	\$908	\$27,401,918	\$28,772,013
	City Hall Replacement w/ Added Floor, Non-Essential Facility	36,140	\$809	\$36,547,027	\$38,374,378
	City Hall Replacement w/ Added Floor, Essential Facility	36,140	\$914	\$41,271,880	\$43,335,474
	City Hall Replacement w/ Added Floor + 100 spaces Underground parking, Non-Essential Facility	70,140	\$529	\$46,339,451	\$48,656,424
	City Hall Replacement w/ Added Floor + 100 spaces Underground parking, Essential Facility	70,140	\$582	\$51,064,305	\$53,617,520

### **Space Programming (Interior)** Current Floor Plans

21,450 sq ft with 126 seats = 170 sq ft per person



61 seats, 9,950 sq ft

65 seats, 11,500 sq ft

## CC 03-07-2023

Item No. 13 and 14 Consider Monthly Treasurer's Report for January 2023

Written Communications CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Please include this email in the 3-7-2023 City Council Meeting Written Communications for Agenda Item #5 Accounts Payable for the periods ending Jan. 6, 2023 through Feb. 3, 2023.

Dear City Council and City Manager,

During the Feb. 21, 2023 City Manager Wu insisted that these reports would adhere to the requirements specified in Resolution 5939, Section D Number 3. City Manager Wu said that because of interest in the Treasurer's Reports that Staff would be bringing them to Council.

Below is a summary of City Council Resolution 5939:

Please note that the Investment Funds (#2 above) <u>SHALL BE reported to City Council "not less often than once a month".</u> These reports continue to be late!

It's March and Staff is presenting January's Treasurer's Reports. They are late.

Q: When will this be corrected?

Sincerely, Peggy Griffin

### CC 03-07-2023

Item No. 15 Cupertino Chamber of Commerce informational memorandum

Written Communications

/ Council Mtg-Agenda Item15
n 3, 2023 6:34:04 PM
<u>mmary.pdf</u>
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CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear City Clerk,

Please also include the attached PDF as part of the 3-7-2023 City Council Written Communications for Item 15. We are forced to speak on this during Oral Communications yet if we're lucky Council might hear it under Agenda Item 15. So, I'd like it listed under both items.

Thank you, Peggy Griffin City of Cupertino and Cupertino Chamber of Commerce:

**Recent City Practices** 

## Overview

- 501(c)(6) for the benefit of *their members*, not the public in general
- City has over 2,400 licensed businesses, Chamber members represent a small fraction and include Apple, Recology, Rotary, Sand Hill Property, and others
- Lobbies City Council on behalf of their members
- Has Contributed hundreds of thousands of \$\$\$ to Campaign for Council Members largely with Developer Money
- City Staff has given away decades of Free Facility Use
- City Staff has given away decades of Free Funding with no Contracts
- 4 seats on Former Economic Development Committee with no other Business Community Members granted seats
- Liability Waivers for Chamber to use facility signed off on by the former Economic Development Manager (not the Chamber using the facility)
- Allowing candidates to campaign at festivals against City policy & when City waived fees
- City gave \$65k to Chamber to build themselves a website

# 501(c)(6): Non-profit *Membership* Organization

- 501(c)(3) Serves the *Public*
- 501(c)(6) Serves *their Members*
- Who are some of their biggest Members?
  - Apple (small business?)
  - Sand Hill Property Company Vallco, Main Street
  - Recology City Contracts with
  - De Anza College
  - Rotary City has waived fees for facility use
  - San Jose Water City Contracts with
- The City of Cupertino has over 2,400 licensed businesses, more than 2,000 are *not* members of the Chamber

## Lobbying and Campaigning

- Chamber writes Council on bills to take a position on
- Chamber has endorsed candidates
- Chamber has utilized a Political Action Committee to contribute to campaigns, in 2016 "94% of their PAC funding came from Sand Hill Property Company" – San Jose Spotlight
- Chamber contributed \$120,000 to support Hung Wei's campaign in 2018.
- Chamber has accepted PAC contributions from San Jose Water, which has a contract with the City

# City Gives Chamber Decades of Free Facility Use

- City has inequitably given free use of Memorial Park with staff and sheriffs for various of their fundraising festivals such as Holi and Diwali at approximately \$13,000 each
- City has inequitably given free use of Community Hall with staff and video support. Former Economic Development Manager would sign the Liability Waivers off for the Chamber.

## City Pays Chamber on Invoices with no Contract

- City pays Chamber \$16,000/year with no contract and just a guess for what the money has been for
- City paid the Chamber \$65,000 for them to make a website. The Chamber had the website logo Trademarked by JR Fruen and registered to them.

### Former Economic Development Committee

- Previous seats held by
  - 4 Chamber of Commerce Members
  - 4 City Staff Members
  - 2 City Council Members
  - 1 Planning Commissioner
- Chamber and Staff outnumbered City Council
- Only Chamber business members were on the Committee
  - There are about 2,000 non-Chamber businesses

### ssues

- Chamber members have enjoyed hundreds of thousands of dollars of City funds and benefits for decades
- City Staff has paid on invoices from the Chamber with no contracts
- Staff decides to waive festival fees for Chamber and others with no Council involvement, financial cap, or report on equity. Chamber festivals are fundraisers, Diwali, for example, nets over \$70k, the City waives the fees.
- City Staff had been signing off on the Liability Waiver for Chamber to use Community Hall
- Chamber is a membership organization with limited reach to the wider business community
- Chamber supports their members who include companies the City contracts with (water, garbage), developers (Sand Hill, Tersini), and very large businesses (Apple)
- When the *City Staff* gifts the Chamber, they are funding them to lobby the City Council, and influence City decisions for the benefit of *their members*

From:	Peggy Griffin
To:	<u>City Council</u>
Cc:	<u>City Clerk</u>
Subject:	2023-03-07 City Council Mtg Agenda Item 15 - Chamber Issues need to be DISCUSSED!
Date:	Sunday, March 5, 2023 3:01:38 PM
Attachments:	F - I Love Cupertino Invoices.pdf
	A - Payments to Chamber Jan 2015 - Mar 2022.pdf
	<u>B - Festivals - City Fees Waived City Expenses.pdf</u>
	C - Reservations for Meeting Space at City Facilities.pdf
	F - AP Report (Including Chamber Contract Payment).pdf

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Please include this email and ALL attachments for the 3-7-2023 City Council Meeting Written Communications for Agenda Item #15 – Cupertino Chamber of Commerce.

Attachments:

- A Payments to Chamber Jan 2015-Mar 2022.pdf
- B Festivals City Fees Waived City Expenses.pdf
- C Reservations for Meeting Space at City Facillities.pdf
- E AP Report (including Chamber Contract Payment).pdf
- F I Love Cupertino Invoices.pdf

Dear City Council,

The Informational Memorandum for this item does not seem to meet the future agenda item requested by Councilmembers Chao and Moore for several reasons:

- 1. "Review past partnership and support..."
  - a. There is NO data to review this past partnership/support.
  - b. Councilmembers are NOT ALLOWED to comment at all regarding this item so review is impossible.
  - c. The attachments from the June 21, 2022 agenda item 19 which are relevant to a review are not included.
- 2. "...discuss options for future..."
  - a. Again, Councilmembers are NOT ALLOWED to comment AT ALL on this item!
  - b. The Public is forced to comment as part of their possible Oral Communications hours before the item occurs, not during the item itself.

<u>Background:</u> On June 21, 2022, Councilmembers Chao and Moore moved to provide the following direction to staff:

Bring back a future agenda item for a study session to review past partnership and support for Cupertino Chamber of Commerce and discuss options of future partnership with the Chamber.

Staff is working on drafting an agreement with the Chamber of Commerce. Responses to the remaining items numbered 1 - 10 are included in this memorandum.

I have attached the material from the June 21, 2022, Agenda Item #19 pertaining to the City's payments/waivers for Cupertino Chamber of Commerce.

REQUEST: Reschedule this item as a discussion item.

Not allowing any discussion of this item but coming back with an agreement is not what was requested! Not to mention that the Council now just blows off Informational Items all together so they aren't even presented or continued. They just disappear.

Sincerely, Peggy Griffin

Check Transaction Date	Check EFT Number	Vendor Payee	Invoice Number	Invoice GL Date	Invoice Description	ltem Header Description	Item Description	Am	ount	GL Account Delimited Full	Account Description Full
1/23/2015	680737	CUPERTINO CHAMBER OF COMMERCE	2015-00000168		State of the City Attendee Registration	General Service Agreement	SOC Kristina Alfaro	\$	25.00		Materials Meeting Expenses
1/23/2015	680737		2015-00000168		State of the City Attendee Registration	Conference and Meeting	SOC Jaqui Guzman	\$	25.00		Materials Meeting Expenses
1/23/2015	680737	CUPERTINO CHAMBER OF COMMERCE	2015-00000168		State of the City Attendee Registration	Conference and Meeting	SOC Aarti Shrivastava	\$	25.00		Materials Meeting Expenses
1/23/2015	680737	CUPERTINO CHAMBER OF COMMERCE	2015-00000168	1/15/2015	State of the City Attendee Registration	Conference and Meeting	SOCGary Chao	\$	25.00		Materials Meeting Expenses
1/23/2015	680737		2015-00000168		State of the City Attendee Registration	Conference and Meeting	SOCAlbert Salvador	\$	25.00		Materials Meeting Expenses
1/23/2015	680737	CUPERTINO CHAMBER OF COMMERCE CUPERTINO	2015-00000168		State of the City Attendee Registration	Meeting Expenses	SOC Julia Kinst	\$	25.00		Materials Meeting Expenses
1/23/2015	680737	CHAMBER OF COMMERCE CUPERTINO	2015-00000168		State of the City Attendee Registration	Conference and Meeting	SOC Lisa Taitano	\$	25.00		Materials Meeting Expenses
1/23/2015	680737	CHAMBER OF COMMERCE	2015-00000168		State of the City Attendee Registration	Meeting Expenses	SOC Carol Atwood	\$	25.00		Materials Meeting Expenses
1/23/2015	680737		2015-00000168	1/15/2015	State of the City Attendee Registration	Councilmembe r R. Sinks	SOC Rod Sinks	\$	25.00		Materials Councilmember R Sinks
1/23/2015	680737		2015-00000168		State of the City Attendee Registration	Councilmembe r R. Sinks	SOC Orrin Mahoney	\$	25.00		Materials Councilmember R Sinks
1/23/2015	680737	CUPERTINO CHAMBER OF COMMERCE	2015-00000168	1/15/2015	State of the City Attendee Registration	Councilmembe r R. Sinks	SOC Mark Santoro	\$	25.00		Materials Councilmember R Sinks
1/23/2015	680737		2015-00000168		State of the City Attendee Registration	Councilmembe r R. Sinks	SOC Richard Price	\$	25.00		Materials Councilmember R Sinks
1/23/2015	680737	CUPERTINO CHAMBER OF COMMERCE	2015-00000168		State of the City Attendee Registration	Conference and Meeting	SOC Gilbert Wong	\$	25.00		Materials Councilmember G. Wong

		CUPERTINO									Materials
		CHAMBER OF			State of the City Attendee	Conference				100-10-100 600-	Councilmember B.
1/23/2015	680737		2015-00000168	1/15/2015	Registration	and Meeting	SOC Barry Chang	Ś	25.00		Chang
1/25/2015	060757	CUPERTINO	2013-00000108	1/15/2015	Registration			Ş	25.00	030	
		COPERTINO CHAMBER OF			State of the City Attended	Conforma				100 10 100 000	Materials
1/22/2015	c00707		2015 00000160	4/45/2045	State of the City Attendee	Conference		~	25.00		Councilmember
1/23/2015	680737	COMMERCE	2015-00000168	1/15/2015	Registration	and Meeting	SOC Darcy Paul	\$	25.00	625	Darcy Paul
		CUPERTINO									Materials
		CHAMBER OF			State of the City Attendee	Conference					Councilmember
1/23/2015	680737	COMMERCE	2015-00000168	1/15/2015	Registration	and Meeting	SOC Savita Vaidhyanathan	\$	25.00	628	Savita Vaihysnatha
		CUPERTINO									Materials
		CHAMBER OF			State of the City Attendee	Conference				100-80-800 600-	
1/23/2015	680737	COMMERCE	2015-00000168	1/15/2015	Registration	and Meeting	SOC Ryan Roman	\$	25.00	629	Training
		CUPERTINO									Materials
		CHAMBER OF			State of the City Attendee	Conference				100-80-800 600-	Conference and
1/23/2015	680737	COMMERCE	2015-00000168	1/15/2015	Registration	and Meeting	SOC Cheri Donnelly	\$	25.00	629	Training
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		CHAMBER OF			State of the City Attendee	Conference				100-80-800 600-	Conference and
1/23/2015	680737	COMMERCE	2015-00000168	1/15/2015	Registration	and Meeting	SOC Chris Mertens	\$	25.00	629	Training
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		CHAMBER OF			State of the City Attendee	Conference				610-34-310 600-	Conference and
1/23/2015	680737	COMMERCE	2015-00000168	1/15/2015	Registration	and Meeting	SOC Mariyah Serratos	\$	25.00	629	Training
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		CHAMBER OF			State of the City Attendee	Conference				100-80-800 600-	Conference and
1/23/2015	680737	COMMERCE	2015-00000168	1/15/2015	Registration	and Meeting	SOC Timm Borden	\$	25.00	629	Training
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		CHAMBER OF			State of the City Attendee	Conference				100-80-800 600-	Conference and
1/23/2015	680737	COMMERCE	2015-00000168	1/15/2015	•	and Meeting	SOC Roger Lee	\$	25.00		Training
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		CHAMBER OF			State of the City Attendee	Conference				100-30-300 600-	Conference and
1/23/2015	680737	COMMERCE	2015-00000168	1/15/2015	Registration	and Meeting	SOCRick Kitson	\$	25.00		Training
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		CHAMBER OF			State of the City Attendee	Conference				100-15-141 600-	
1/23/2015	680737	COMMERCE	2015-00000168	1/15/2015	Registration	and Meeting	SOC Colleen Winchester	\$	25.00		Training
1/23/2013	000737	CUPERTINO	2013-0000108	1/13/2013	incepter attorn			ڊ ر	25.00	023	Materials
		CHAMBER OF			State of the City Attendee	Conference				100-15-141 600-	
1/23/2015	680727	COMMERCE	2015-00000168	1/15/2015		and Meeting	SOC Carol Korade	\$	25.00		Training
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		COPERTINO CHAMBER OF			State of the City Attendee	Conference				100-15-141 600-	
1/22/2015	600777	COMMERCE	2015 0000100	1/15/2015	Registration		SOC Louis Sarmiento	\$	25.00		
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1/22/2015	600707	CHAMBER OF	2015 00000100	4/45/2045	State of the City Attendee	Conference	SOC Chand Marris Smith	~	25.00		Conference and
1/23/2015	680737	COMMERCE	2015-00000168	1/15/2015	Registration	and Meeting	SOC Cheryl Mannix-Smith	\$	25.00	629	Training

		CUPERTINO									Materials
		CHAMBER OF			State of the City Attendee	Conference				100-15-141 600-	
1/22/2015	600727	COMMERCE	2015-00000168				SOC Sara Johnson	Ś	25.00		
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		CHAMBER OF			State of the City Attendee	Conference				100-13-130 600-	
1/23/2015	680737	COMMERCE	2015-00000168	1/15/2015	Registration	and Meeting	SOC Kirsten Squarcia	\$	25.00	629	Training
		CUPERTINO									Materials
		CHAMBER OF			State of the City Attendee	Conference				100-12-122 600-	
1/23/2015	680737	COMMERCE	2015-00000168	1/15/2015	Registration	and Meeting	SOC Erin Cooke	\$	25.00	629	Training
		CUPERTINO									Materials
		CHAMBER OF			State of the City Attendee	Conference				100-12-122 600-	Conference and
1/23/2015	680737	COMMERCE	2015-00000168	1/15/2015	Registration	and Meeting	SOC Michela Gentile	\$	25.00	629	Training
		CUPERTINO									Materials
		CHAMBER OF			State of the City Attendee	Conference				100-12-125 600-	Conference and
1/23/2015	680737	COMMERCE	2015-00000168	1/15/2015	Registration	and Meeting	SOC Angela Tsui	\$	25.00	629	Training
		CUPERTINO									Materials
		CHAMBER OF			State of the City Attendee	Conference				100-13-130 600-	Conference and
1/23/2015	680737	COMMERCE	2015-00000168	1/15/2015	Registration	and Meeting	SOC Grace Schmidt	\$	25.00	629	Training
		CUPERTINO				General					Contract Services
		CHAMBER OF			State of the City Attendee	Service				100-31-307 700-	General Service
1/23/2015	680737	COMMERCE	2015-00000168	1/15/2015	Registration	Agreement	SOC Michelle Combs	\$	25.00	702	Agreement
		CUPERTINO				General					Contract Services
		CHAMBER OF			State of the City Attendee	Service				100-31-307 700-	General Service
1/23/2015	680737	COMMERCE	2015-00000168	1/15/2015	Registration	Agreement	SOC Robert Kim	\$	25.00	702	Agreement
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		CHAMBER OF			State of the City Attendee	Service				100-31-307 700-	
1/23/2015	680737	COMMERCE	2015-00000168			Agreement	SOC Lauren Fink	\$	25.00		Agreement
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		CHAMBER OF			State of the City Attendee	Service				100-31-307 700-	
1/23/2015	680737	COMMERCE	2015-00000168	1/15/2015	Registration	Agreement	SOC Camera Person	\$	25.00		Agreement
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		CHAMBER OF			State of the City Attendee	Service				100-31-307 700-	
1/23/2015	680737	COMMERCE	2015-00000168		Registration	Agreement	SOC Bobby Chastain	\$	25.00		Agreement
1,25,2015	000737	CUPERTINO	2010 00000100	-/ -5/2015		Bicchicht			23.00		Materials
		CHAMBER OF			State of the City Attendee	Conference				100-12-120 600-	
1/23/2015	680737	COMMERCE	2015-00000168	1/15/2015	Registration	and Meeting	SOC David Brandt	\$	25.00		Training
1/23/2013	000737	CUPERTINO	2010 0000108	1/13/2013	inepistration			ر ب	23.00	020	Materials
		CHAMBER OF			State of the City Attendee	Conference				100-12-120 600-	
1/23/2015	680737	COMMERCE	2015-00000168	1/15/2015	Registration	and Meeting	SOC Karen Guerin	\$	25.00		Training
1/23/2013	000737	CUPERTINO	2013-0000108	1/13/2013				ر ب	25.00	025	Materials
		CHAMBER OF				Conference				100-30-300 600-	
1/20/2015	C000F 4		2015 0000219	1/20/2015	SOC Additional Attendee's	and Meeting	SOC Nidhi Mathur	\$	25.00		
1/30/2015	680854		2015-00000318	1/20/2015				Ş	25.00	023	Training Materials
		CUPERTINO				Councilian				100 10 100 000	Materials
1/20/2015	C0005 4	CHAMBER OF	2015 00000240	1/20/2015		Councilmembe			25.00		Councilmember R
1/30/2015	680854	COMMERCE	2015-00000318	1/28/2015	SOC Additional Attendee's	r R. Sinks	SOC Evan Low Representative	\$	25.00	624	Sinks

		CUPERTINO									Materials
		CHAMBER OF				Councilmonaho	COC Even Levy Second			100 10 100 000	
4 /20 /2045	6000F 4		2015 00000010	1/20/2015		Councilmembe		~	25.00		Councilmember R
1/30/2015	680854	COMMERCE	2015-00000318	1/28/2015	SOC Additional Attendee's	r R. Sinks	Representative	\$	25.00	624	Sinks
		CUPERTINO									Materials
		CHAMBER OF				Councilmembe					Councilmember R
1/30/2015	680854	COMMERCE	2015-00000318	1/28/2015	SOC Additional Attendee's	r R. Sinks	SOC Jim Beal representative	\$	25.00	624	Sinks
		CUPERTINO			2nd installment of Annual						
		CHAMBER OF			Contract for July 2014-June	Chamber of	2nd installment of Annual			100-12-125 600-	Materials General
2/13/2015	681093	COMMERCE	5623	2/12/2015	2015	Commerce	Contract for July 2014-June 2015	\$8	,000.00	613	Supplies
		CUPERTINO									Materials
		CHAMBER OF			Lunar New Year Luncheon	Councilmembe				100-10-100 600-	Councilmember B.
2/27/2015	681288	COMMERCE	2015-00000516	2/20/2015	Registration Attendees	r B. Chang	LNYL Barry Chang Registration	Ś	50.00	630	Chang
_/ _ / _ = = = = = = = = = = = = = = = =		CUPERTINO		_,,		0		т			Materials
		CHAMBER OF			Lunar New Year Luncheon	Councilmembe				100-10-100 600-	Councilmember G.
2/27/2015	681288	COMMERCE	2015-00000516		Registration Attendees	r G. Wong	LNYL Gilbert Wong Registration	Ś	50.00		Wong
2/2//2015	001200	CUPERTINO	2013 00000310	2/20/2013	Registration Attendees	i d. Wong	Entre Gibert Wong Registration	Ļ	50.00	027	wong
		CHAMBER OF			Lunar New Year Luncheon	Monting	LNYL Aarti Shrivastava			100 70 700 600	Materials Meeting
2/27/2015	C01200		2015 00000516	2/20/2015		Meeting		÷	50.00		Materials Meeting
2/27/2015	681288	COMMERCE	2015-00000516	2/20/2015	Registration Attendees	Expenses	Registration	\$	50.00	005	Expenses
		CUPERTINO			· · · · · ·						Materials
		CHAMBER OF			Lunar New Year Luncheon	Councilmembe					Councilmember R
2/27/2015	681288	COMMERCE	2015-00000516	2/20/2015	Registration Attendees	r R. Sinks	LNYL Rod Sinks Registration	\$	50.00	624	Sinks
		CUPERTINO									Materials
		CHAMBER OF			Lunar New Year Luncheon	Conference				100-15-141 600-	Conference and
2/27/2015	681288	COMMERCE	2015-00000516	2/20/2015	Registration Attendees	and Meeting	LNYL Carol Korade Registration	\$	50.00	629	Training
		CUPERTINO									Materials
		CHAMBER OF			Lunar New Year Luncheon	Conference	LNYL Colleen Winchester			100-15-141 600-	Conference and
2/27/2015	681288	COMMERCE	2015-00000516	2/20/2015	Registration Attendees	and Meeting	Registration	\$	50.00	629	Training
		CUPERTINO									Materials
		CHAMBER OF			Lunar New Year Luncheon	Conference	LNYL Cheryl Mannix-Smith			100-15-141 600-	Conference and
2/27/2015	681288	COMMERCE	2015-00000516	2/20/2015	Registration Attendees	and Meeting	Registration	\$	50.00		Training
_/_//2010	001200	CUPERTINO	2010 0000010	2,20,2020				Ŧ	00.00		Materials
		CHAMBER OF			Lunar New Year Luncheon	Conference	LNYL Louis Sarmiento			100-15-141 600-	
2/27/2015	681200	COMMERCE	2015-00000516	2/20/2015	Registration Attendees	and Meeting	Registration	\$	50.00		Training
2/2//2015	001200	CUPERTINO	2013-00000310	2/20/2015	Action Attenuees			Ş	50.00	025	
					Lunar New Year Lun	Conforces				100 10 100 000	Materials
2/27/2015	604365	CHAMBER OF	2015 0000516		Lunar New Year Luncheon	Conference		~	50.00		Councilmember
2/27/2015	681288	COMMERCE	2015-00000516	2/20/2015	Registration Attendees	and Meeting	LNYL Savita Registration	\$	50.00	6∠8	Savita Vaihysnatha
		CUPERTINO									Materials
		CHAMBER OF			Lunar New Year Luncheon	Conference					Conference and
2/27/2015	681288	COMMERCE	2015-00000516	2/20/2015	Registration Attendees	and Meeting	LNYL Karen Guerin Registration	\$	50.00	629	Training
		CUPERTINO									Materials
		CHAMBER OF			Lunar New Year Luncheon	Conference				100-12-120 600-	Conference and
2/27/2015	681288	COMMERCE	2015-00000516	2/20/2015	Registration Attendees	and Meeting	LNYL David Brandt Registration	\$	50.00	629	Training
		CUPERTINO									Materials
		CHAMBER OF			Lunar New Year Luncheon	Conference				100-13-130 600-	Conference and
2/27/2015	681288	COMMERCE	2015-00000516	2/20/2015	Registration Attendees	and Meeting	LNYL Grace Schmidt Registration	\$	50.00	629	Training
_, _, _, _010	201200			-, -0, 2015	-0			Ŧ	20.00	1	

		CUREPTING			ſ					r	N da ta via la
		CUPERTINO									Materials
		CHAMBER OF				Conference				100-10-100 600-	
3/27/2015	681711	COMMERCE	2015-00000825	3/25/2015	STAR awards 2015	and Meeting	Savita STAR Awards	\$	100.00	628	Savita Vaihysnatha
		CUPERTINO									Materials
		CHAMBER OF				Conference				100-12-120 600-	Conference and
3/27/2015	681711	COMMERCE	2015-00000825	3/25/2015	STAR awards 2015	and Meeting	David Brandt STAR Awards	\$	100.00	629	Training
		CUPERTINO									Materials
		CHAMBER OF				Conference				100-60-601 600-	Conference and
3/27/2015	681711	COMMERCE	2015-00000825	3/25/2015	STAR awards 2015	and Meeting	Carol Atwood STAR Awards	Ś	100.00	629	Training
		CUPERTINO				Ŭ					Materials
		CHAMBER OF				Councilmembe				100-10-100 600-	Councilmember B.
3/27/2015	681711	COMMERCE	2015-00000825	3/25/2015	STAR awards 2015	r B. Chang	Barry Chang STAR Awards	\$	100.00		Chang
5/2//2015	001/11	CUPERTINO	2013 00000023	3/23/2013	51/AR dwards 2015	i b. chung		Ļ	100.00	000	Materials
		CHAMBER OF				Conference				100-10-100 600-	
2/27/2015	C01711		2015 00000025	2/25/2015	STAR awards 201E	and Meeting	Darey Daul STAR awards	÷	100.00		
3/27/2015	681/11	COMMERCE	2015-00000825	3/25/2015	STAR awards 2015	and weeting	Darcy Paul STAR awards	\$	100.00	025	Darcy Paul
		CUPERTINO				<b>C</b> 1				100 10 100 000	Materials
		CHAMBER OF				Councilmembe					Councilmember R
3/27/2015	681711	COMMERCE	2015-00000825	3/25/2015	STAR awards 2015	r R. Sinks	Rod Sinks	\$	100.00	624	Sinks
		CUPERTINO									Materials
		CHAMBER OF				Councilmembe					Councilmember G.
3/27/2015	681711	COMMERCE	2015-00000825	3/25/2015	STAR awards 2015	r G. Wong	Gilbert Wong STAR Awards	\$	100.00	627	Wong
		CUPERTINO									
		CHAMBER OF			Accrual FY14-15 Dining and	Printing and	Dining and Entertainment Guide			100-12-125 600-	Materials Printing
7/24/2015	684095	COMMERCE	70715	6/30/2015	Entertainment Guide	Duplicating	for Economic Development	\$	1,000.00	602	and Duplication
		CUPERTINO									
		CHAMBER OF			1st Install Annual Contract	General	1st Install Annual Contract			100-71-705 600-	Materials General
9/4/2015	685088	COMMERCE	6207	9/4/2015	7/1/15 - 6/30/16	Supplies	7/1/15 - 6/30/16	\$	8,000.00	613	Supplies
		CUPERTINO									
		CHAMBER OF				Membership				100-71-705 600-	Materials General
9/18/2015	685341	COMMERCE	6390	9/18/2015	Membership 10/15-9/16	and Dues	Membership 10/15-9/16	Ś	1,305.00	613	Supplies
, ,,		CUPERTINO		-, -,10		General	, -		,		
		CHAMBER OF			Fee-Dining/Entertainment	Service				580-63-620 600-	Materials General
12/23/2015	687155	COMMERCE	6222	12/23/2015	0.	Agreement	Chamber Dining/Ent. Guide 2015	\$	500.00		Supplies
12/23/2013	007133	CUPERTINO	0222	12/23/2013	50100 2010	, gi cement		Ŷ	500.00	010	Supplies
		CHAMBER OF				Meeting				100-40-400 600	Materials Meeting
2/5/2016	607777	COMMERCE	6693	2/E/2010	2016 State of the City Luncheon	J. J	Kristina Alfaro	\$	30.00		Expenses
2/3/2010	00///2		6693	2/5/2016		Lybenses		Ş	50.00	005	Lypenses
		CUPERTINO				Maating				100 40 400 600	Matariala Maating
2/5/2016	607770	CHAMBER OF	6600	2/5/2016		Meeting	Line Teller	~	20.00		Materials Meeting
2/5/2016	68///2	COMMERCE	6693	2/5/2016	2016 State of the City Luncheon	Expenses	Lisa Taitano	\$	30.00	200	Expenses
		CUPERTINO									Materials
		CHAMBER OF			· · · · ·	General					Councilmember G.
2/5/2016	687772	COMMERCE	6693	2/5/2016	2016 State of the City Luncheon	Supplies	Gilbert Wong	\$	30.00	627	Wong
		CUPERTINO									
		CHAMBER OF				Meeting					Materials Meeting
2/5/2016	687772	COMMERCE	6693	2/5/2016	2016 State of the City Luncheon	Expenses	Piu Ghosh	\$	30.00	605	Expenses

		CUPERTINO									Materials
		CHAMBER OF				General				100-10-100 600-	Councilmember R
2/5/2016	607772	COMMERCE	6693	2/5/2016	2016 State of the City Luncheon		Rod Sinks	\$	30.00		Sinks
2/3/2010	00///2	CUPERTINO	0095	2/3/2010	2010 State of the city Editcheon	Supplies		Ş	50.00	024	Materials
		CHAMBER OF				Conorol				100 10 100 000	
2/5/2016	607772		6600	2/5/2016		General	Damas David	<i>.</i>	20.00	100-10-100 600-	
2/5/2016	68///2	COMMERCE	6693	2/5/2016	2016 State of the City Luncheon	Supplies	Darcy Paul	\$	30.00	625	Darcy Paul
		CUPERTINO									
		CHAMBER OF			·····	Meeting					Materials Meeting
2/5/2016	687772	COMMERCE	6693	2/5/2016	2016 State of the City Luncheon	Expenses	Aarti Shrivastava	\$	30.00	605	Expenses
		CUPERTINO									
		CHAMBER OF				Meeting					Materials Meeting
2/5/2016	687772	COMMERCE	6693	2/5/2016	2016 State of the City Luncheon	Expenses	Angela Tsui	\$	30.00	605	Expenses
		CUPERTINO									Materials
		CHAMBER OF				Conference				100-60-601 600-	Conference and
2/5/2016	687772	COMMERCE	6693	2/5/2016	2016 State of the City Luncheon	and Meeting	Carol Atwood	\$	30.00	629	Training
		CUPERTINO									Materials
		CHAMBER OF				Conference				100-30-300 600-	Conference and
2/5/2016	687772	COMMERCE	6693	2/5/2016	2016 State of the City Luncheon	and Meeting	Robert Kim	\$	30.00	629	Training
		CUPERTINO									Materials
		CHAMBER OF				Conference				100-30-300 600-	Conference and
2/5/2016	687772	COMMERCE	6693	2/5/2016	2016 State of the City Luncheon	and Meeting	Michelle Combs	\$	30.00	629	Training
		CUPERTINO									Materials
		CHAMBER OF				Conference				100-30-300 600-	Conference and
2/5/2016	687772	COMMERCE	6693	2/5/2016	2016 State of the City Luncheon	and Meeting	Rick Kitson	\$	30.00	629	Training
		CUPERTINO									Materials
		CHAMBER OF				Conference				100-15-141 600-	Conference and
2/5/2016	687772	COMMERCE	6693	2/5/2016	2016 State of the City Luncheon	and Meeting	Cheryl Mannix-Smith	\$	30.00		Training
1-1		CUPERTINO		1-1	•	Ŭ	· ·	- ľ			Materials
		CHAMBER OF				Conference				100-15-141 600-	
2/5/2016	687772	COMMERCE	6693	2/5/2016	2016 State of the City Luncheon		Colleen Winchester	\$	30.00		Training
		CUPERTINO		_, _,		0		Ŧ			Materials
		CHAMBER OF				Conference				100-15-141 600-	
2/5/2016	687772	COMMERCE	6693	2/5/2016	2016 State of the City Luncheon		Sara Johnson	\$	30.00		Training
2, 3, 2010	00///2	CUPERTINO	00000	2, 3, 2010				Ŷ	30.00	020	Materials
		CHAMBER OF				Conference				100-80-800 600-	
2/5/2016	687772	COMMERCE	6693	2/5/2016	2016 State of the City Luncheon		Timm Borden	\$	30.00		Training
2/ 5/ 2010	007772	CUPERTINO	0095	2/ 5/ 2010				ڔ	30.00	025	Materials
		CHAMBER OF				Conference				100-40-400 600-	
2/5/2016	607777	COMMERCE	6693	2/5/2016	2016 State of the City Luncheon		Karen Guerin	\$	30.00		
2/3/2010	00///2	CUPERTINO	6600	2/ 3/ 2010	2010 State of the City Luncheon	and meeting		Ş	50.00	023	Training Materials
						Conforance				100 62 608 600	
2/5/2016	607770	CHAMBER OF	6600	2/5/2046	2016 State of the City Lunch	Conference	Pachalla Sandar	~	20.00	100-62-608 600-	
2/5/2016	68///2	COMMERCE	6693	2/5/2016	2016 State of the City Luncheon	and weeting	Rachelle Sander	\$	30.00	029	Training
		CUPERTINO								100 70 740 000	Materials
2/5/2245		CHAMBER OF		0/5/00:0		Conference				100-73-713 600-	
2/5/2016	687772	COMMERCE	6693	2/5/2016	2016 State of the City Luncheon	and Meeting	Albert Salvador	\$	30.00	629	Training

	CUPERTINO									Materials
	CHAMBER OF				Conference				100-80-800 600-	
2/5/2016	687772 COMMERCE	6693	2/5/2016	2016 State of the City Luncheon		Pagar Loo	4	30.00		
2/5/2016		0093	2/5/2016	2016 State of the City Luncheon	and Meeting	Roger Lee	\$	30.00		Training
	CUPERTINO				C					Materials
2/5/2046	CHAMBER OF	6600	2/5/2046	2016 State of the City Lunch and	Conference		<i>~</i>	20.00	100-80-800 600-	
2/5/2016	687772 COMMERCE	6693	2/5/2016	2016 State of the City Luncheon	and Meeting	Chris Mertens	\$	30.00	629	Training
	CUPERTINO									Materials
	CHAMBER OF				Conference				100-80-800 600-	
2/5/2016	687772 COMMERCE	6693	2/5/2016	2016 State of the City Luncheon	and Meeting	Cheri Donnelly	\$	30.00	629	Training
	CUPERTINO									Materials
	CHAMBER OF				Conference				100-80-800 600-	
2/5/2016	687772 COMMERCE	6693	2/5/2016	2016 State of the City Luncheon	and Meeting	Ryan Roman	\$	30.00	629	Training
	CUPERTINO									Materials
	CHAMBER OF				Conference				100-13-130 600-	
2/5/2016	687772 COMMERCE	6693	2/5/2016	2016 State of the City Luncheon	and Meeting	Grace Schmidt	\$	30.00	629	Training
	CUPERTINO									Materials
	CHAMBER OF				Conference				100-13-130 600-	
2/5/2016	687772 COMMERCE	6693	2/5/2016	2016 State of the City Luncheon	and Meeting	Kirsten Squarcia	\$	30.00	629	Training
	CUPERTINO									Materials
	CHAMBER OF				Conference				100-12-122 600-	
2/5/2016	687772 COMMERCE	6693	2/5/2016	2016 State of the City Luncheon	and Meeting	Misty Mersich	\$	30.00		Training
	CUPERTINO									Materials
	CHAMBER OF				Conference				100-12-120 600-	Conference and
2/5/2016	687772 COMMERCE	6693	2/5/2016	2016 State of the City Luncheon	and Meeting	Jaqui Guzman	\$	30.00	629	Training
	CUPERTINO									Materials
	CHAMBER OF				Conference				100-12-120 600-	
2/5/2016	687772 COMMERCE	6693	2/5/2016	2016 State of the City Luncheon	and Meeting	Erin Cooke	\$	30.00	629	Training
	CUPERTINO									Materials
	CHAMBER OF				Conference				100-12-120 600-	
2/5/2016	687772 COMMERCE	6693	2/5/2016	2016 State of the City Luncheon	and Meeting	David Brandt	\$	30.00	629	Training
	CUPERTINO									Materials
	CHAMBER OF				Conference				100-12-120 600-	
2/5/2016	687772 COMMERCE	6693	2/5/2016	2016 State of the City Luncheon	and Meeting	Rick Sung	\$	30.00		Training
	CUPERTINO									Materials
	CHAMBER OF				Conference				100-12-122 600-	Conference and
2/5/2016	687772 COMMERCE	6727	2/5/2016	2016 State of the City Luncheon	and Meeting	Katy Nomura	\$	30.00	629	Training
	CUPERTINO									Materials
	CHAMBER OF				Conference				100-12-122 600-	Conference and
2/5/2016	687772 COMMERCE	6727	2/5/2016	2016 State of the City Luncheon	and Meeting	Chelsea Biklen	\$	30.00	629	Training
	CUPERTINO									Materials
	CHAMBER OF				Conference				100-13-130 600-	
2/5/2016	687772 COMMERCE	6727	2/5/2016	2016 State of the City Luncheon	and Meeting	Lauren Sapudar	\$	30.00		Training
	CUPERTINO									Materials
	CHAMBER OF				Conference				100-15-141 600-	
2/5/2016	687772 COMMERCE	6727	2/5/2016	2016 State of the City Luncheon	and Meeting	Randy Hom	\$	30.00	629	Training

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					<b>C</b>				100 20 200 600	Materials
	CHAMBER		0/5/0010		Conference				100-30-300 600-	
2/5/2016	687772 COMMERC		2/5/2016	2016 State of the City Luncheon	and Meeting	Lisa Maletis-Massey	\$	30.00	629	Training
	CUPERTING				_					Materials
	CHAMBER				Conference				100-60-601 600-	
2/5/2016	687772 COMMERC	E 6727	2/5/2016	2016 State of the City Luncheon	and Meeting	Gail Seeds	\$	30.00	629	Training
	CUPERTING									Materials
	CHAMBER	OF			Conference				100-60-601 600-	Conference and
2/5/2016	687772 COMMERC	E 6727	2/5/2016	2016 State of the City Luncheon	and Meeting	Liz Nunez	\$	30.00	629	Training
	CUPERTING	)								Materials
	CHAMBER	OF			Conference				100-80-800 600-	Conference and
2/5/2016	687772 COMMERC	E 6727	2/5/2016	2016 State of the City Luncheon	and Meeting	Lauren Dickinson	\$	30.00	629	Training
	CUPERTING	)			-					Materials
	CHAMBER	OF			General				100-10-100 600-	Councilmember
2/5/2016	687772 COMMERC	E 6727	2/5/2016	2016 State of the City Luncheon	Supplies	Savita Vaidhyanathan	\$	30.00	628	Savita Vaihysnatha
1-1	CUPERTIN		, -,	,		,				,
	CHAMBER	OF			Meeting				100-40-400 600-	Materials Meeting
2/5/2016	687772 COMMERC		2/5/2016	2016 State of the City Luncheon	0	Laura Miyakawa	\$	30.00		Expenses
2,3,2010	CUPERTING		2, 3, 2010		Expenses		Ŷ	30.00		2.466.1000
	CHAMBER				Meeting				100-40-400 600-	Materials Meeting
2/5/2016	687772 COMMERC		2/5/2016	2016 State of the City Luncheon	0	Maria Jimenez	Ś	30.00		Expenses
2/3/2010	CUPERTING		2/3/2010		Expenses		Ļ	50.00	005	Materials
	CHAMBER				Conference				100-30-300 600-	
2/5/2016	687772 COMMERC		2/5/2016	2016 State of the City Luncheon		Colleen Lettire	\$	30.00		Training
2/3/2010	CUPERTING		2/3/2010				Ş	30.00	029	Materials
					Conference				100 20 200 000	
2/5/2016	CHAMBER		2/5/2016	2010 State of the City Lynchese		Data Caalianaaa	~	20.00	100-30-300 600-	
2/5/2016	687772 COMMERC		2/5/2016	2016 State of the City Luncheon	and Meeting	Pete Coglianese	\$	30.00	629	Training
	CUPERTING				<b>C</b>				100 20 200 600	Materials
a /= /a a / a	CHAMBER		2/5/2246		Conference				100-30-300 600-	
2/5/2016	687772 COMMERC		2/5/2016	2016 State of the City Luncheon	and Meeting	Rei Delgado	\$	30.00	629	Training
	CUPERTING									Materials
	CHAMBER			· · · · · ·	Conference				100-30-300 600-	
2/5/2016	687772 COMMERC		2/5/2016	2016 State of the City Luncheon	and Meeting	Jason Bisely	\$	30.00	629	Training
	CUPERTING									
	CHAMBER									Materials Mayor's
2/5/2016	687772 COMMERC	E 6760	2/5/2016	2016 State of the City Luncheon	Mayor's Fund	Amanda Williamsen	\$	30.00	637	Fund
	CUPERTING	)								
	CHAMBER	OF							100-10-100 600-	Materials Mayor's
2/5/2016	687772 COMMERC	E 6760	2/5/2016	2016 State of the City Luncheon	Mayor's Fund	David Denny	\$	30.00	637	Fund
	CUPERTING	)								Materials
	CHAMBER	OF			Conference				100-12-120 600-	Conference and
2/5/2016	687772 COMMERC	E 6760	2/5/2016	2016 State of the City Luncheon	and Meeting	Toni Oasay-Anderson	\$	30.00	629	Training
	CUPERTING	)					1			
	CHAMBER	OF		2nd Installment of the Annual	General	2nd Installment of the Annual			100-71-705 600-	Materials General
2/5/2016	687772 COMMERC	E 6769	2/5/2016	Contract with City of Cupertino	Supplies	Contract with City of Cupertino	\$8	,000.00	613	Supplies
, -,		1.50	-, -, -010		1.12		,  ,  ,  ,  ,  ,  ,  ,  ,  ,  ,  ,  ,	,	1	11

		CUREPTING				-					
		CUPERTINO								100 10 100 000	
		CHAMBER OF									Materials Mayor's
2/5/2016	687772	COMMERCE	6778	2/5/2016	State of the City Luncheon	Mayor's Fund	Teen Video Contest Winners	\$	240.00	637	Fund
		CUPERTINO			1ST INSTALLMENT OF THE		1ST INSTALLMENT OF THE				
		CHAMBER OF			ANNUAL CONTRACT WITH CITY	General	ANNUAL CONTRACT WITH CITY				Materials General
10/7/2016	702584	COMMERCE	7348	10/3/2016	OF CUPERTINO	Supplies	OF CUPERTINO	\$	8,000.00	613	Supplies
		CUPERTINO									Materials
		CHAMBER OF			2016 AUGUST LAC MEETING -	Conference	2016 AUGUST LAC MEETING -			100-12-120 600-	Conference and
10/7/2016	702584	COMMERCE	7378	10/3/2016	JACQUI GUZMAN	and Meeting	JACQUI GUZMAN	\$	15.00	629	Training
		CUPERTINO									
		CHAMBER OF			Cup Chamber Membership	Membership	Cup Chamber Membership			100-71-705 600-	Materials General
12/2/2016	703693	COMMERCE	7467	11/21/2016	10/1/16-9/30/17	and Dues	10/1/16-9/30/17	\$	1,450.00	613	Supplies
		CUPERTINO									
		CHAMBER OF			2nd Installation of the Annual	General	2nd Installation of the Annual			100-71-705 600-	Materials General
2/3/2017	706223	COMMERCE	7937	2/1/2017	Contract with Cupertino	Supplies	Contract with Cupertino	Ś	8,000.00	613	Supplies
_, _,		CUPERTINO		_, _, _ = = = :				Ŧ	-,		
		CHAMBER OF				Conference				100-70-700 600-	Materials Meeting
3/10/2017	706846	COMMERCE	8061	3/2/2017	2017 State of City Address	and Meeting	2017 State of City	\$	90.00		Expenses
5/10/2017	700040	CUPERTINO	5001	5/2/2017		and weeting		Ļ	50.00	005	Materials
		CHAMBER OF				Conference				100-10-100 600-	
3/10/2017	706946	COMMERCE	8061	2/2/2017	2017 State of City Address	and Meeting	2017 State of City Address	\$	120.00		Training
5/10/2017	700840	CUPERTINO	8001	5/2/2017			2017 State of City Address	Ş	120.00	029	Materials
						Conference				100 12 120 000	
2/10/2017	700040	CHAMBER OF	0001	2/2/2017	2017 State of City Address	Conference	2017 State of City Address	~	100.00	100-12-120 600-	
3/10/2017	706846	COMMERCE	8061	3/2/2017	2017 State of City Address	and Meeting	2017 State of City Address	\$	180.00	629	Training
		CUPERTINO									
		CHAMBER OF				Conference					Materials General
3/10/2017	706846	COMMERCE	8061	3/2/2017	2017 State of City Address	and Meeting	2017 State of City	\$	330.00	601	Office Supplies
		CUPERTINO									Materials
		CHAMBER OF				Conference				100-80-800 600-	
3/10/2017	706846	COMMERCE	8061	3/2/2017	2017 State of City Address	and Meeting	2017 State of City	\$	150.00	629	Training
		CUPERTINO									Materials
		CHAMBER OF				Conference				100-61-602 600-	Conference and
3/10/2017	706846	COMMERCE	8061	3/2/2017	2017 State of City Address	and Meeting	2017 State of City	\$	30.00	629	Training
		CUPERTINO									Materials
		CHAMBER OF				Conference		1		100-60-601 600-	Conference and
3/10/2017	706846	COMMERCE	8061	3/2/2017	2017 State of City Address	and Meeting	2017 State of City	\$	60.00	629	Training
		CUPERTINO									Materials
		CHAMBER OF				Conference		1		100-13-130 600-	Conference and
3/10/2017	706846	COMMERCE	8061	3/2/2017	2017 State of City Address	and Meeting	2017 State of City Address	\$	90.00	629	Training
		CUPERTINO						1			Materials
		CHAMBER OF				Conference				100-40-400 600-	Conference and
3/10/2017	706846	COMMERCE	8061	3/2/2017	2017 State of City Address	and Meeting	2017 State of City	Ś	120.00		Training
		CUPERTINO		-, _, _ J				Ŧ	0		Materials
		CHAMBER OF				Conference		1		100-12-120 600-	
3/10/2017	706846	COMMERCE	8083	3/2/2017	2017 State of City	and Meeting	2017 State of City	Ś	30.00		Training
5/10/2017	700040	CONTRIENCE	0005	5/2/2017		and meeting	2017 State Of City	ç	30.00	023	i i anning

, I		CUPERTINO									
		CHAMBER OF				Conference				610-30-300 600-	Materials General
3/10/2017	706846	COMMERCE	8083	3/2/2017	2017 State of City	and Meeting	2017 State of City	Ś	30.00		Office Supplies
5/10/2017	700840	CUPERTINO	8085	5/2/2017		and weeting		. د ا	30.00	001	
						Conference				100 70 700 600	Materials Meeting
2/40/2017	700040	CHAMBER OF	0000	2/2/2017					~ ~ ~		Materials Meeting
3/10/2017	706846	COMMERCE	8088	3/2/2017	2017 State of City	and Meeting	2017 State of City	\$ :	30.00	605	Expenses
		CUPERTINO									Materials
		CHAMBER OF								100-12-122 600-	U U
4/21/2017	707641	COMMERCE	8203	4/17/2017	Food Truck Coordination	Earth Day	Food Truck Coordination	\$ 5	00.00	619	Legal Notices
		CUPERTINO									Materials
		CHAMBER OF			2 full page ads in 2017 Biz					100-12-122 600-	Advertising and
4/21/2017	707641	COMMERCE	8254	4/17/2017	Directory		Full page ad in CoC Biz Dir - 2017	\$ 2,9	95.00	619	Legal Notices
		CUPERTINO									Contract Services
		CHAMBER OF			2 full page ads in 2017 Biz					520-81-801 700-	General Service
4/21/2017	707641	COMMERCE	8254	4/17/2017	Directory		Full page ad in CoC Biz Dir	\$ 2,9	95.00	702	Agreement
		CUPERTINO									Contract Services
		CHAMBER OF			2017 Business Directory Full-	Advertising &	2017 Business Directory Full-			100-71-705 700-	General Service
11/3/2017	711408	COMMERCE	8255	10/12/2017	Page Ad	Legal Notice	Page Ad	\$ 2,9	95.00	702	Agreement
		CUPERTINO				<u> </u>		. ,			Contract Services
		CHAMBER OF			First Installment of Annual		First Installment of Annual			100-71-705 700-	
11/3/2017	711408	COMMERCE	8632	10/12/2017		Membership	Contract	\$ 8,0	00.00		Instruction
11,0,2017	/00		0001	10/11/2017		memberemp		φ 0,0			
											Accounts Payable
		Cupertino									and Other Liabilities
		Chamber of				QCC Rental					Recreation Refund
11/2/2017	711521		1420707	11/2/2017	QCC Rental Refunds	Refunds	NULL	ć 1 0	00.00	580 200-208	A/P
11/3/2017	/11521	Commerce CUPERTINO	1439787	11/2/2017		Refutius	NOEL	Ş Ι,Ο	00.00	380 200-208	,
						<b>-</b>				100 74 705 700	Contract Services
		CHAMBER OF			2nd Installment of Annual	Training and	2nd Installment of Annual			100-71-705 700-	-
4/20/2018	714302	COMMERCE	9301	4/18/2018	Contract	Instruction	Contract	\$ 8,0	00.00	701	Instruction
		CUPERTINO									
		CHAMBER OF				Membership					Materials General
4/27/2018	714399	COMMERCE	8772	4/19/2018	Chamber Membership fee	and Dues	Chamber Membership fee	\$ 1,4	50.00	613	Supplies
1											Accounts Payable
1		Cupertino									and Other Liabilities
		Chamber of			Refund deposit for Holi Festival	QCC Rental	Refund deposit for Holi Festival				Recreation Refund
5/25/2018	714938	Commerce	595007	5/22/2018	at Memorial Park 4/8/18	Refunds	at Memorial Park 4/8/18	\$ 1,0	00.00	580 200-208	A/P
		CUPERTINO									Contract Services
1		CHAMBER OF			Accrual FY17-18- I love	Website	Accrual FY17-18- I love Cupertino			100-12-120 700-	General Service
7/6/2018	715730	COMMERCE	41618	6/30/2018	Cupertino Project	Services	Project	\$ 5,0	00.00	702	Agreement
	_	CUPERTINO									
1		CHAMBER OF			alcohol permit for	General	alcohol permit for neighborhood			100-62-640 600-	Materials General
8/3/2018	1	COMMERCE	72618	7/22/2010	neighborhood events	Supplies	events	\$ 3	00.00	C12	Supplies
1			7264.0	7/22/2010				¢ a	~ ~ ~		

		CUPERTINO								
		CHAMBER OF							100-71-705 600-	Materials Special
9/7/2018	717029	COMMERCE	10048	9/5/2018	Cupertino Food and Wine Stroll	Special Events	Cupertino Food and Wine Stroll	\$ 255.00		Departmental Exp
5,772020	. 1. 015	CUPERTINO	100.10	0,0,2020				÷ 100100		Contract Services
		CHAMBER OF			Chamber Annual Membership	Membership	Chamber Annual Membership		100-71-705 700-	Training and
9/7/2018	717029		10089		Dues 2018	and Dues	Dues 2018	\$ 1,450.00		Instruction
-, ,		CUPERTINO		-,-,				1 ,		Contract Services
		CHAMBER OF			1st Installment of Annual	Contract	1st Installment of Annual		100-71-705 700-	
9/7/2018	717029	COMMERCE	9840	9/5/2018	Contract FY 2018-19	Services	Contract FY2018-19	\$ 8,000.00	702	Agreement
		CUPERTINO			Consulting Services for Food		Consulting Services for Food			
		CHAMBER OF			Permit from Chamber of		Permit from Chamber of		100-10-100 600-	Materials Special
10/5/2018	717439	COMMERCE	10152	10/1/2018	Commerce	Bobatino	Commerce	\$ 500.00	635	Departmental Exp
										· · · · ·
										Accounts Payable
		Cupertino			Refund for Community Hall		Refund for Community Hall			and Other Liabilities
		Chamber of			security deposit, 10.22.18,	QCC Rental	security deposit, 10.22.18,			Recreation Refund
11/16/2018	718189	Commerce	267	11/8/2018	P#R267	Refunds	P#R267	\$ 500.00	100 200-208	A/P
		CUPERTINO								Contract Services
		CHAMBER OF			Food truck coordination for		Food truck coordination for Earth		520-81-801 700-	General Service
2/22/2019	719396	COMMERCE	10727	2/19/2019	Earth Day event	Earth Day	Day event	\$ 600.00	702	Agreement
		CUPERTINO								
		CHAMBER OF			2nd Installment of the Annual	Chamber of	2nd Installment of the Annual			Materials General
3/8/2019	719566	COMMERCE	10542	3/4/2019	Contract with City	Commerce	Contract with City	\$ 8,000.00	613	Supplies
										Accounts Payable
		Cupertino								and Other Liabilities
		Chamber of			QCC- 11.29.18- Social Room	QCC Rental	QCC- 11.29.18- Social Room			Recreation Refund
3/8/2019	719619		18674-51918		rental 5.19.18 - 11.17.18	Refunds	rental 5.19.18 - 11.17.18	\$ 300.00	100 200-208	A/P
		CUPERTINO			Logo, Website Hosting,	<b>-</b>				Contract Services
		CHAMBER OF			Database Subscription, Website		Logo, Website Hosting, Database		100-12-705 700-	
4/5/2019	/19962	COMMERCE	30119	4/3/2019	Design	Services	Subscription, Website Design	\$25,215.47	702	Agreement
		CUPERTINO							100 10 100 000	
E /2 A /2010	720000	CHAMBER OF	10020		Food Truck Coordination		Food Truck Coordination through	¢ 600.00		Materials Mayor's
5/24/2019	720699		10929	5/20/2019	through Chamber of Commerce	volunteer Fair	Chamber of Commerce	\$ 600.00	637	Fund
		CUPERTINO CHAMBER OF			FY18-19 Project (May Chamber	Contract	FY18-19 Project (May Chamber		100 12 705 600	Materials Meeting
7/5/2019	721240	COMMERCE	11076		LAC Meeting)	Services		\$ 20.00		Expenses
1/2/2019	721548	CUPERTINO	110/0		FY18-19 Project (I Love	Services	LAC Meeting)	φ 20.00	005	Contract Services
		CUPERTINO CHAMBER OF			Cupertino Virtual Visitor	Contract	FY18-19 Project (I Love Cupertino		100-12-705 700-	
7/5/2019	7212/0	COMMERCE	11084	6/30/2019	•	Services	Virtual Visitor Website)	\$ 8,204.42		Agreement
1/3/2019	721340	CUPERTINO	11004		FY18-19 Project (I Love			, v,204.42	/02	Contract Services
		CHAMBER OF			Cupertino Virtual Visitors	Contract	FY18-19 Project (I Love Cupertino		100-12-705 700-	
7/5/2019	7213/19	COMMERCE	11182	6/30/2019		Services	Virtual Visitors Website)	\$ 1,852.21		Agreement
1/3/2013	121340	COMMENCE	11102	0/30/2019	website			ע,עטעגע ד	/ 02	ABICCHICH

		CUPERTINO								
		CHAMBER OF					Debating Food Dermit from		100 10 100 000	Matariala Mayor'a
0/20/2010	722220		55300	0/40/2040		Dahatina	Bobatino - Food Permit from	÷ 500.00		Materials Mayor's
8/30/2019	722229		55700	8/19/2019	Bobatino - Food Permit	Bobatino	Chamber	\$ 500.00	637	Fund
		CUPERTINO								
		CHAMBER OF			Services - 1st Installment of	General	Services - 1st Installment of			Materials General
10/25/2019	722971	COMMERCE	11268	10/21/2019	Annual Contract with Cupertino	Supplies	Annual Contract with Cupertino	\$ 8,000.00	613	Supplies
		CUPERTINO								
		CHAMBER OF			2019 July LAC Meeting (Angela	Meeting	2019 July LAC Meeting (Angela		100-12-705 600-	Materials Meeting
10/25/2019	722971	COMMERCE	11293	10/21/2019	Tsui, Ben Fu, Kerri Heusler)	Expenses	Tsui, Ben Fu, Kerri Heusler)	\$ 60.00	605	Expenses
		CUPERTINO								
		CHAMBER OF			2019 August LAC Meeting	Conference	2019 August LAC Meeting		100-12-705 600-	Materials Meeting
10/25/2019	722971	COMMERCE	11344	10/21/2019	(Angela, Liang)	and Meeting	(Angela, Liang)	\$ 40.00	605	Expenses
		CUPERTINO				Ŭ		·		Contract Services
		CHAMBER OF				Contract			100-12-705 700-	
10/25/2019	722971	COMMERCE	11349	10/21/2019	I Love Cupertino Project	Services	I Love Cupertino Project	\$ 2,204.42		Agreement
10/23/2013	722571	CUPERTINO	11343	10/21/2015		Special		Ŷ 2,20 <del>1</del> .42	, 02	
		CHAMBER OF			2019 Cupertino Food & Wine	Departmental	2019 Cupertino Food & Wine		100-12-705 600	Materials Special
10/25/2010	722074		11.110	10/21/2010	•	•	Stroll Pre-Sale Bundle	¢ 200.00		•
10/25/2019	/229/1	COMMERCE	11418	10/21/2019	Stroll Pre-Sale Bundle	Exp	Stroll Pre-Sale Bundle	\$ 300.00	035	Departmental Exp
		CUPERTINO				- ·				
		CHAMBER OF			Cupertino Membership	General	Cupertino Membership			Materials General
10/25/2019	722971	COMMERCE	11446	10/21/2019	Investment (10/1/19 - 9/30/20)	Supplies	Investment (10/1/19 - 9/30/20)	\$ 1,500.00	613	Supplies
										Accounts Payable
		Cupertino								and Other Liabilities
		Chamber of			QCC - 10.18.19 - Memorial Park	QCC Rental	QCC - 10.18.19 - Memorial Park			Recreation Refund
11/1/2019	723133	Commerce	2001618.03	10/29/2019	Field 10.11.19	Refunds	Field 10.11.19	\$ 1,000.00	100 200-208	A/P
		CUPERTINO						<u> </u>		Materials
		CHAMBER OF			2019 November LAC Meeting	Meeting	2019 November LAC Meeting		100-10-100 600-	
11/8/2019	723166		11623	11/4/2019	(Angela, Deb, Jon)	Expenses	(Angela, Deb, Jon)	\$ 60.00		Training
11/0/2013	723100	CUPERTINO	11025	11, 1/2013	(	Lipences	(,	<del>•</del> • • • • • •	020	Materials
		CHAMBER OF			2019 Novermber LAC Meeting	Meeting	2019 November LAC Meeting		100-10-100 600-	Conference and
11/8/2019	723166		11624	11/4/2019	-	Expenses	(Liang)	\$ 20.00		Training
11/0/2019	123100		11024	11/4/2019		LAPEIISES		γ 20.00	023	0
		Cupertino Chambar of				OCC Destal				Deposit Liability
12/12/2015	70000	Chamber of	40534 444645	42/2/2017	QCC - 11.25.19 - Community	QCC Rental	QCC - 11.25.19 - Community Hall	é	100 220 202	Development and
12/13/2019	/23691		19531-111619	12/3/2019	Hall rental 1.16.19 - 11.16.19	Refunds	rental 1.16.19 - 11.16.19	\$ 500.00	100 220-202	Rent Deposits
		CUPERTINO								Contract Services
		CHAMBER OF			2019 Chamber Business	Contract	2019 Chamber Business		100-12-705 700-	
12/20/2019	723730	COMMERCE	11157	12/18/2019	Directory	Services	Directory	\$ 2,995.00	702	Agreement
		CUPERTINO								Contract Services
		CHAMBER OF			I Love Cupertino Project -	Contract	I Love Cupertino Project -		100-12-705 700-	General Service
12/20/2019	723730	COMMERCE	11579	12/18/2019	October 2019	Services	October 2019	\$ 1,852.21	702	Agreement
		CUPERTINO								Materials
		CHAMBER OF			2019 Chamber Business	Advertising &	2019 Chamber Business		100-12-122 600-	
12/20/2019	723730		11616	12/18/2019		Legal Notice	Directory	\$ 2,995.00		Legal Notices
,,,,,,	3, 30			, _0, _010	1	-0		,555.00		-0

		CUPERTINO								
					2010 Nevermber I AC Meeting	Maating	2010 Nevermber LAC Meeting		100 12 705 600	Matariala Maating
12/20/2010	700700	CHAMBER OF	11.520	42/42/2040	2019 Novermber LAC Meeting	Meeting	2019 Novermber LAC Meeting	¢ 20.00		Materials Meeting
12/20/2019	/23/30	COMMERCE	11628	12/18/2019	(Steven)	Expenses	(Steven)	\$ 20.00	605	Expenses
		CUPERTINO								Contract Services
		CHAMBER OF			I Love Cupertino Project -	Contract	I Love Cupertino Project -			
12/20/2019	723730		11638	12/18/2019	November 2019	Services	November 2019	\$ 1,852.21	702	Agreement
		CUPERTINO								
		CHAMBER OF			2019 December LAC Meeting	Meeting	2019 December LAC Meeting			Materials Meeting
12/20/2019	723730	COMMERCE	11700	12/18/2019	(Angela)	Expenses	(Angela)	\$ 20.00	605	Expenses
		CUPERTINO								Contract Services
		CHAMBER OF			I Love Cupertino Project -	Contract	I Love Cupertino Project -		100-12-705 700-	General Service
12/20/2019	723730	COMMERCE	11703	12/18/2019	December 2019	Services	December 2019	\$ 2,602.21	702	Agreement
		CUPERTINO								Contract Services
		CHAMBER OF			I Love Cupertino Project -	Contract	I Love Cupertino Project -		100-12-705 700-	General Service
4/17/2020	725071	COMMERCE	11755	4/6/2020	January 2020	Services	January 2020	\$ 1,852.21	702	Agreement
		CUPERTINO								
		CHAMBER OF			2020 January LAC Meeting	Meeting	2020 January LAC Meeting		100-12-705 600-	Materials Meeting
4/17/2020	725071	COMMERCE	11769	4/6/2020	, 0	Expenses	(Angela)	\$ 20.00		Expenses
.,,		CUPERTINO		., ., _,		P		7		Contract Services
		CHAMBER OF			I Love Cupertino Project -	Contract	I Love Cupertino Project -		100-12-705 700-	General Service
4/17/2020	725071	COMMERCE	11879	4/6/2020	February 2020	Services	February 2020	\$ 2,152.21	702	Agreement
-, 17, 2020	723071	CUPERTINO	11075	4/0/2020		Services		<i>Ş 2,132.21</i>	702	Materials
		CHAMBER OF			Services - 2nd Installment of	Membership	Services - 2nd Installment of		100-12-705 600-	
4/17/2020	725074		11002	4/6/2020				¢ 0.000.00		
4/17/2020	725071	COMMERCE	11893	4/6/2020	Annual Contract with Cupertino	and Dues	Annual Contract with Cupertino	\$ 8,000.00	047	Dues
		CUPERTINO								Contract Services
		CHAMBER OF			I Love Cupertino Project -	Contract	I Love Cupertino Project - March			General Service
4/17/2020	725071	COMMERCE	11930	4/6/2020	March 2020	Services	2020	\$ 2,602.21	702	Agreement
										Accounts Payable
		Cupertino								and Other Liabilities
		Chamber of			QCC- 4.27.20- COVID-19 SIP,	QCC Rental	QCC- 4.27.20- COVID-19 SIP,			Recreation Refund
5/8/2020	725385	Commerce	2003092.03	4/29/2020	Cupertino Room 5.16.20	Refunds	Cupertino Room 5.16.20	\$ 680.00	100 200-208	A/P
		CUPERTINO								
		CHAMBER OF			FY19-20 2020 March LAC Lunch	Meeting	FY19-20 2020 March LAC Lunch		100-12-705 600-	Materials Meeting
7/2/2020	725915	COMMERCE	11958	6/30/2020	(Deb, Councilmember)	Expenses	(Deb, Councilmember)	\$ 60.00	605	Expenses
		CUPERTINO								Contract Services
		CHAMBER OF			FY19-20 I Love Cupertino	Contract	FY19-20 I Love Cupertino Project	4	100-12-705 700-	General Service
7/2/2020	725915	COMMERCE	11981	6/30/2020	Project - April 2020	Services	April 2020	\$ 1,852.21		Agreement
.,_,_020		CUPERTINO		0,00,2020	.,		P	÷ 1,552.21		Contract Services
		CHAMBER OF			FY19-20   Love Cupertino	Contract	FY19-20 I Love Cupertino Project		100-12-705 700-	General Service
7/2/2020	725915	COMMERCE	12094	6/30/2020	Project - May 2020	Services	May 2020	\$ 1,852.21		Agreement
1/2/2020	123913	CUPERTINO	12034	0/30/2020			1710 × 2020	ע, געגע, געגע גע	102	Contract Services
						Contract	EV10 20 LLove Concerting Draits		100 12 705 700	
7/2/2020	705045	CHAMBER OF	12120	c /20 /2022	FY19-20   Love Cupertino	Contract	FY19-20   Love Cupertino Project	¢ 4.050.04	100-12-705 700-	
7/2/2020	/25915	COMMERCE	12129	6/30/2020	Project - June 2020	Services	June 2020	\$ 1,852.21	/02	Agreement

		CUPERTINO								
		CHAMBER OF			City Annual Contract - First	General	City Annual Contract - First		100-12-705 600-	Materials General
10/2/2020	726637	COMMERCE	12169	9/29/2020	Installment	Supplies	Installment	\$ 8,000.00	613	Supplies
		CUPERTINO								
		CHAMBER OF			Cupertino Membership	General	Cupertino Membership		100-12-705 600-	Materials General
10/2/2020	726637	COMMERCE	12286	9/29/2020	Investment (10/1/20 - 9/30/21)	Supplies	Investment (10/1/20 - 9/30/21)	\$ 1,500.00	613	Supplies
		CUPERTINO								Contract Services
		CHAMBER OF			I Love Cupertino Project - July	Contract	I Love Cupertino Project - July		100-12-705 700-	General Service
2/12/2021	727416	COMMERCE	12492	1/28/2021	2020 thru December 2020	Services	2020 thru December 2020	\$ 2,112.00	702	Agreement
		CUPERTINO								
		CHAMBER OF			Chamber Annual Contract -	Contract	Chamber Annual Contract -		100-12-705 600-	Materials General
2/12/2021		COMMERCE	12533	1/28/2021	Second Installment	Services	Second Installment	\$ 8,000.00	613	Supplies
		CUPERTINO								
		CHAMBER OF				Meeting	2021 Lunar New Year			Materials Meeting
2/12/2021	-	COMMERCE	12589	1/28/2021	Celebration Bags (Deb, Angela)	Expenses	Celebration Bags (Deb, Angela)	\$ 100.00	605	Expenses
		CUPERTINO								
		CHAMBER OF			Thai New Year Celebration		Thai New Year Celebration			Materials Special
4/30/2021		COMMERCE	12724	4/27/2021	dinner- Liang Chao		Dinner- Liang Chao	\$ 62.50	635	Departmental Exp
		CUPERTINO			I Love Cupertino website and	General	I Love Cupertino website and			Contract Services
		CHAMBER OF				Service	database subscription Jan – June		100-12-705 700-	General Service
6/11/2021		COMMERCE	12806	6/9/2021		Agreement		\$ 2,112.00	702	Agreement
		CUPERTINO			Cupertino Membership		Cupertino Membership			
		CHAMBER OF				Chamber of	Investment (Oct01,2021-			Materials General
9/17/2021		COMMERCE	12987	9/15/2021	Sep30,2022)	Commerce	Sep30,2022)	\$ 1,500.00	613	Supplies
		CUPERTINO								
		CHAMBER OF			Chamber Annual Contract - First	General	Chamber Annual Contract - First			Materials General
12/17/2021	729290	COMMERCE	12927	12/9/2021	Installment	Supplies	Installment	\$ 8,000.00	613	Supplies

Festival	Festival Producer	Notes	Facility Usage	P&R Staff Costs	PW Staff Costs	Sheriff	Misc. Costs	Total
Cherry Blossom (two-day)	Toyokawa Sister City		\$11,097.50	\$464.00	\$4,596.00	\$2,695.16		\$18,852.66
World Journal (one-day)	World Journal/Cupertino Chinese School		\$1,273.75	\$251.25	\$2,496.00	\$1 <i>,</i> 347.58		\$5,368.58
Fall Festival (one-day)	Cupertino Rotary		\$3,142.50	\$296.75	\$1,890.00	\$2,394.92		\$7,724.17
Kids N Fun Festival (one-day)	Taiwanese Cultural and Sports Association		\$2,582.50	\$208.50	\$1,890.00	\$1 <i>,</i> 558.02		\$6,239.02
Diwali (one-day)	Cupertino Chamber of Commerce		\$3,970.00	\$242.25	N/A	\$1,320.07		\$5,532.32
Ikebana Flower Show	WAFU Ikebana Society		\$14,680.50	\$280.50	N/A	N/A		\$14,961.00
Veteran's Day (one-day)	Cupertino Veteran's Memorial		N/A	\$170.00			\$455.00	\$625.00
Holi Festival (one-day)	Cupertino Chamber of Commerce	CANCELLED in 2015						\$0.00
Super Heroes 5k (one-day)	County of Santa Clara		\$2,000.00	\$286.00	\$2,250.00	\$0.00		\$4,536.00
Lions Club Chicken Feed (one-day)	Lions Club	At Blackberry Farm	\$690.00			\$0.00		\$690.00
Costs for 2015 Events								\$64,528.75

Festival	Festival Producer	Facility Usage	P&R Staff Costs	PW Staff Costs	Sheriff	Misc. Costs	Total
Cherry Blossom (two-day)	Toyokawa Sister City	\$11,097.50	\$594.00	\$3,780.00	\$3,180.96		\$19,468.46
World Journal (one-day)	World Journal/Cupertino Chinese School	\$1,273.75	\$0.00	\$396.00	\$1,500.00		\$3,169.75
Kids 'N Fun Festival (one-day)	Taiwanese Cultural and Sports Association	\$2,582.50	\$208.50	\$1,890.00	\$1,558.02		\$6,239.02
Fall Festival (one-day)	Cupertino Rotary	\$3,142.50	\$296.75	\$1,890.00	\$867.75		\$6,197.00
Diwali (one-day)	Cupertino Chamber of Commerce	\$3,970.00	\$242.25	N/A	\$1,320.07		\$5,532.32
Veteran's Day (one-day)	Cupertino Veteran's Memorial	N/A	\$170.00			\$697.50	\$867.50
Super Heroes 5k (one-day)	County of Santa Clara	\$2,000.00	\$286.00	\$2,250.00	\$0.00		\$4,536.00
Costs for 2016 Events							\$46,010.05

Festival	Date	Festival Producer	Recreation	Facility/Park/ Road Permits	Sheriff	Public Works	Materials	Total
Kids 'N Fun Festival	Aug. 12, 2017	Taiwanese Cultural and Sports Association	\$1,441	\$7,336	\$3,966	\$2,803		\$15,546
Fall Festival	Sept. 9, 2017	Cupertino Rotary	\$1,364	\$5,938	\$3,966	\$3,008		\$14,277
Diwali	Sept. 30, 2017	Cupertino Chamber of Commerce	\$1,409	\$5 <i>,</i> 800	\$3,948	\$3,031		<mark>\$14,188</mark>
Veteran's Day	Nov. 11, 2017	Cupertino Veteran's Memorial	\$618	\$1,000		\$18	\$1,593	\$3,229
Ikebana Flower Show	March 3-4, 2018	WAFU Ikebana Society	\$258	\$19,065				\$19,323
Egg Hunt	March 24, 2018	Home of Christ Church	\$789	\$1,000	\$0	\$38		\$1,827
Holi	April 8, 2018	Cupertino Chamber of Commerce	\$902	\$1,000	\$871	\$18		\$2,791
Cherry Blossom	April 28-29, 2018	Toyokawa Sister City	\$3,606	\$16,463	\$4,356	\$5,801		\$30,226
World Journal	May 12, 2018	World Journal/Cupertino Chinese School	\$1,868	\$2,960	\$4,356	\$3,004		\$12,188
Tournament of Bands	October 15, 2017	Cupertino Tournament of Bands	\$0	\$3,000	\$0	\$176		\$3,176
Heroes Run	August 26, 2017	County of Santa Clara	\$0	\$4,120	\$0	\$74		\$4,194
Costs for FY 17/18 Events			\$12,254	\$67,682	\$21,464	\$17,972	\$1,593	\$120,964

Festival	Date	Festival Producer	Recreation	Facility/Park/ Road Permits	Sheriff	Public Works	Materials	Total
Kids 'N Fun Festival	Aug. 11, 2018	Taiwanese Cultural and Sports Association	\$869	\$6,648	\$5,289	\$2,832		\$15,638
Fall Festival	Sept. 15, 2018	Cupertino Rotary	\$1,364	\$5,938	\$5,289	\$3,008		\$15,599
Diwali	October 13, 2018	Cupertino Chamber of Commerce	\$1,409	\$6,710	\$5,264	\$3,031		\$16,414
Veteran's Day	Nov. 11, 2018	Cupertino Veteran's Memorial	\$618	\$1,000		\$18	\$1,593	\$3,229
Egg Hunt	April 13, 2019	Home of Christ Church	\$789	\$1,000	\$0	\$38		\$1,827
Holi	April 7, 2019	Cupertino Chamber of Commerce	\$902	\$3,000	\$871	\$18		\$4,791
Cherry Blossom	April 27-28, 2019	Toyokawa Sister City	\$3,606	\$17,466	\$4,356	\$5,801		\$31,229
World Journal	May 11, 2019	World Journal/Cupertino Chinese School	\$1,868	\$4,960	\$4,356	\$3,004		\$14,188
Tournament of Bands	October 15, 2017	Cupertino Tournament of Bands	\$0	\$3,000	\$0	\$176		\$3,176
Heroes Run	August 26, 2017	County of Santa Clara	\$0	\$4,120	\$0	\$74		\$4,194
Costs for FY 18/19 Events			\$11,425	\$53,841	\$25,425	\$18,001	\$1,593	\$110,284

			Waived Fees		City Pai	d expenses	
Festival	Festival Producer	Recreation	Facility/Park/ Road Permits	Public Works	Sheriff	Materials	Total
Kids 'N Fun Festival	Taiwanese Cultural and Sports Association	\$1,331	\$10,040	\$2,871	\$6 <i>,</i> 008		\$20,251
Fall Festival	Cupertino Rotary	\$1,607	\$7,576	\$3,047	\$4,714		\$16,943
Diwali	Cupertino Chamber of Commerce	\$1,260	\$6,980	\$3,070	\$2,851		\$14,161
Veteran's Day	Cupertino Veteran's Memorial	\$612	\$1,000	\$18		\$1,508	\$3,138
Ikebana Flower Show	WAFU Ikebana Society	\$294	\$19,065				\$19,359
Egg Hunt	Home of Christ Church	\$483	\$2,120	\$23	\$0		\$2,626
Holi	Cupertino Chamber of Commerce	\$1,122	\$3,000	\$18	\$965		\$5,106
Cherry Blossom	Toyokawa Sister City	\$3,496	\$17,826	\$5,892	\$4,015		\$31,229
World Journal	World Journal/Cupertino Chinese School	\$1,564	\$4,960	\$3,043	\$4,908		\$14,475
Tournament of Bands	Cupertino Tournament of Bands	\$0	\$3,220		\$3 <i>,</i> 000	\$175	\$6,395
CEEF 5k	CEEF		\$3,220		\$1,461		\$4,681
Heroes Run	County of Santa Clara	\$0	\$3,220	\$74	\$0		\$3,294
Costs for FY 20/21 Events		\$11,770	\$82,227	\$18,058	\$27,922	\$1,683	\$141,658
			TOTAL	\$112.053.73	Total	\$29.604.68	

TOTAL \$112,053.73

Total \$29,604.68

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				Waived Fees			d expenses		Pan
Festival	Date	Festival Producer	Recreation	Facility/Park/ Road Permits	Public Works	Sheriff	Materials	Total	
Kids 'N Fun Festival	Aug. 8, 2020	Taiwanese Cultural and Sports Association	\$1,331	\$10,000	\$2,871	\$4,702		\$18,904	CANC
Night Market	Aug. 22, 2020	Chamber of Commerce	\$1,757	\$4,630	\$3,070	\$5,642		\$15,099	CANC
Fall Festival	Sept. 12, 2020	Cupertino Rotary	\$1,607	\$7,576	\$3,047	\$4,702		\$16,931	CANC
Diwali	Oct. 17, 2020	Cupertino Chamber of Commerce	\$1,260	\$6,630	\$3,070	\$5,642		\$16,602	CANC
Veteran's Day	Nov. 11, 2020	Cupertino Veteran's Memorial	\$612	\$1,000	\$18		\$1,508	\$3,138	CANC
Holi	March 28, 2021	Cupertino Chamber of Commerce	\$1,122	\$3,000	\$18	\$1,881		\$6,021	CANC
Cherry Blossom	April 24-25, 2021	Toyokawa Sister City	\$3,496	\$19,776	\$5,892	\$4,702		\$33 <i>,</i> 866	CANC
World Journal	Date TBD	World Journal/Cupertino Chinese School	\$1,564	\$4,960	\$3,043	\$5,662		\$15,229	CANC
Konark Dance and Music Festival		Cupertino Bhubaneswar Sister City	\$1,270	\$2,910	\$1,667	\$1,410		\$7,257	CANC
Relay for Life	June 19, 2021	American Cancer Society	\$294	\$2,000	\$14			\$2,308	CANC
Tournament of Bands		Cupertino Tournament of Bands		\$3,400	\$3,000	\$1,400		\$7 <i>,</i> 800	CANC
CEEF 5K	Sept. 26, 2020	CEEF		\$3,400	\$2,000	\$2,000		\$7,400	CANC
Heroes Run	Nov. 7, 2020	VMC Foundation	\$480	\$3,400	\$2,000			\$5,880	CANC
Costs for FY 20/21 Events			\$14,793	\$72,682	\$29,711	\$37,741	\$1,508	\$156,435	
				TOTAL	\$117,185.68	Total	\$39,248.86		

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			Waived Fees			City Paid expenses			
Festival	Date	Festival Producer	Recreation	Facility/Park/ Road Permits	Public Works	Sheriff	Materials	Total	
Kids 'N Fun Festival	Aug. 14, 2021	Taiwanese Cultural and Sports Association	\$784	\$5,270	\$2,871	\$4,702		\$13,627	Completed
Fall Festival	Sept. 11, 2021	Cupertino Rotary	\$1,515	\$5,360	\$3,081	\$4,800		\$14,757	
Diwali	Oct. 16, 2021	Cupertino Chamber of Commerce	\$1,188	\$6,630	\$3,070	\$5,889		\$16,777	Completed
Veteran's Day	Nov. 11, 2021	Cupertino Veteran's Memorial	\$628	\$1,000	\$18		\$1,508	\$3,154	not taking place in 2021
Ikebana Flower Show	N/A	WAFU Ikebana Society		1	No show in FY 21	1/22			not taking place in 2021
Holi	April 3, 2022	Cupertino Chamber of Commerce	\$1,205	\$3,000	\$18	\$1,881		\$6,104	Completed
Cherry Blossom	April 30- May 1, 2022	Toyokawa Sister City	\$3,662	\$19,682	\$5,892	\$4,702		\$33,937	
World Journal	TBD	World Journal/Cupertino Chinese School	\$1,647	\$4,960	\$3,043	\$4,251		\$13,901	
Konark Dance and Music Festival		Cupertino Bhubaneswar Sister City	\$1,352	\$2,910	\$1,667	\$1,410		\$7,339	
Relay for Life	June 18, 2022	American Cancer Society	\$294	\$2,576	\$14			\$2,884	
Tournament of Bands		Cupertino Tournament of Bands		\$3,400	\$3,000	\$1,400		\$7,800	
CEEF 5k	N/A	CEEF		Λ	lo event in FY 2	1/22			not taking place in 2021
Heroes Run- ESTIMATED		VMC Foundation	<del>\$480</del>	<del>\$3,400</del>	<del>\$2,000</del>			<del>\$5,880</del>	Heroes Run has moved to new venue
Costs for FY 21/22 Events			\$12,756	\$58,188	\$24,676	\$29,035	\$1,508	\$126,161	1
				TOTAL	\$95,618.68	Total	\$30,542.30		-



#### ATTACHMENT C Community Hall Rental Contract

City of Cupertino Recreation & Community Services Department 10185 North Stelling Road Cupertino, CA 95014 Phone: (408) 777-3120 Fax: (408) 777-3137

Printed: 30 Mar 2022, 11:11 AM User: rubenr

Contract #:	15260	User:	kevink
Date:	11 Feb 2015	Status:	Closed

The City of Cupertino Recreation & Community Services Department, 10185 N Stelling Road, Cupertino, CA 95014-5733, hereby grants CITY OF CUPERTINO (hereinafter called the "Licensee") represented by ANGELA TSUI, permission to use the Facilities as outlined, subject to the Terms and Conditions of this Agreement contained herein and attached hereto, all of which form part of this Agreement.

i) Purpose of Use	Private Event CITY OF CUPERTINO/CHAMBER OF COMMERCE EVENT	
ii) Conditions of Use	RESERVATION SUBJECT TO DEPARTMENTAL APPROVAL, VERIFICATION OF F DATES, AND TIMES. UPON APPROVAL, A FIRM RENTAL CONTRACT / PERMIT V MAILED TO YOU.	,
iii) Date(s) and Time(s) of Use		Expected: 60

Facility/Equipment	Day	Start Date	Start Time	End Time	Fee	XFee	Тах	Total	
Community Hall - Community Hall	Fri	08 May 2015	08:00 AM	05:00 PM	\$0.00	\$0.00	\$0.00	\$0.00	Initial

#### iv) Additional Fees

Rental Fees	Extra Fees	Тах	Rental Total	Damage Deposit	Total Applied	Balance	Current
\$0.00	\$0.00	\$0.00	\$0.00	<returned></returned>	\$0.00	\$0.00	\$0.00

Balance of rental due and payable immediately.

vi)	Other	Information
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Prompt	Answer
Security Fees Added?	No
Weekend staffing?	No
Alcohol?	No
Crksd/ComHall Staff?	No
Rental Deposit?	No
Insurance?	Not Required
Food?	No

Staff Reviewed:

User: rubenr

Contract #:	15260	User:	kevink
Date:	11 Feb 2015	Status:	Closed

#### WAIVER, RELEASE, HOLD HARMLESS AND AGREEMENT NOT TO SUE

I, to whom an Exclusive Use Permit has been granted (hereinafter, "Permittee"), shall hold harmless and indemnify the City of Cupertino, its city council, employees, agents, servants, and volunteers against any and all liability, claims, losses, damages or expenses arising from the event or activities of Permittee, its officers, agents or employees; excluding, however, such liability, claims, losses, damages or expenses arising from the City's sole negligence or willful acts. Permittee shall be liable to the City for any and all damages to parks, facilities, and buildings owned by the City arising from the activities of Permittee or any participant in said activity.

I understand that I am renting and using the City property in its current condition, I have had an opportunity to inspect the property, and there have been no representations of the construction, condition, or safety of the property. In consideration of acceptance of my application for rental of property, I hereby RELEASE, DISCHARGE, AND AGREE NOT TO SUE the City of Cupertino, the City Council, officials, officers, agents, employees, or

volunteers (collectively, "City") to the fullest extent legally possible from any injury, death, or damage or loss to personal property arising out of, or in connection with, my rental of the property from whatever cause, including the active or passive negligence of City or any other participants in the activity. I understand that City does not guarantee the construction, condition, or safety of the facilities where the activity is taking place.

In consideration for being permitted for the rental of property, I hereby agree, for myself, my heirs, administrators, executors, and assigns, that I shall indemnify and hold harmless the City of Cupertino, the City Council, officials, officers, agents, employees, or volunteers (collectively, "City") from any and all claims, demands, actions or suits arising out of or in connection with my participation in the activity or rental of the property.

I have carefully read this agreement and fully understand its contents. I am aware that it is a full release of all liability and sign it on my own free will.

Cancellation of reservation must be made at least 30 calendar days prior to your reservation date in order for your rental fees to be refunded.	Initial
I hereby agree to provide a certificate of commercial general liability insurance with the City of Cupertino	
listed as an additional insured in the amount of \$1,000,000 per occurrence if required.	Initial
I, the undersigned, hereby agree to be present for the entirety of my event. I agree to be present for both	
a pre-event inspection and a post-event inspection of the rental facility and understand that my	
signature will be required on any inspection reports.	Initial
Functions exceeding the permitted reservation time shall be charged 1.5 times the associated hourly fee for	
anytime to the first half hour and 1.5 times the associated fee for every half hour there after.	Initial

#### Х:

Fax: (408)

ANGELA TSUI CITY OF CUPERTINO 10300 TORRE AVE CUPERTINO CA 95014 Home: (408)777-3200

Business: (408)

#### X:

#### KELSEY HAYES INTERIM RECREATION SUPERVISOR

Cupertino Recreation & Community Services Dept

Date Approved:

Mailing address if different from above:



### **Quinlan Rental Contract**

City of Cupertino Recreation & Community Services Department 10185 North Stelling Road Cupertino, CA 95014 Phone: (408) 777-3120 Fax: (408) 777-3137

> Printed: 30 Mar 2022, 12:20 PM User: rubenr

Contract #:	17672	User:	rubenr
Date:	18 Aug 2016	Status:	Closed

The City of Cupertino Recreation & Community Services Department, 10185 N Stelling Road, Cupertino, CA 95014-5733, hereby grants CITY OF CUPERTINO (hereinafter called the "Licensee") represented by ANGELA TSUI, permission to use the Facilities as outlined, subject to the Terms and Conditions of this Agreement contained herein and attached hereto, all of which form part of this Agreement.

i) Purpose of Use	Meeting CITY OF CUPERTINO/CHAMBER OF COMMERCE EVENT	
ii) Conditions of Use	RESERVATION SUBJECT TO DEPARTMENTAL APPROVAL, VERIFICA DATES, AND TIMES. UPON APPROVAL, A FIRM RENTAL CONTRACT MAILED TO YOU.	,
iii) Date(s) and Time(s) of Use		Expected: 75

Facility/Equipment	Day	Start Date	Start Time	End Time	Fee	XFee	Тах	Total	
Quinlan Community Center - Cupertino Room	Wed	14 Sep 2016	05:00 PM	08:00 PM	\$0.00	\$0.00	\$0.00	\$0.00	Initial

### iv) Additional Fees v) Payment Method

Rental Fees	Extra Fees	Тах	Rental Total	Damage Deposit	Total Applied	Balance	Current
\$0.00	\$0.00	\$0.00	\$0.00	<returned></returned>	\$0.00	\$0.00	\$0.00

Rental charges are due according to the following schedule:

#### vi) Other Information

Prompt	Answer
Alcohol?	No
Security Fees Added?	No
Weekend Staffing?	No
Crksd/ComHall Staff?	No
Rental Deposit?	No
Insurance?	Not Required
Food?	No
EEC Staffing?	No

Staff Reviewed:

User: rubenr

Contract #:	17672	User:	rubenr
Date:	18 Aug 2016	Status:	Closed

#### WAIVER, RELEASE, HOLD HARMLESS AND AGREEMENT NOT TO SUE

I, to whom an Exclusive Use Permit has been granted (hereinafter, "Permittee"), shall hold harmless and indemnify the City of Cupertino, its city council, employees, agents, servants, and volunteers against any and all liability, claims, losses, damages or expenses arising from the event or activities of Permittee, its officers, agents or employees; excluding, however, such liability, claims, losses, damages or expenses arising from the City's sole negligence or willful acts. Permittee shall be liable to the City for any and all damages to parks, facilities, and buildings owned by the City arising from the activities of Permittee or any participant in said activity.

I understand that I am renting and using the City property in its current condition, I have had an opportunity to inspect the property, and there have been no representations of the construction, condition, or safety of the property. In consideration of acceptance of my application for rental of property, I hereby RELEASE, DISCHARGE, AND AGREE NOT TO SUE the City of Cupertino, the City Council, officials, officers, agents, employees, or

volunteers (collectively, "City") to the fullest extent legally possible from any injury, death, or damage or loss to personal property arising out of, or in connection with, my rental of the property from whatever cause, including the active or passive negligence of City or any other participants in the activity. I understand that City does not guarantee the construction, condition, or safety of the facilities where the activity is taking place.

In consideration for being permitted for the rental of property, I hereby agree, for myself, my heirs, administrators, executors, and assigns, that I shall indemnify and hold harmless the City of Cupertino, the City Council, officials, officers, agents, employees, or volunteers (collectively, "City") from any and all claims, demands, actions or suits arising out of or in connection with my participation in the activity or rental of the property.

I have carefully read this agreement and fully understand its contents. I am aware that it is a full release of all liability and sign it on my own free will.

Cancellation of reservation must be made at least 30 calendar days prior to your reservation date in order	
for your rental fees to be refunded.	

I hereby agree to provide a certificate of commercial general liability insurance with the City of Cupertino listed as an additional insured in the amount of \$1,000,000 per occurrence if required.

I, the undersigned, hereby agree to be present for the entirety of my event. I agree to be present for both a pre-event inspection and a post-event inspection of the rental facility and understand that my signature will be required on any inspection reports.

Functions exceeding the permitted reservation time shall be charged 1.5 times the associated hourly fee for anytime to the first half hour and 1.5 times the associated fee for every half hour there after.

Х:

#### ANGELA TSUI

CITY OF CUPERTINO 10300 TORRE AVE CUPERTINO CA 95014 Home: (408)777-3200 Fax: (408)

Business: (408)

Mailing address if different from above:

### X:

KELSEY HAYES INTERIM RECREATION SUPERVISOR Cupertino Recreation & Community Services Dept

Initial

Initial

Initial

Initial

Date Approved:



#### ATTACHMENT C **Community Hall Rental Contract**

City of Cupertino Recreation & Community Services Department 10185 North Stelling Road Cupertino, CA 95014 Phone: (408) 777-3120 Fax: (408) 777-3137

Printed: 30 Mar 2022, 12:28 PM User: rubenr

Contract #:	17709	User:	kevink
Date:	29 Aug 2016	Status:	Closed

The City of Cupertino Recreation & Community Services Department, 10185 N Stelling Road, Cupertino, CA 95014-5733, hereby grants CITY OF CUPERTINO (hereinafter called the "Licensee") represented by ANGELA TSUI, permission to use the Facilities as outlined, subject to the Terms and Conditions of this Agreement contained herein and attached hereto, all of which form part of this Agreement.

i) Purpose of Use	Meeting CITY OF CUPERTINO/ CHAMBER LAC LUNCHEON	
ii) Conditions of Use	RESERVATION SUBJECT TO DEPARTMENTAL APPROVAL, VERIFICATION OF FEES DATES, AND TIMES. UPON APPROVAL, A FIRM RENTAL CONTRACT / PERMIT WIL MAILED TO YOU.	,
iii) Date(s) and Time(s) of Use	E	Expected: 40

Facility/Equipment	Day	Start Date	Start Time	End Time	Fee	XFee	Тах	Total	
Community Hall - Community Hall	Fri	09 Sep 2016	12:30 PM	02:00 PM	\$0.00	\$0.00	\$0.00	\$0.00	Initial
Community Hall - Community Hall	Fri	07 Oct 2016	12:30 PM	02:00 PM	\$0.00	\$0.00	\$0.00	\$0.00	Initial
Community Hall - Community Hall	Fri	04 Nov 2016	12:30 PM	02:00 PM	\$0.00	\$0.00	\$0.00	\$0.00	Initial
Community Hall - Community Hall	Fri	02 Dec 2016	12:30 PM	02:00 PM	\$0.00	\$0.00	\$0.00	\$0.00	Initial

### iv) Additional Fees

v) Payment Method							
Rental Fees	Extra Fees	Тах	Rental Total	Damage Deposit	Total Applied	Balance	Current
\$0.00	\$0.00	\$0.00	\$0.00	<returned></returned>	\$0.00	\$0.00	\$0.00

Rental charges are due according to the following schedule:

vi) Other Information	
Prompt	Answer
Alcohol?	No
Security Fees Added?	No
Weekend Staffing?	No
Crksd/ComHall Staff?	Yes
Rental Deposit?	No
Insurance?	Not Required
Food?	No
EEC Staffing?	No

Staff Reviewed:

User: rubenr

Contract #:	17709	User:	kevink
Date:	29 Aug 2016	Status:	Closed

#### WAIVER, RELEASE, HOLD HARMLESS AND AGREEMENT NOT TO SUE

I, to whom an Exclusive Use Permit has been granted (hereinafter, "Permittee"), shall hold harmless and indemnify the City of Cupertino, its city council, employees, agents, servants, and volunteers against any and all liability, claims, losses, damages or expenses arising from the event or activities of Permittee, its officers, agents or employees; excluding, however, such liability, claims, losses, damages or expenses arising from the City's sole negligence or willful acts. Permittee shall be liable to the City for any and all damages to parks, facilities, and buildings owned by the City arising from the activities of Permittee or any participant in said activity.

I understand that I am renting and using the City property in its current condition, I have had an opportunity to inspect the property, and there have been no representations of the construction, condition, or safety of the property. In consideration of acceptance of my application for rental of property, I hereby RELEASE, DISCHARGE, AND AGREE NOT TO SUE the City of Cupertino, the City Council, officials, officers, agents, employees, or

volunteers (collectively, "City") to the fullest extent legally possible from any injury, death, or damage or loss to personal property arising out of, or in connection with, my rental of the property from whatever cause, including the active or passive negligence of City or any other participants in the activity. I understand that City does not guarantee the construction, condition, or safety of the facilities where the activity is taking place.

In consideration for being permitted for the rental of property, I hereby agree, for myself, my heirs, administrators, executors, and assigns, that I shall indemnify and hold harmless the City of Cupertino, the City Council, officials, officers, agents, employees, or volunteers (collectively, "City") from any and all claims, demands, actions or suits arising out of or in connection with my participation in the activity or rental of the property.

I have carefully read this agreement and fully understand its contents. I am aware that it is a full release of all liability and sign it on my own free will.

Cancellation of reservation must be made at least 30 calendar days prior to your reservation date in order	
for your rental fees to be refunded.	Initial
I hereby agree to provide a certificate of commercial general liability insurance with the City of Cupertino	
listed as an additional insured in the amount of \$1,000,000 per occurrence if required.	Initial
I, the undersigned, hereby agree to be present for the entirety of my event. I agree to be present for both	
a pre-event inspection and a post-event inspection of the rental facility and understand that my	
signature will be required on any inspection reports.	Initial
Functions exceeding the permitted reservation time shall be charged 1.5 times the associated hourly fee for	
anytime to the first half hour and 1.5 times the associated fee for every half hour there after.	Initial

#### **X**:

ANGELA TSUI CITY OF CUPERTINO 10300 TORRE AVE

Fax: (408)

CUPERTINO CA 95014 Home: (408)777-3200

Business: (408)

### X:

KELSEY HAYES INTERIM RECREATION SUPERVISOR

Cupertino Recreation & Community Services Dept

Date Approved:

Mailing address if different from above:



### ATTACHMENT C Community Hall Rental Contract

City of Cupertino Recreation & Community Services Department 10185 North Stelling Road Cupertino, CA 95014 Phone: (408) 777-3120 Fax: (408) 777-3137

Printed: 30 Mar 2022, 12:33 PM User: rubenr

Expected: 40

Contract #:	17738	User:	kevink
Date:	08 Sep 2016	Status:	Firm

The City of Cupertino Recreation & Community Services Department, 10185 N Stelling Road, Cupertino, CA 95014-5733, hereby grants CITY OF CUPERTINO (hereinafter called the "Licensee") represented by ANGELA TSUI, permission to use the Facilities as outlined, subject to the Terms and Conditions of this Agreement contained herein and attached hereto, all of which form part of this Agreement.

i) Purpose of Use	Meeting CITY OF CUPERTINO/ CHAMBER LAC
ii) Conditions of Use	RESERVATION SUBJECT TO DEPARTMENTAL APPROVAL, VERIFICATION OF FEES, DATES, AND TIMES. UPON APPROVAL, A FIRM RENTAL CONTRACT / PERMIT WILL BE MAILED TO YOU.

iii) Date(s) and Time(s) of Use

									-
Facility/Equipment	Day	Start Date	Start Time	End Time	Fee	XFee	Тах	Total	
Community Hall - Community Hall	Fri	06 Jan 2017	12:30 PM	02:00 PM	\$0.00	\$0.00	\$0.00	\$0.00	Initial
Community Hall - Community Hall	Fri	03 Feb 2017	12:30 PM	02:00 PM	\$0.00	\$0.00	\$0.00	\$0.00	Initial
Community Hall - Community Hall	Fri	03 Mar 2017	12:30 PM	02:00 PM	\$0.00	\$0.00	\$0.00	\$0.00	Initial
Community Hall - Community Hall	Fri	07 Apr 2017	12:30 PM	02:00 PM	\$0.00	\$0.00	\$0.00	\$0.00	Initial
Community Hall - Community Hall	Fri	05 May 2017	12:30 PM	02:00 PM	\$0.00	\$0.00	\$0.00	\$0.00	Initial
Community Hall - Community Hall	Fri	02 Jun 2017	12:30 PM	02:00 PM	\$0.00	\$0.00	\$0.00	\$0.00	Initial
Community Hall - Community Hall	Fri	07 Jul 2017	12:30 PM	02:00 PM	\$0.00	\$0.00	\$0.00	\$0.00	Initial
Community Hall - Community Hall	Fri	04 Aug 2017	12:30 PM	02:00 PM	\$0.00	\$0.00	\$0.00	\$0.00	Initial
Community Hall - Community Hall	Fri	08 Sep 2017	12:30 PM	02:00 PM	\$0.00	\$0.00	\$0.00	\$0.00	Initial
Community Hall - Community Hall	Fri	06 Oct 2017	12:30 PM	02:00 PM	\$0.00	\$0.00	\$0.00	\$0.00	Initial
Community Hall - Community Hall	Fri	03 Nov 2017	12:30 PM	02:00 PM	\$0.00	\$0.00	\$0.00	\$0.00	Initial

iv) Additional Fees

v) Payment Method

Rental Fees	Extra Fees	Тах	Rental Total	Damage Deposit	Total Applied	Balance	Current
\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

Rental charges are due according to the following schedule:

Printed: 30 Mar 2022, 12:33 PM User: rubenr

### ATTACHMENT C

Contract #:	17738	User:	kevink
Date:	08 Sep 2016	Status:	Firm

vi) Other Information	
Prompt	Answer
Alcohol?	No
Security Fees Added?	No
Weekend Staffing?	No
Crksd/ComHall Staff?	No
Rental Deposit?	No
Insurance?	Not Required
Food?	No
EEC Staffing?	No

Date: \_\_\_\_\_

Staff Reviewed:

User: rubenr

Contract #:	17738	User:	kevink
Date:	08 Sep 2016	Status:	Firm

#### WAIVER, RELEASE, HOLD HARMLESS AND AGREEMENT NOT TO SUE

I, to whom an Exclusive Use Permit has been granted (hereinafter, "Permittee"), shall hold harmless and indemnify the City of Cupertino, its city council, employees, agents, servants, and volunteers against any and all liability, claims, losses, damages or expenses arising from the event or activities of Permittee, its officers, agents or employees; excluding, however, such liability, claims, losses, damages or expenses arising from the City's sole negligence or willful acts. Permittee shall be liable to the City for any and all damages to parks, facilities, and buildings owned by the City arising from the activities of Permittee or any participant in said activity.

I understand that I am renting and using the City property in its current condition, I have had an opportunity to inspect the property, and there have been no representations of the construction, condition, or safety of the property. In consideration of acceptance of my application for rental of property, I hereby RELEASE, DISCHARGE, AND AGREE NOT TO SUE the City of Cupertino, the City Council, officials, officers, agents, employees, or

volunteers (collectively, "City") to the fullest extent legally possible from any injury, death, or damage or loss to personal property arising out of, or in connection with, my rental of the property from whatever cause, including the active or passive negligence of City or any other participants in the activity. I understand that City does not guarantee the construction, condition, or safety of the facilities where the activity is taking place.

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for your rental fees to be refunded.	Initial
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listed as an additional insured in the amount of \$1,000,000 per occurrence if required.	Initial
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a pre-event inspection and a post-event inspection of the rental facility and understand that my	
signature will be required on any inspection reports.	Initial
Functions exceeding the permitted reservation time shall be charged 1.5 times the associated hourly fee for	
anytime to the first half hour and 1.5 times the associated fee for every half hour there after.	Initial

#### **X**:

ANGELA TSUI CITY OF CUPERTINO 10300 TORRE AVE

Fax: (408)

CUPERTINO CA 95014 Home: (408)777-3200

Business: (408)

### Х:

### KELSEY HAYES INTERIM RECREATION SUPERVISOR

Cupertino Recreation & Community Services Dept

Date Approved:

Mailing address if different from above:



### ATTACHMENT C Community Hall Rental Contract

City of Cupertino Recreation & Community Services Department 10185 North Stelling Road Cupertino, CA 95014 Phone: (408) 777-3120 Fax: (408) 777-3137

Printed: 30 Mar 2022, 02:02 PM User: rubenr

Current

\$0.00

Contract #:	17753	User:	kevink
Date:	13 Sep 2016	Status:	Closed

The City of Cupertino Recreation & Community Services Department, 10185 N Stelling Road, Cupertino, CA 95014-5733, hereby grants CITY OF CUPERTINO (hereinafter called the "Licensee") represented by ANGELA TSUI, permission to use the Facilities as outlined, subject to the Terms and Conditions of this Agreement contained herein and attached hereto, all of which form part of this Agreement.

ii) Conditions of Use	ENTAL APPROVAL, VERIFICATION OF FEES, A FIRM RENTAL CONTRACT / PERMIT WILL BE
iii) Date(s) and Time(s) of Use	Expected: 10

Facility/Equipment	Day	Start Date	Start Time	End Time	Fee	XFee	Тах	Total	
Community Hall - Community Hall	Wed	21 Sep 2016	10:00 AM	12:00 PM	\$0.00	\$0.00	\$0.00	\$0.00	Initial

### iv) Additional Fees

v) Payment Method						
Rental Fees	Extra Fees	Тах	Rental Total	Damage Deposit	Total Applied	Balance
\$0.00	\$0.00	\$0.00	\$0.00	<returned></returned>	\$0.00	\$0.00

Rental charges are due according to the following schedule:

vi)	Other	Information

Prompt	Answer
Alcohol?	No
Security Fees Added?	No
Weekend Staffing?	No
Crksd/ComHall Staff?	No
Rental Deposit?	No
Insurance?	Not Required
Food?	No
EEC Staffing?	No

Staff Reviewed:

User: rubenr

Contract #:	17753	User:	kevink
Date:	13 Sep 2016	Status:	Closed

#### WAIVER, RELEASE, HOLD HARMLESS AND AGREEMENT NOT TO SUE

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volunteers (collectively, "City") to the fullest extent legally possible from any injury, death, or damage or loss to personal property arising out of, or in connection with, my rental of the property from whatever cause, including the active or passive negligence of City or any other participants in the activity. I understand that City does not guarantee the construction, condition, or safety of the facilities where the activity is taking place.

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Cancellation of reservation must be made at least 30 calendar days prior to your reservation date in order for your rental fees to be refunded.	Initial
I hereby agree to provide a certificate of commercial general liability insurance with the City of Cupertino	
listed as an additional insured in the amount of \$1,000,000 per occurrence if required.	Initial
I, the undersigned, hereby agree to be present for the entirety of my event. I agree to be present for both	
a pre-event inspection and a post-event inspection of the rental facility and understand that my	
signature will be required on any inspection reports.	Initial
Functions exceeding the permitted reservation time shall be charged 1.5 times the associated hourly fee for	
anytime to the first half hour and 1.5 times the associated fee for every half hour there after.	Initial

#### Х:

ANGELA TSUI CITY OF CUPERTINO 10300 TORRE AVE

Fax: (408)

CUPERTINO CA 95014 Home: (408)777-3200

Business: (408)

### X:

### KELSEY HAYES INTERIM RECREATION SUPERVISOR

Cupertino Recreation & Community Services Dept

Date Approved:

Mailing address if different from above:



#### ATTACHMENT C **Community Hall Rental Contract**

City of Cupertino Recreation & Community Services Department 10185 North Stelling Road Cupertino, CA 95014 Phone: (408) 777-3120 Fax: (408) 777-3137

Printed: 30 Mar 2022, 02:20 PM User: rubenr

Expected: 40

Contract #:	19009	User:	rubenr
Date:	07 May 2018	Status:	Closed

The City of Cupertino Recreation & Community Services Department, 10185 N Stelling Road, Cupertino, CA 95014-5733, hereby grants CITY OF CUPERTINO (hereinafter called the "Licensee") represented by ANGELA TSUI, permission to use the Facilities as outlined, subject to the Terms and Conditions of this Agreement contained herein and attached hereto, all of which form part of this Agreement.

i) Purpose of Use	Meeting CITY OF CUPERTINO//LAC
ii) Conditions of Use	RESERVATION SUBJECT TO DEPAR DATES, AND TIMES. UPON APPROV

RTMENTAL APPROVAL, VERIFICATION OF FEES, VAL, A FIRM RENTAL CONTRACT / PERMIT WILL BE MAILED TO YOU.

iii) Date(s) and Time(s) of Use

Facility/Equipment	Day	Start Date	Start Time	End Time	Fee	XFee	Тах	Total	
Community Hall - Community Hall	Fri	01 Jun 2018	12:30 PM	02:00 PM	\$0.00	\$0.00	\$0.00	\$0.00	Initial
Community Hall - Community Hall	Fri	13 Jul 2018	12:30 PM	02:00 PM	\$0.00	\$0.00	\$0.00	\$0.00	Initial
Community Hall - Community Hall	Fri	03 Aug 2018	12:30 PM	02:00 PM	\$0.00	\$0.00	\$0.00	\$0.00	Initial
Community Hall - Community Hall	Fri	07 Sep 2018	12:30 PM	02:00 PM	\$0.00	\$0.00	\$0.00	\$0.00	Initial
Community Hall - Community Hall	Fri	05 Oct 2018	12:30 PM	02:00 PM	\$0.00	\$0.00	\$0.00	\$0.00	Initial
Community Hall - Community Hall	Fri	02 Nov 2018	12:30 PM	02:00 PM	\$0.00	\$0.00	\$0.00	\$0.00	Initial
Community Hall - Community Hall	Fri	07 Dec 2018	12:30 PM	02:00 PM	\$0.00	\$0.00	\$0.00	\$0.00	Initial

#### iv) Additional Fees

v) Payment Metho	d			
Rental Fees	Extra Fees	Тах	Rental Total	
\$0.00	\$0.00	\$0.00	\$0.00	

```
<returned>
```

Damage Deposit

Balance \$0.00

**Total Applied** 

\$0.00

Current \$0.00

Rental charges are due according to the following schedule:

Printed: 30 Mar 2022, 02:20 PM

### ATTACHMENT C

User: rubenr

Contract #:	19009	User:	rubenr
Date:	07 May 2018	Status:	Closed

vi) Other Information	
Prompt	Answer
Alcohol?	No
Security Fees Added?	No
Weekend Staffing?	No
Crksd/ComHall Staff?	Yes
Rental Deposit?	No
Insurance?	Not Required
Food?	No
EEC Staffing?	No

Date: -

Staff Reviewed:

User: rubenr

Contract #:	19009	User:	rubenr
Date:	07 May 2018	Status:	Closed

#### WAIVER, RELEASE, HOLD HARMLESS AND AGREEMENT NOT TO SUE

I, to whom an Exclusive Use Permit has been granted (hereinafter, "Permittee"), shall hold harmless and indemnify the City of Cupertino, its city council, employees, agents, servants, and volunteers against any and all liability, claims, losses, damages or expenses arising from the event or activities of Permittee, its officers, agents or employees; excluding, however, such liability, claims, losses, damages or expenses arising from the City's sole negligence or willful acts. Permittee shall be liable to the City for any and all damages to parks, facilities, and buildings owned by the City arising from the activities of Permittee or any participant in said activity.

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signature will be required on any inspection reports.	Initial
Functions exceeding the permitted reservation time shall be charged 1.5 times the associated hourly fee for	
anytime to the first half hour and 1.5 times the associated fee for every half hour there after.	Initial

#### **X**:

ANGELA TSUI

CITY OF CUPERTINO 10300 TORRE AVE CUPERTINO CA 95014 Home: (408)777-3200 Fax: (408)

Business: (408)

### **X**:

### KELSEY HAYES INTERIM RECREATION SUPERVISOR

Cupertino Recreation & Community Services Dept

Date Approved:

Mailing address if different from above:



Quinlan Community Center 10185 N Stelling Rd. Cupertino, CA, US 95014 PHONE:(408) 777-3120 FAX:(408) 777-1305 EMAIL:Recreation@Cupertino.org

Permit # R5508

Status Approved Date Dec 14, 2018 9:18 AM

Organization Name Customer Type Organization Address	Cupertino - City Manager's Office - 34 Cupertino Non-Profit 10300 Torre Ave. Cupertino, CA 95014	Organization Phone 1 Number	(408) 777-3200	
Agent Name	Angela Tsui	Main Phone Number Email Address	(408) 777-7607 AngelaT@cupertino.org	
System User	Ofelia Ng			
			Rental Fee	\$0.0
			Discounts	\$0.0

Discounts	\$0.00
Subtotal	\$0.00
Deposits	\$0.00
Deposit Discounts	\$0.00
Total Permit Fee	\$0.00
Total Payment	\$0.00
Refunds	\$0.00
Balance	\$0.00
	Subtotal Deposits Deposit Discounts Total Permit Fee Total Payment Refunds

Chamber LAC	1 re	esource(s) <b>11</b> booking(s)	Subtotal: \$0.00
Booking Summary			
CHall - Community Hall (Admin Booking)		Cente	r: Community Hall
START DATE/TIME	END DATE/TIME	ATTENDEE	AMT W/O TAX
Jan 11, 2019 12:30 PM	Dec 6, 2019 2:00 PM		
Occurs on selected dates: Jan 11, 2019, Mar 1, Oct 4, 2019, Nov 1, 2019, Dec 6, 2019	2019, Apr 5, 2019, May 3, 2019, Jun 7, 20	19, Jul 12, 2019, Aug 2, 2	2019, Sep 6, 2019,
Jan 11, 2019 12:30 PM	Jan 11, 2019 2:00 PM	40	\$0.00
Mar 1, 2019 12:30 PM	Mar 1, 2019 2:00 PM	40	\$0.00
Apr 5, 2019 12:30 PM	Apr 5, 2019 2:00 PM	40	\$0.00
May 3, 2019 12:30 PM	May 3, 2019 2:00 PM	40	\$0.00
Jun 7, 2019 12:30 PM	Jun 7, 2019 2:00 PM	40	\$0.00
Jul 12, 2019 12:30 PM	Jul 12, 2019 2:00 PM	40	\$0.00
Aug 2, 2019 12:30 PM	Aug 2, 2019 2:00 PM	40	\$0.00
Sep 6, 2019 12:30 PM	Sep 6, 2019 2:00 PM	40	\$0.00

Oct 4, 2019 12:30 PM	Oct 4, 2019 2:00 PM	40	\$0.00
Nov 1, 2019 12:30 PM	Nov 1, 2019 2:00 PM	40	\$0.00
Dec 6, 2019 12:30 PM	Dec 6, 2019 2:00 PM	40	\$0.00



Quinlan Community Center 10185 N Stelling Rd. Cupertino, CA, US 95014 PHONE:(408) 777-3120 FAX:(408) 777-1305 EMAIL:Recreation@Cupertino.org

Permit # R30723

Status Approved Date Nov 14, 2019 3:27 PM

Organization Name Customer Type Organization Address	Cupertino - City Manager's Office - 34 Cupertino Non-Profit 10300 Torre Ave. Cupertino, CA 95014	Organization Phone 1 Number	(408) 777-3200	
Agent Name	Angela Tsui	Main Phone Number Email Address	(408) 777-7607 AngelaT@cupertino.org	
System User	Ofelia Ng			
			Rental Fee	\$0.00
			Discounts	\$0.00
			Subtotal	\$0.00
			Deposits	\$0.00
			Deposit Discounts	\$0.00

Total Permit Fee	\$0.00
Total Payment	\$0.00
Refunds	\$0.00
Balance	\$0.00

Cupertino-City Mgr/Chamber LAC		1 resource(s)	2 booking(s)	Subtotal: \$0.00
Booking Summary				
CHall - Community Hall (Admin Booking)			Center:	Community Hall
START DATE/TIME	END DATE/TIME		ATTENDEE	AMT W/O TAX
Jan 10, 2020 12:30 PM	Jan 10, 2020 2:00 PM		40	\$0.00
Mar 6, 2020 12:30 PM	Mar 6, 2020 2:00 PM		40	\$0.00

10185 N Stelling Rd.

Quinlan Community Center

Cupertino, CA, US 95014

ATTACHMENT C

PHONE:(408) 777-3120

EMAIL:Recreation@Cupertino.org

FAX:(408) 777-1305



Permit # R2564

Status Approved Date Oct 24, 2018 11:44 AM

**Organization Name** Cupertino Chamber Of Commerce - 7 **Customer Type** Cupertino Non-Profit **Organization Address** 20455 Silverado Ave. Cupertino, CA 95014 Agent Name Anjali Kausar Main Phone Number (408) 252-7054 Cell Phone Number (408) 838-0502 **Email Address** anjali@cupertino-chamber.org System User Payer Cupertino Chamber Of Commerce Kelsey Christian

Rental Fee
Discounts
Subtotal
Deposits
Deposit Discounts
Total Permit Fee
Total Payment
Refunds
Balance

### Diwali Festival 2019

7 resource(s) 10 booking(s) Subtotal: \$0.00

### **Booking Summary**

MP - Half Field - Festival (Admin Booking)		Center: Me	morial Park	
START DATE/TIME	END DATE/TIME		ATTENDEE	AMT W/O TAX
Oct 10, 2019 8:00 AM	Oct 10, 2019 7:00 PM		1	\$0.00
Oct 11, 2019 7:00 AM	Oct 11, 2019 9:00 PM		1	\$0.00
Oct 12, 2019 7:00 AM	Oct 12, 2019 9:00 PM		1	\$0.00
QCC - Cupertino Room (Admin Booking)		Center: Qui	inlan Community Cen	ter
START DATE/TIME	END DATE/TIME		ATTENDEE	AMT W/O TAX
Oct 11, 2019 8:00 AM	Oct 11, 2019 10:00 PM		1	\$0.00
Oct 12, 2019 7:00 AM	Oct 12, 2019 9:00 PM		1	\$0.00
MP - Amphitheatre (Admin Booking)		Center: Me	morial Park	
START DATE/TIME	END DATE/TIME		ATTENDEE	AMT W/O TAX
Oct 12, 2019 7:00 AM	Oct 12, 2019 7:00 PM		1	\$0.00
MP - Gazebo (Admin Booking)		Center: Me	morial Park	
START DATE/TIME	END DATE/TIME		ATTENDEE	AMT W/O TAX
Oct 12, 2019 7:00 AM	Oct 12, 2019 7:00 PM		1	\$0.00
MP - Softball Field (Admin Booking)		Center: Me	morial Park	
START DATE/TIME	END DATE/TIME		ATTENDEE	AMT W/O TAX

Oct 12, 2019 7:00 AM	Oct 12, 2019 7:00 PMENT C	1	\$0.00
QCC - Conference Room (Admin Booking)	QCC - Conference Room (Admin Booking)		
START DATE/TIME	END DATE/TIME	ATTENDEE	AMT W/O TAX
Oct 12, 2019 7:00 AM	Oct 12, 2019 9:00 PM	1	\$0.00
QCC - Social Room (Admin Booking) Center: Quinlan Community Center			
START DATE/TIME	END DATE/TIME	ATTENDEE	AMT W/O TAX
Oct 12, 2019 7:00 AM	Oct 12, 2019 9:00 PM	1	\$0.00
Payment and Refund			
RECEIPT # DATE F	EE DESCRIPTION EVENT	RESOURCE	PAYMENT / REFUND

1005149.03	Sep 24, 2019	Security Deposit GL#100	Diwali Festival 2019	MP - Half Field - Festival	\$1,000.00
2001618.03	Oct 18, 2019	Security Deposit GL#100	Diwali Festival 2019	MP - Half Field - Festival	-\$1,000.00

10185 N Stelling Rd.

Quinlan Community Center

Cupertino, CA, US 95014

### ATTACHMENT C

PHONE:(408) 777-3120

EMAIL:Recreation@Cupertino.org

FAX:(408) 777-1305



Permit # R39887

Status Approved

Date Oct 14, 2021 10:50 AM

Organization Name Customer Type	Cupertino Chamber Of Commerce - 7	Organization Phone 1 Number	(408) 252-7054
	Cupertino Non-Profit	Number	
Organization Address	20455 Silverado Ave.		
	Cupertino, CA 95014		
Agent Name	Anjali Kausar	Main Phone Number	(408) 252-7054
		Cell Phone Number	(408) 838-0502
		Email Address	anjali@cupertino-chamber.org
System User	Ruben Rodriguez	Paver	Cupertino Chamber Of Commerce

\$0.00	Rental Fee
\$0.00	Discounts
\$0.00	Subtotal
\$0.00	Deposits
\$0.00	Deposit Discounts
\$0.00	Total Permit Fee
\$0.00	Total Payment
\$0.00	Refunds
\$0.00	Balance

### Diwali Festival 2021

17 resource(s) 21 booking(s) Subtotal: \$0.00

### **Booking Summary**

MP - Half Field - Festival (Admin Booking)		Center: Memorial Park	
START DATE/TIME	END DATE/TIME	ATTENDEE AM	T W/O TAX
Oct 15, 2021 8:00 AM	Oct 15, 2021 7:00 PM	1	\$0.00
Oct 16, 2021 7:00 AM	Oct 16, 2021 9:00 PM	1	\$0.00
Oct 17, 2021 7:00 AM	Oct 17, 2021 9:00 PM	1	\$0.00
MP - Amphitheatre (Admin Booking)		Center: Memorial Park	
START DATE/TIME	END DATE/TIME	ATTENDEE AN	T W/O TAX
Oct 16, 2021 7:00 AM	Oct 17, 2021 7:00 PM		\$0.00
Occurs every day effective Oct 16, 2021 until Oct 17, 2021	from 7:00 AM to 7:00 PM		
Oct 16, 2021 7:00 AM	Oct 16, 2021 7:00 PM	1	\$0.00
0 1 17 0001 7 00 000		_	
Oct 17, 2021 7:00 AM	Oct 17, 2021 7:00 PM	1	\$0.00
Oct 17, 2021 7:00 AM MP - Gazebo (Admin Booking)	Oct 17, 2021 7:00 PM	1 Center: Memorial Park	\$0.00
	Oct 17, 2021 7:00 PM END DATE/TIME		\$0.00 T W/O TAX
MP - Gazebo (Admin Booking)			
MP - Gazebo (Admin Booking) START DATE/TIME	END DATE/TIME		T W/O TAX

Oct 16, 2021 7:00 AM	Oct 16 ATTACHMENT C	1	\$0.00
QCC - Conference Room (Admin Booking)		Center: Quinlan Community Cer	nter
START DATE/TIME	END DATE/TIME	ATTENDEE	AMT W/O TAX
Oct 16, 2021 7:00 AM	Oct 16, 2021 9:00 PM	1	\$0.00
QCC - Social Room (Admin Booking)		Center: Quinlan Community Cer	nter
START DATE/TIME	END DATE/TIME	ATTENDEE	AMT W/O TAX
Oct 16, 2021 7:00 AM	Oct 16, 2021 9:00 PM	1	\$0.00
QCC - Cupertino Room (Admin Booking)		Center: Quinlan Community Cer	nter
START DATE/TIME	END DATE/TIME	ATTENDEE	AMT W/O TAX
Oct 16, 2021 8:00 AM	Oct 16, 2021 10:00 PM	1	\$0.00
Oct 17, 2021 7:00 AM	Oct 17, 2021 9:00 PM	1	\$0.00
SC - Arts & Crafts Room (Admin Booking)		Center: Senior Center	
START DATE/TIME	END DATE/TIME	ATTENDEE	AMT W/O TAX
Oct 16, 2021 8:30 AM	Oct 16, 2021 11:00 PM	1	\$0.00
SC - Bay Room (Admin Booking)		Center: Senior Center	
START DATE/TIME	END DATE/TIME	ATTENDEE	AMT W/O TAX
Oct 16, 2021 8:30 AM	Oct 16, 2021 11:00 PM	1	\$0.00
SC - Classroom (Admin Booking)		Center: Senior Center	
START DATE/TIME	END DATE/TIME	ATTENDEE	AMT W/O TAX
Oct 16, 2021 8:30 AM	Oct 16, 2021 11:00 PM	1	\$0.00
SC - Conference Room (Admin Booking)		Center: Senior Center	
START DATE/TIME	END DATE/TIME	ATTENDEE	AMT W/O TAX
Oct 16, 2021 8:30 AM	Oct 16, 2021 11:00 PM	1	\$0.00
SC - Exercise Room (Admin Booking)		Center: Senior Center	
START DATE/TIME	END DATE/TIME	ATTENDEE	AMT W/O TAX
Oct 16, 2021 8:30 AM	Oct 16, 2021 11:00 PM	1	\$0.00
SC - Fountain Room (Admin Booking)		Center: Senior Center	
START DATE/TIME	END DATE/TIME	ATTENDEE	AMT W/O TAX
Oct 16, 2021 8:30 AM	Oct 16, 2021 11:00 PM	1	\$0.00
SC - Kitchen (Admin Booking)		Center: Senior Center	
START DATE/TIME	END DATE/TIME	ATTENDEE	AMT W/O TAX
Oct 16, 2021 8:30 AM	Oct 16, 2021 11:00 PM	1	\$0.00
SC - Reception Hall (Admin Booking)		Center: Senior Center	
START DATE/TIME	END DATE/TIME	ATTENDEE	AMT W/O TAX
Oct 16, 2021 8:30 AM	Oct 16, 2021 11:00 PM	1	\$0.00
SC - Reception Hall B (Admin Booking)		Center: Senior Center	
START DATE/TIME	END DATE/TIME	ATTENDEE	AMT W/O TAX
Oct 16, 2021 8:30 AM	Oct 16, 2021 11:00 PM	1	\$0.00
SC - Tech Lab (Admin Booking)		Center: Senior Center	
START DATE/TIME	END DATE/TIME	ATTENDEE	AMT W/O TAX
Oct 16, 2021 8:30 AM	Oct 16, 2021 11:00 PM	1	\$0.00

Payment and Ref	fund	AT	TACHMENT C		
RECEIPT #	DATE	FEE DESCRIPTION	EVENT	RESOURCE	PAYMENT / REFUND
1007736.03	Oct 14, 2021	Security Deposit GL#100	Diwali Festival 2021	MP - Half Field - Festival	\$1,000.00
2004906.03	Oct 21, 2021	Security Deposit GL#100	Diwali Festival 2021	MP - Half Field - Festival	-\$1,000.00

Permit	ATTAC	CHMENT C		
Quinlan Community Center 10185 N Stelling Rd. Cupertino, CA, US 95014	PHONE:(408) 777-3120 FAX:(408) 777-1305 EMAIL:Recreation@Cupertino.org		Permit #         R61247           Status         Approved           Date         Mar 30, 2022 6:01 PM	
Organization Name Customer Type Organization Address	Cupertino Chamber Of Commerce - 7 Cupertino Non-Profit 20455 Silverado Ave. Cupertino, CA 95014			
Agent Name	Rick (Cupertino) Kitson (Chamber)	Work Phone Number Main Phone Number Cell Phone Number Email Address	(408) 550-6158 (408) 355-4413 (408) 355-4413 rickgkitson@gmail.com	
System User	Ruben Rodriguez	Payer	Cupertino Chamber Of Commerce	

\$0.00	Rental Fee
\$0.00	Discounts
\$0.00	Subtotal
\$1,000.00	Deposits
\$0.00	Deposit Discounts
\$1,000.00	Total Permit Fee
\$1,000.00	Total Payment
\$0.00	Refunds
\$0.00	Balance

### **Cupertino Holi Festival**

2 resource(s) 4 booking(s) Subtotal: \$1,000.00

CITY OF CUPERTINO

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### **Booking Summary**

Permit

MP - Half Field - Festival (Admin Booking)		Center: Memorial Park
START DATE/TIME	END DATE/TIME	ATTENDEE AMT W/O TAX
Apr 2, 2022 11:00 AM	Apr 2, 2022 9:00 PM	20 \$0.00
Apr 3, 2022 8:00 AM	Apr 3, 2022 6:00 PM	1000 \$0.00
Apr 4, 2022 8:00 AM	Apr 4, 2022 1:00 PM	20 \$0.00
Resource level fees		\$1,000.00
QCC - Cupertino Room (Admin Booking)		Center: Quinlan Community Center
START DATE/TIME	END DATE/TIME	ATTENDEE AMT W/O TAX
Apr 3, 2022 8:00 AM	Apr 3, 2022 6:00 PM	1 \$0.00

Deposit							
EVENT	RESOURCE	DEPOSIT FEE	CHARGE	TAX	AMOUNT PAID	REFUNDS	BALANCE
Cupertino Holi Festival	MP - Half Field - Festival	Security Deposit GL#100	\$1,000.00	\$0.00	\$1,000.00	\$0.00	\$0.00

Payment and Re	fund	ATTAC	HMENT C		
RECEIPT #	DATE	FEE DESCRIPTION	EVENT	RESOURCE	PAYMENT / REFUND
1008141.03	Mar 3, 2022	Security Deposit GL#100	Cupertino Holi Festival	MP - Full Field - Festival	\$1,000.00
3008624.03	Mar 30, 2022	Security Deposit GL#100	Cupertino Holi Festival		-\$1,000.00
3008624.03	Mar 30, 2022	Security Deposit GL#100	Cupertino Holi Festival	MP - Half Field - Festival	\$1,000.00

Permit	ATTAC	CHMENT C	
Quinlan Community Center 10185 N Stelling Rd. Cupertino, CA, US 95014	PHONE:(408) 777-3120 FAX:(408) 777-1305 EMAIL:Recreation@Cupertino.org		Permit #         R100281           Status         Tentative           Date         Mar 22, 2022 1:57 PM           Expiration Date         Mar 22, 2023
Organization Name Customer Type Organization Address	Cupertino Chamber Of Commerce - 7 Cupertino Non-Profit 20455 Silverado Ave. Cupertino, CA 95014		
Agent Name	Anjali Kausar	Main Phone Number Cell Phone Number Email Address	(408) 252-7054 (408) 838-0502 anjali@cupertino-chamber.org
System User	Ruben Rodriguez		

Rental Fee
Discounts
Subtotal
Deposits
Deposit Discounts
Total Permit Fee
Total Payment
Refunds
Balance

## Diwali Festival 2021

17 resource(s) 21 booking(s) Subtotal: \$0.00

### **Booking Summary**

MP - Half Field - Festival (Admin Booking)		Center: Mei	morial Park	
START DATE/TIME	END DATE/TIME		ATTENDEE	AMT W/O TAX
Sep 9, 2022 8:00 AM	Sep 9, 2022 7:00 PM		1	\$0.00
Sep 10, 2022 7:00 AM	Sep 10, 2022 9:00 PM		1	\$0.00
Sep 11, 2022 7:00 AM	Sep 11, 2022 9:00 PM		1	\$0.00
MP - Amphitheatre (Admin Booking)		Center: Mei	norial Park	
START DATE/TIME	END DATE/TIME		ATTENDEE	AMT W/O TAX
Sep 10, 2022 7:00 AM	Sep 11, 2022 7:00 PM			\$0.00
Occurs every day effective Sep 10, 2022 until Sep 11, 2022 fro	m 7:00 AM to 7:00 PM			
MP - Gazebo (Admin Booking)		Center: Mei	morial Park	
START DATE/TIME	END DATE/TIME		ATTENDEE	AMT W/O TAX
Sep 10, 2022 7:00 AM	Sep 10, 2022 7:00 PM		1	\$0.00
MP - Softball Field (Admin Booking)		Center: Mei	morial Park	
START DATE/TIME	END DATE/TIME		ATTENDEE	AMT W/O TAX
Sep 10, 2022 7:00 AM	Sep 10, 2022 7:00 PM		1	\$0.00
QCC - Conference Room (Admin Booking)		Center: Qui	nlan Community Cent	er

Sup 10, 2022 7:00 AM       Sup 10, 2022 7:00 AM       Sup 10, 2022 7:00 AM       ATTENDE       AMT WO TAX         Strat DATE/TIME       END DATE/TIME       ATTENDE       AMT WO TAX         Sup 10, 2022 7:00 AM       Sup 10, 2022 8:00 PM       1       Sup 00         GCC - Cupertine Room (Admin Booking)       Center: Cultifier Community Center       AMT WO TAX         Strat DATE/TIME       END DATE/TIME       ATTENDEE       AMT WO TAX         Sup 10, 2022 8:00 AM       Seep 10, 2022 8:00 PM       1       \$0:00         Sup 11, 2022 7:00 AM       Seep 10, 2022 8:00 PM       1       \$0:00         Sup 11, 2022 7:00 AM       Seep 10, 2022 8:00 PM       1       \$0:00         Sup 11, 2022 7:00 AM       Seep 10, 2022 8:00 PM       1       \$0:00         Sup 11, 2022 8:00 AM       Seep 10, 2022 8:00 PM       1       \$0:00         Strat DATE/TIME       END DATE/TIME       ATTENDEE       AMT WO TAX         Sep 10, 2022 8:30 AM       Seep 10, 2022 10:00 PM       1       \$0:00         SC-Castroom Admin Booking       Center Senior Center       ATTENDEE       AMT WO TAX         Sep 10, 2022 8:30 AM       Seep 10, 2022 10:00 PM       1       \$0:00         SC-Castroom Admin Booking       Center Senior Center       Sen 10, 2022 8:30 AM       Seep	START DATE/TIME	END DATEMACHMENT C	ATTENDEE	AMT W/O TAX
START DATE/TIMEEND DATE/TIMEATTENDER <td>Sep 10, 2022 7:00 AM</td> <td>Sep 10, 2022 9:00 PM</td> <td>1</td> <td>\$0.00</td>	Sep 10, 2022 7:00 AM	Sep 10, 2022 9:00 PM	1	\$0.00
Sep 10, 2022 7:00 AM         Sep 10, 2022 9:00 PM         1         \$0.00           GCC - Cupertina Room (Admin Booking)         Center: Quintan Community Center         AMT W/O TAX           Straft DATE/TIME         END DATE/TIME         ATTENDEE         AMT W/O TAX           Straft DATE/TIME         END DATE/TIME         END DATE/TIME         AMT W/O TAX           Straft DATE/TIME         END DATE/TIME         ATTENDEE         AMT W/O TAX           Sep 10, 2022 8:30 AM         Sep 10, 2022 100 PM         1         \$0.00           SC-Clastrowind/admin Booking)         Center: Senior Ce	QCC - Social Room (Admin Booking)		Center: Quinlan Community Cen	ter
CCC - Cupertine Room (Admin Booking)         Center Curried         ATTENDEE         ATTENDEE         ATTENDEE         ATTENDEE           Strat DATE/TIME         END DATE/TIME         ATTENDEE	START DATE/TIME	END DATE/TIME	ATTENDEE	AMT W/O TAX
START DATE/TIME         END DATE/TIME         ATTENDEE         ATTENDEE         ATTENDEE         ATTENDEE         ATTENDEE         ATTENDEE         ATTENDEE         AMT WIO TAX           Sep 10, 2022 8:00 AM         Sep 10, 2022 10:00 PM         1         \$0.00           SC-Atts & Crifts Room (Admin Booking)         Center Senior Center            START DATE/TIME         END DATE/TIME         AMT WIO TAX           Sep 10, 2022 8:30 AM         Sep 10, 2022 11:00 PM         1         \$0.00           SC-Bay Room (Admin Booking)         Center Senior Center          AMT WIO TAX           Sep 10, 2022 8:30 AM         Sep 10, 2022 11:00 PM         1         \$0.00           SC-Cassroom (Admin Booking)         Center Senior Center          AMT WIO TAX           Sep 10, 2022 8:30 AM         Sep 10, 2022 11:00 PM         1         \$0.00           SC-Cassroom (Admin Booking)         Center Senior Center          XEX           Sep 10, 2022 8:30 AM         Sep 10, 2022 11:00 PM         1         \$0.00           SC-Caserise Room (Admin Booking)         Center Senior Center          XEX           Sep 10, 2022 8:30 AM         Sep 10, 2022 11:00 PM         1         \$0.00           SC-Fourclis Room (Admin Booking)         Center Senior Center <td>Sep 10, 2022 7:00 AM</td> <td>Sep 10, 2022 9:00 PM</td> <td>1</td> <td>\$0.00</td>	Sep 10, 2022 7:00 AM	Sep 10, 2022 9:00 PM	1	\$0.00
Sep 10, 2022 8:00 AM         Sep 10, 2022 10:00 PM         1         \$0.00           Sep 11, 2022 7:00 AM         Sep 11, 2022 9:00 PM         1         \$0.00           SC - Arts & Crefts Room (Admin Booking)         Center, Senior Center         AMT W/O TAX           Sps 10, 2022 8:30 AM         Sep 10, 2022 11:00 PM         1         \$0.00           SC - Bars Room (Admin Booking)         Center, Senior Center         AMT W/O TAX           Sps 10, 2022 8:30 AM         Sep 10, 2022 11:00 PM         1         \$0.00           SC - Bars Room (Admin Booking)         Center, Senior Center         AMT W/O TAX           Sep 10, 2022 8:30 AM         Sep 10, 2022 11:00 PM         1         \$0.00           SC - Classroom (Admin Booking)         Center, Senior Center         XTENDATE/TIME         AMT W/O TAX           Sep 10, 2022 8:30 AM         Sep 10, 2022 11:00 PM         1         \$0.00           SC - Contreance Room (Admin Booking)         Center, Senior Center         XTENDATE/TIME         AMT W/O TAX           Sep 10, 2022 8:30 AM         Sep 10, 2022 11:00 PM         1         \$0.00           SC - Fourtain Room (Admin Booking)         Center, Senior Center         XTENDATE/TIME         AMT W/O TAX           Sep 10, 2022 8:30 AM         Sep 10, 2022 11:00 PM         1         \$0.00 <t< td=""><td>QCC - Cupertino Room (Admin Booking)</td><td></td><td>Center: Quinlan Community Cen</td><td>ter</td></t<>	QCC - Cupertino Room (Admin Booking)		Center: Quinlan Community Cen	ter
Sep 11, 2022 7:00 AM         Sep 11, 2022 9:00 PM         1         50.00           SC - Arts & Crifts Room (Admin Booking)         Center: Senior Center         AMT W/O TAX           Sep 10, 2022 8:30 AM         Sep 10, 2022 11:00 PM         1         \$0.00           SC - Bars Room (Admin Booking)         Center: Senior Center         AMT W/O TAX           Sep 10, 2022 8:30 AM         Sep 10, 2022 11:00 PM         1         \$0.00           SC - Bars Room (Admin Booking)         Center: Senior Center         AMT W/O TAX           Sep 10, 2022 8:30 AM         Sep 10, 2022 11:00 PM         1         \$0.00           SC - Classroom (Admin Booking)         Center: Senior Center         AMT W/O TAX           Sep 10, 2022 8:30 AM         Sep 10, 2022 11:00 PM         1         \$0.00           SC - Contrernce Room (Admin Booking)         Center: Senior Center         AMT W/O TAX           Sep 10, 2022 8:30 AM         Sep 10, 2022 11:00 PM         1         \$0.00           SC - Contrernce Room (Admin Booking)         Center: Senior Center         AMT W/O TAX           Sep 10, 2022 8:30 AM         Sep 10, 2022 11:00 PM         1         \$0.00           SC - Secrets Room (Admin Booking)         Center: Senior Center         Sep 10, 2022 8:30 AM         \$ep 10, 2022 11:00 PM         1         \$0.00 <td< td=""><td>START DATE/TIME</td><td>END DATE/TIME</td><td>ATTENDEE</td><td>AMT W/O TAX</td></td<>	START DATE/TIME	END DATE/TIME	ATTENDEE	AMT W/O TAX
SC - Arts & Crafts Room (Admin Booking)       Center: Senior Center         START DATE/TIME       ANT W/O TAX         Sep 10, 2022 8:30 AM       Sep 10, 2022 11:00 PM       1       \$0.00         SC - Bay Room (Admin Booking)       Center: Senior Center       ATTENDEE       AMT W/O TAX         Sep 10, 2022 8:30 AM       Sep 10, 2022 11:00 PM       1       \$0.00         SC - Classroom (Admin Booking)       Center: Senior Center       SOURCE         START DATE/TIME       END DATE/TIME       ATTENDEE       AMT W/O TAX         Sep 10, 2022 8:30 AM       Sep 10, 2022 11:00 PM       1       \$0.00         SC - Classroom (Admin Booking)       Center: Senior Center       Source       Source         StART DATE/TIME       END DATE/TIME       ATTENDEE       AMT W/O TAX         Sep 10, 2022 8:30 AM       Sep 10, 2022 11:00 PM       1       \$0.00         SC - Conference Room (Admin Booking)       Center: Senior Center       Source         StART DATE/TIME       END DATE/TIME       ATTENDEE       AMT W/O TAX         Sep 10, 2022 8:30 AM       Sep 10, 2022 11:00 PM       1       \$0.00         SC - Foundain Rooking)       Center: Senior Center       Start DATE/TIME       ATTENDEE       AMT W/O TAX         Sep 10, 2022 8:30 AM       Sep 10, 2022 11:00 PM </td <td>Sep 10, 2022 8:00 AM</td> <td>Sep 10, 2022 10:00 PM</td> <td>1</td> <td>\$0.00</td>	Sep 10, 2022 8:00 AM	Sep 10, 2022 10:00 PM	1	\$0.00
START DATE/TIMEEND DATE/TIMEATTENDEEAMT W/O TAXSep 10, 2022 8:30 AMSep 10, 2022 11:00 PM1\$0.00SC- Bay Room (Admin Booking)Center: Senior CenterAMT W/O TAXSep 10, 2022 8:30 AMSep 10, 2022 11:00 PM1\$0.00SC- Classroom (Admin Booking)Center: Senior CenterAMT W/O TAXSep 10, 2022 8:30 AMSep 10, 2022 11:00 PM1\$0.00SC- Classroom (Admin Booking)Center: Senior CenterAMT W/O TAXSep 10, 2022 8:30 AMSep 10, 2022 11:00 PM1\$0.00SC- Conference Room (Admin Booking)Center: Senior CenterAMT W/O TAXSep 10, 2022 8:30 AMSep 10, 2022 11:00 PM1\$0.00SC- Conference Room (Admin Booking)Center: Senior CenterAMT W/O TAXSep 10, 2022 8:30 AMSep 10, 2022 11:00 PM1\$0.00SC- Exercise Room (Admin Booking)Center: Senior CenterSen 10, 2022 8:30 AMSep 10, 2022 11:00 PMSC- Fountain Room (Admin Booking)Center: Senior CenterSen 10, 2022 8:30 AMSep 10, 2022 11:00 PM1\$0.00SC- Fountain Room (Admin Booking)Center: Senior CenterSen 10, 2022 8:30 AMSep 10, 2022 11:00 PM1\$0.00SC- Kitchen (Admin Booking)Center: Senior CenterSen 10, 2022 8:30 AMSep 10, 2022 11:00 PM1\$0.00SC- Kitchen (Admin Booking)Center: Senior CenterSen 10, 2022 8:30 AMSep 10, 2022 11:00 PM1\$0.00SC- Kitchen (Admin Booking)Center: Senior CenterSen 10, 2022 8:30 AMSep 10, 202	Sep 11, 2022 7:00 AM	Sep 11, 2022 9:00 PM	1	\$0.00
Sep 10, 2022 8:30 AM         Sep 10, 2022 11:00 PM         1         \$0.00           SC - Bay Room (Admin Booking)         Center: Senior Center         AMT W/0 TAX           Sep 10, 2022 8:30 AM         Sep 10, 2022 11:00 PM         1         \$0.00           SC - Classroom (Admin Booking)         Center: Senior Center         AMT W/0 TAX           Sep 10, 2022 8:30 AM         Sep 10, 2022 11:00 PM         1         \$0.00           SC - Classroom (Admin Booking)         Center: Senior Center         AMT W/0 TAX           Sep 10, 2022 8:30 AM         Sep 10, 2022 11:00 PM         1         \$0.00           SC - Conference Room (Admin Booking)         Center: Senior Center         AMT W/0 TAX           Sep 10, 2022 8:30 AM         Sep 10, 2022 11:00 PM         1         \$0.00           SC - Exercise Room (Admin Booking)         Center: Senior Center         Sep 10, 2022 8:30 AM         1         \$0.00           SC - Fountain Room (Admin Booking)         Center: Senior Center         Sep 10, 2022 8:30 AM         Sep 10, 2022 11:00 PM         1         \$0.00           SC - Fountain Room (Admin Booking)         Center: Senior Center         Sep 10, 2022 8:30 AM         Sep 10, 2022 11:00 PM         1         \$0.00           SC - Fountain Room (Admin Booking)         Center: Senior Center         Senior 0         Senior 0         <	SC - Arts & Crafts Room (Admin Booking)		Center: Senior Center	
SC - Bay Room (Admin Booking)       Center: Sentor Center         START DATE/TIME       END DATE/TIME       ATTENDEE       AMT W/O TAX         Sep 10, 2022 8:30 AM       Sep 10, 2022 11:00 PM       1       \$0.00         SC - Classroom (Admin Booking)       Center: Sentor Center       ATTENDEE       AMT W/O TAX         Sep 10, 2022 8:30 AM       Sep 10, 2022 11:00 PM       1       \$0.00         SC - Classroom (Admin Booking)       Center: Sentor Center       \$0.00         SC - Conference Room (Admin Booking)       Center: Sentor Center       AMT W/O TAX         Sep 10, 2022 8:30 AM       Sep 10, 2022 11:00 PM       1       \$0.00         SC - Exercise Room (Admin Booking)       Center: Sentor Center       AMT W/O TAX         Sep 10, 2022 8:30 AM       Sep 10, 2022 11:00 PM       1       \$0.00         SC - Exercise Room (Admin Booking)       Center: Sentor Center       Sentor Center         StART DATE/TIME       END DATE/TIME       ATTENDEE       AMT W/O TAX         Sep 10, 2022 8:30 AM       Sep 10, 2022 11:00 PM       1       \$0.00         SC - Fountain Room (Admin Booking)       Center: Sentor Center       Sentor Center         StART DATE/TIME       END DATE/TIME       ATTENDEE       AMT W/O TAX         Sep 10, 2022 8:30 AM       Sep 10, 2022 11:00 PM <td>START DATE/TIME</td> <td>END DATE/TIME</td> <td>ATTENDEE</td> <td>AMT W/O TAX</td>	START DATE/TIME	END DATE/TIME	ATTENDEE	AMT W/O TAX
START DATE/TIMEEND DATE/TIMEATTENDEEAMT W/O TAXSep 10, 2022 8:30 AMSep 10, 2022 11:00 PM1\$0.00SC - Classroom (Admin Booking)Center: Senior CenterAMT W/O TAXSep 10, 2022 8:30 AMSep 10, 2022 11:00 PM1\$0.00SC - Conference Room (Admin Booking)Center: Senior CenterAMT W/O TAXSep 10, 2022 8:30 AMSep 10, 2022 11:00 PM1\$0.00SC - Conference Room (Admin Booking)Center: Senior CenterAMT W/O TAXSep 10, 2022 8:30 AMSep 10, 2022 11:00 PM1\$0.00SC - Exercise Room (Admin Booking)Center: Senior CenterXMT W/O TAXSep 10, 2022 8:30 AMSep 10, 2022 11:00 PM1\$0.00SC - Fountain Room (Admin Booking)Center: Senior CenterXMT W/O TAXSep 10, 2022 8:30 AMSep 10, 2022 11:00 PM1\$0.00SC - Fountain Room (Admin Booking)Center: Senior CenterXMT W/O TAXSep 10, 2022 8:30 AMSep 10, 2022 11:00 PM1\$0.00SC - Kitchen (Admin Booking)Center: Senior CenterXMT W/O TAXSep 10, 2022 8:30 AMSep 10, 2022 11:00 PM1\$0.00SC - Kitchen (Admin Booking)Center: Senior CenterXMT W/O TAXSep 10, 2022 8:30 AMSep 10, 2022 11:00 PM1\$0.00SC - Reception Hell (Admin Booking)Center: Senior CenterXTENDEESTART DATE/TIMEEND DATE/TIMEATTENDEEAMT W/O TAXSep 10, 2022 8:30 AMSep 10, 2022 11:00 PM1\$0.00SC - Reception Hell (Ad	Sep 10, 2022 8:30 AM	Sep 10, 2022 11:00 PM	1	\$0.00
Sep 10, 2022 8:30 AM         Sep 10, 2022 11:00 PM         1         \$0.00           SC - Classroom (Admin Booking)         Center. Senior Center            START DATE/TIME         END DATE/TIME         ATTENDEE         AMT WO TAX           Sep 10, 2022 8:30 AM         Sep 10, 2022 11:00 PM         1         \$0.00           SC - Conference Room (Admin Booking)         Center: Senior Center             START DATE/TIME         END DATE/TIME         ATTENDEE         AMT WO TAX           Sep 10, 2022 8:30 AM         Sep 10, 2022 11:00 PM         1         \$0.00           SC - Center: Senior Center          Senior Center            Start DATE/TIME         END DATE/TIME         ATTENDEE         AMT WO TAX           Sep 10, 2022 8:30 AM         Sep 10, 2022 11:00 PM         1         \$0.00           SC - Fountain Room (Admin Booking)         Center: Senior Center             Start DATE/TIME         END DATE/TIME         ATTENDEE         AMT W/O TAX           Sep 10, 2022 8:30 AM         Sep 10, 2022 11:00 PM         1         \$0.00           SC - Kitchen (Admin Booking)         Center: Senior Center             Start DATE/TIME         END DATE/TIME         ATTENDEE         AMT W/	SC - Bay Room (Admin Booking)		Center: Senior Center	
SC- Classroom (Admin Booking)Center Senior CenterSTART DATE/TIMEEND DATE/TIMEATT TENDEEAMT W/O TAXSep 10, 2022 8:30 AMSep 10, 2022 1t:00 PM1\$0.00SC- Conference Room (Admin Booking)Center- Senior CenterSTART DATE/TIMEEND DATE/TIMEATT ENDEEAMT W/O TAXSep 10, 2022 8:30 AMSep 10, 2022 1t:00 PM1\$0.00SC- Exercise Room (Admin Booking)Center- Senior CenterSTART DATE/TIMEEND DATE/TIMEATT ENDEEAMT W/O TAXSep 10, 2022 8:30 AMSep 10, 2022 1t:00 PM1\$0.00SC- Fountain Room (Admin Booking)Center- Senior CenterSTART DATE/TIMEEND DATE/TIMEATT ENDEEAMT W/O TAXSep 10, 2022 8:30 AMSep 10, 2022 1t:00 PM1\$0.00SC- Kitchen (Admin Booking)Center- Senior CenterStart DATE/TIMEEND DATE/TIMEATT ENDEEAMT W/O TAXSep 10, 2022 8:30 AMSep 10, 2022 1t:00 PM1\$0.00SC- Kitchen (Admin Booking)Center- Senior CenterStart DATE/TIMEEND DATE/TIMEATT ENDEEAMT W/O TAXSep 10, 2022 8:30 AMSep 10, 2022 1t:00 PM1\$0.00SC- Reception Hall (Admin Booking)Center- Senior CenterStart DATE/TIMEEND DATE/TIMEATT ENDEEAMT W/O TAXSep 10, 2022 8:30 AMSep 10, 2022 1t:00 PM1\$0.00SC- Reception Hall 8, damin Booking)Center- Senior CenterStart DATE/TIMEEND DATE/TIME<	START DATE/TIME	END DATE/TIME	ATTENDEE	AMT W/O TAX
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# Payment Register

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name		Transaction Amount	Reconciled Amount	Difference
	nt - Main Checkir	ng Account								
<u>Check</u> 729282	12/13/2021 Invoice	Open	Date	Description	Accounts Payable	Cupertino Hotel	Amount	\$183.90		
	2022-000003	08	10/22/2021		Meal Service for 10/17/2	21 and 10/21/21	\$183.90			
729283	12/17/2021 Invoice	Open	Date	Description	Accounts Payable	ADVANTAGE GRAFIX	Amount	\$106.94		
	46147		11/04/2021		s - Tina Kapoor		\$106.94			
729284	12/17/2021 Invoice	Open	Date	Description	Accounts Payable	AT&T	Amount	\$337.40		
	00001716448	1	10/12/2021		y Phone Lines - 09/12/2	2021 -	\$153.72			
	00001745311	0	12/12/2021	911 Emergenc 12/11/2021	y Phone Lines - 11/12/2	2021 -	\$183.68			
729285	12/17/2021 Invoice	Open	Date	Description	Accounts Payable	AVOCETTE TECHNOLOGIE	S INC. Amount	\$7,507.50		
	2111CU1		11/30/2021	Accela FY22 C License Nov 20	Configuration services & 021	Business	57,507.50			
729286	12/17/2021 Invoice	Open	Date	Description	Accounts Payable	CINTAS CORPORATION	Amount	\$2,247.32		
	4103917285 4104617598		12/07/2021 12/14/2021		AFETY APPAREL AFETY APPAREL		61,123.66 61,123.66			
729287	12/17/2021 Invoice	Open	Date	Description	Accounts Payable	COLLEEN LOPEZ	Amount	\$1,200.00		
	2021-6		12/10/2021	Housing Const	ultant 2021/11	9	51,200.00			
729288	12/17/2021 Invoice	Open	Date	Description	Accounts Payable	COMCAST	Amount	\$2,162.67		
	3310-120721		12/07/2021	8155 40 065 0	183310 -120721	9	52,162.67			
729289	12/17/2021 Invoice	Open	Date	Description	Accounts Payable	COUNTY OF SANTA CLARA	Amount	\$1,290,467.25		
	1800078855 1800078811		11/01/2021 10/28/2021		aw Enforcement Svs (N ERVICES SEPT 2021	ov 2021) \$1,29	0,457.25 \$10.00			
729290	12/17/2021	Open			Accounts Payable	CUPERTINO CHAMBER OF COMMERCE		\$8,000.00		
	Invoice		Date	Description			Amount			
	12927		08/10/2021	Chamber Annu	ual Contract - First Insta		8,000.00			
729291	12/17/2021 Invoice	Open	Date	Description	Accounts Payable	Darlene Rochkind	Amount	\$197.87		
	10180		12/11/2021	interpreting ser	rvices for Signing Santa	l	\$197.87			
729292	12/17/2021 Invoice	Open	Date	Description	Accounts Payable	DENCO SALES COMPANY,	Amount	\$388.79		
	8781818-00		12/08/2021	Grounds - Mat	erial for Field Closed Si	gns	\$388.79			
729293	12/17/2021	Open	_		Accounts Payable	DEVIL MOUNTAIN WHOLES NURSERY, INC		\$8,244.50		
	Invoice		Date	Description	-		Amount			
	2059/7		12/10/2021	Trees/ROW - 1	rees	9	57,190.51			

# **Payment Register**

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name		Transaction Amount	Reconciled Amount	Difference
-	10922/3		12/14/2021	Trees/ROW -	Trees		\$1,053.99			
729294	12/17/2021 Invoice	Open	Date	Description	Accounts Payable	Eshverya Gianchandani	Amount	\$55.00		
	EshveryaG10	1521	10/15/2021	Reimburseme	nt - Crew SV Luncheon		\$55.00			
729295	12/17/2021 Invoice	Open	Date	Description	Accounts Payable	FRANCHISE TAX BOARD	Amount	\$14,253.52		
	DGWithholdin	g1	12/16/2021	Income Tax fo	r Daniel Gertmenian #8	83685572	\$14,253.52			
729296	12/17/2021 Invoice	Open	Date	Description	Accounts Payable	James Throop	Amount	\$57.00		
	Throop11821		11/08/2021	Live Scan and	Fingerprinting Reimbur	sement	\$57.00			
729297	12/17/2021	Open			Accounts Payable	MOUNTAIN VIEW GARD	EN	\$1,712.49		
	Invoice		Date	Description			Amount			
	108587 108583 108578 108595		12/08/2021 12/08/2021 12/08/2021 12/08/2021 12/09/2021	Grounds - 4Ya Grounds - 4Ya	Ird Red Pro Chip Ird Red Pro Chip Ird Red Pro Chip s Red Pro Chip		\$244.22 \$244.22 \$244.22 \$122.11			
	108599		12/10/2021	Streets - Sand			\$857.72			
729298	12/17/2021	Open			Accounts Payable	MUNICIPAL MAINTENAN EQUIPMENT, INC	ICE	\$384,130.50		
	Invoice		Date	Description			Amount			
	0165944-IN		12/15/2021	Streets - Vac-0	Con Sewer & Storm Dra	in Cleaner	\$384,130.50			
729299	12/17/2021 Invoice	Open	Date	Description	Accounts Payable	OTIS ELEVATOR COMP	ANY Amount	\$8,772.12		
	10040051523	2	09/13/2021	Facilities - Libr	ary Maintenance 10-1-2	21 to 9-30-22	\$8,772.12			
729300	12/17/2021 Invoice	Open	Date	Description	Accounts Payable	TRACER GOLF USA	Amount	\$212.43		
	#INV-003194		11/30/2021	golf tees to se	l in pro shop		\$212.43			
729301	12/17/2021 Invoice	Open	Date	Description	Accounts Payable	TYLER TECHNOLOGIES	, INC. Amount	\$701.37		
	Invoice-65976	6	12/01/2021	SELF SEAL 10	099 ENV	· · · · ·	\$701.37			
729302	12/17/2021 Invoice	Open	Date	Description	Accounts Payable	LARRY KLEIN	Amount	\$794.00		
	277809		12/13/2021	REFUND 1023 WITHDRAWN	36 CRESTON DR TR-20	021-042	\$794.00			
729303	12/17/2021 Invoice	Open	Date	Description	Accounts Payable	Liaw, Hai-Pyng	Amount	\$402.00		
	262993		12/14/2021		e fee - insufficient space	e for planting	\$402.00			
729304	12/17/2021 Invoice	Open	Date	Description	Accounts Payable	Ng, Ofelia	Amount	\$39.34		
	12162021		12/16/2021		eimbursement: Nordstro ck	m - DUCHAMP	\$39.34			

# **Payment Register**

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name		Transaction Amount	Reconciled Amount	Difference
729305	12/17/2021	Open			Accounts Payable	Nokhoda, Shazia		\$44.80		
	Invoice	-	Date	Description	-		Amount			
	11192021		11/19/2021	Petty Cash for Thanksgiving	<sup>·</sup> Shazia Nokhoda: Pres Projects	chool -	\$44.80			
729306	12/17/2021 Invoice	Open	Date	Description	Accounts Payable	STACIE VARIAN	Amount	\$196.44		
	279351		12/09/2021	REFUND 104 2338 WITHDR	45 SAN FERNANDO A' RAWN	VE BLD-2021-	\$196.44			
729307	12/17/2021 Invoice	Open	Date	Description	Accounts Payable	THOMAS JAMES HOMES	Amount	\$5,000.00		
	270129		12/14/2021	10742 Carver	Dr., Encroachment, 270	0129	\$5,000.00			
729308	12/17/2021 Invoice	Open	Date	Description	Accounts Payable	THOMAS JAMES HOMES	Amount	\$37,000.00		
	269874		12/14/2021		Ave,100%L&M Bond,	269874	\$37,000.00			
700000		•	12,11,2021	Tobbo orange			<i><b>Q</b>01,000.00</i>	<b>A 1 7 0 0 0</b>		
729309	12/17/2021	Open	Data	Description	Accounts Payable	TIFANIE DANIELS	A	\$176.80		
	Invoice		Date	Description		0004 4005	Amount			
	277109		12/10/2021		08 S TANTAU AVE BLI ORK CHANGE	J-2021-1625	\$176.80			
Type Check EFT	Totals:				28 Transactions			\$1,774,591.95		
33219	12/13/2021	Open			Accounts Payable	Darcy Paul		\$1,264.06		
	Invoice	·	Date	Description	,	,	Amount			
	DarcyP10292	21	10/29/2021	Reimburseme (Travel)	nt - League of CA Cities	s Conference	\$144.48			
	DarcyP11032	21	11/03/2021	Reimburseme Agents	nt - 11/3 Meeting with F	BI Special	\$56.72			
	DarcyP10282	21	10/28/2021	Reimburseme	nt - 9/29 - 10/28 Cell Ph	ione	\$116.44			
	DarcyP11282	21	11/28/2021	Reimburseme	nt - 10/29 - 11/28 Cell F	hone	\$116.44			
	DarcyP09282	2021	09/28/2021	Reimburseme	nt - 8/29 - 9/28 Cell Pho	one	\$116.51			
	DarcyP10202	21	10/20/2021	Reimburseme	nt - 10/20 Boris Stanley	Dinner	\$233.00			
	DarcyP10212	21	10/21/2021	Reimburseme	nt - 10/21 Boris Stanley	Lunch	\$480.47			
33220	12/13/2021 Invoice	Open	Date	Description	Accounts Payable	EMPLOYMENT DEVEL DE		\$48,981.42		
	12032021		12/03/2021		pp 11/20/21-12/3/21		Amount \$48,981.42			
			12/03/2021	CA State Tax			\$40,901.4Z			
33221	12/13/2021 Invoice	Open	Date	Description	Accounts Payable	IRS	Amount	\$153,308.59		
	12032021		12/03/2021	Federal Tax p	p 11/20/21-12/3/21	\$	153,308.59			
33222	12/16/2021	Open			Accounts Payable	PERS		\$486.351.36		
OOLLL	Invoice	Open	Date	Description	/ loodunio r dydbio	T ERO	Amount	φ+00,001.00		
	12032021		12/03/2021	PERS pp 11/2	0/21-12/3/21	¢	486,351.36			
00005		<u> </u>	12,00,2021	1 _ 1.0 pp 1 1/2			-	<b>#</b> 4.050.00		
33225	12/17/2021	Open	Det	Description	Accounts Payable	4 PAWS GOOSE CONTRO		\$1,850.00		
	Invoice		Date	Description	0004 0		Amount			
	1640		12/07/2021	Grounds - Nov	2021 Goose Control S	ervices	\$1,850.00			

# **Payment Register**

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name		Transaction Amount	Reconciled Amount	Difference
33226	12/17/2021	Open			Accounts Payable	ALL PENINSULA FIRE EXTINGUISHER COMPANY		\$3,901.00		
	Invoice		Date	Description			Amount			
	21406		11/10/2021	Facilities - Fire	e Extinguisher Service	\$	3,901.00			
33227	12/17/2021	Open			Accounts Payable	Amazon Capital Services		\$207.12		
	Invoice		Date	Description	-		Amount			
	11GD-D66G-	6H7N	12/10/2021	2m - Black -	ech.com Down Angle M		(\$6.42)			
	1KTP-HLC4-I	NCMK	12/13/2021	StarTech.com Black for CE	Down Angle Mini USB	Cable - 2m -	\$8.42			
	1D7T-NLPK-I	MWF6	12/13/2021	IT Admin Busi	ness Prime Essentials -	Membership Fee	\$195.33			
	1L39-6FK4-N	JF3	12/13/2021	zdyCGTime 5 to Male IEEE	FT 6 Pin to 6 Pin Firewir	e DV iLink Male	\$9.79			
33228	12/17/2021	Open			Accounts Payable	BOUCHER LAW		\$4,077.50		
	Invoice	- 1 -	Date	Description			Amount	+ )		
	783		12/13/2021		alth and Benefit Program	ns \$	2,350.00			
	784		12/13/2021		oyment Law Matters		1,475.00			
	782		12/13/2021	COVID-19 Ma	tters		\$252.50			
33229	12/17/2021	Open			Accounts Payable	BRIAN GATHERS		\$55.00		
33229	Invoice	Open	Date	Description	Accounts Fayable	BRIAN GATHERS	Amount	\$55.00		
	BrianG12042	1	12/04/2021		eimbursement - Brian G	Nov 5 to Doc 1	Amount \$55.00			
	DHAHG 12042	I	12/04/2021	2021	embursement - Brian G	NOV 5 10 Dec 4	<b>4</b> 55.00			
33230	12/17/2021	Open			Accounts Payable	CAROL KORADE		\$160.70		
	Invoice		Date	Description			Amount			
	December202	21	12/14/2021	Reimburseme	nt for December 2021		\$160.70			
33231	12/17/2021	Open			Accounts Payable	CLEANSTREET, INC.		\$17,381.62		
00201	Invoice	opon	Date	Description		0,	Amount	\$,00o=		
	101733CS		11/30/2021		ng November 2021	\$1	7,381.62			
33232	12/17/2021	Open			Accounts Payable	CLEARBLU ENVIRONMENT	A I	\$622.61		
33232		Open	Date	Description	Accounts Payable	GLEARBLU EINVIRUNIVIENT		\$022.0T		
	Invoice 26214		11/15/2021		2021 Haz Mat Services		Amount \$622.61			
	-		11/15/2021	Sileeis - Nov A			•			
33233	12/17/2021	Open			Accounts Payable	CORELOGIC SOLUTIONS, L		\$940.31		
	Invoice		Date	Description			Amount			
	82109433		11/30/2021	Metro scan No	ov. 2021		\$940.31			
33234	12/17/2021	Open			Accounts Payable	CURREN CONSULTING		\$3,360.00		
	Invoice	- 1 -	Date	Description			Amount	+ - ,		
	2021-10-07		10/31/2021	2021 Paveme	nt Maintenance Project	Phase 1 & 2	1,785.00			
	2021-11-07		11/30/2021		nt Maintenance Project		1,575.00			
33235	12/17/2021	Onen			,		,	\$353.57		
33235		Open	Dete	Description	Accounts Payable	Darcy Paul	Amount	\$303.07		
	Invoice DarcyP12062	1	Date 12/06/2021	Description	nt - Greg/Council Farew	vall Dispar	Amount \$353.57			
	•	.1	12/06/2021	Reimburseme	-		φ353.57			
33236	12/17/2021	Open			Accounts Payable	GRAINGER INC		\$687.76		
	Invoice		Date	Description			Amount			
	9110089415		11/04/2021	Streets - LED			\$474.46			
	9143218775		12/07/2021		, Red, Green, Blue		\$74.11			
	9143218759		12/07/2021	Fleet - Headla	mp		\$139.19			

# **Payment Register**

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transactic Amou		Difference
33237	12/17/2021	Open			Accounts Payable	GULU SAKHRANI	\$55.	00	
	Invoice		Date	Description			nount		
	GuluS121421		12/14/2021	Cell Phone Ch Dec 7	harge Reimbursement fo	or Gulu - Nov 8 to \$	55.00		
33238	12/17/2021 Invoice	Open	Date	Description	Accounts Payable		nount	90	
	305409-3054	11	12/14/2021	December 202	21 Dental Benefit	\$28,9	17.90		
33239	12/17/2021	Open			Accounts Payable	INSERVH20 INC.	\$787.	89	
	Invoice		Date	Description		Ar	nount		
	1720		12/01/2021	Facilities - DE	c 2021 Water Treatmen	t \$7	87.89		
33240	12/17/2021	Open			Accounts Payable	Jillian C Haff	\$390.	00	
	Invoice	-	Date	Description	-		mount		
	Fall Payment	2	12/14/2021	oct/nov zoom	classes	\$3	90.00		
33241	12/17/2021	Open			Accounts Payable	Keish Environmental, PC	\$2,500.	00	
	Invoice	·	Date	Description	,	Ar	nount		
	COCMCS-00	)2	11/30/2021	MRP Training-	- November Services	\$2,5	00.00		
33242	12/17/2021	Open			Accounts Payable	LIFE INSURANCE COMPANY O NORTH AMERICA	9F \$7,838.	78	
	Invoice		Date	Description			nount		
	15487_12012	1	12/14/2021	December 202	21 CIGNA	\$7,8	38.78		
33243	12/17/2021	Open			Accounts Payable	Managed Health Network Inc	\$785.	51	
	Invoice		Date	Description	,	Ar	nount		
	PRM-067673		11/16/2021	December 202	21 EAP BENEFIT	\$7	85.51		
33244	12/17/2021	Open			Accounts Payable	MESITI-MILLER ENGINEERING INC.	, \$29,478.	50	
	Invoice		Date	Description			nount		
	1121028		11/30/2021	through 11252		-	78.00		
	1121019 1121027		11/30/2021 11/30/2021		Park Basketball Court to gnart Rd. Improvements	0	72.50 28.00		
33245	12/17/2021	Open			Accounts Payable	MOSS ADAMS LLP	\$19,850.	00	
00240	Invoice	Open	Date	Description	Accounts r ayable		nount	00	
	102245348		12/10/2021		Services Rendered Thro		50.00		
33246	12/17/2021 Invoice	Open	Date	Description	Accounts Payable	NI GOVERNMENT SERVICES II	NC. \$79. mount	04	
	21112907051		12/01/2021		Phone Service - Novemb		79.04		
33247	12/17/2021	Open			Accounts Payable	NIDHI MATHUR	\$336.	10	
55247	Invoice	Open	Date	Description	Accounts r ayable	_	nount	72	
	NidhiM12132	1	12/13/2021		mbursements 4-19-21 to		36.42		
33248	12/17/2021	Open			Accounts Payable	Nomad Transit LLC	\$63,073.	60	
33240	Invoice	Open	Date	Description	Accounts Fayable		ຈັບວ,ບາວ. nount	03	
	INV002-4247		11/30/2021		Shuttle for November 2		73.63		
33249	12/17/2021	Open		·	Accounts Payable	OFFICE DEPOT, INC.	\$855.	40	
	Invoice	4	Date	Description	n 40an Our -		nount		
	20938597000	1	11/11/2021	Service Cente	r - Tooz Cups	\$1	51.89		

# **Payment Register**

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name		Transaction Amount	Reconciled Amount	Difference
	209391573001		11/11/2021	Service Center			\$151.89		·	
	209392587001		11/12/2021	Service Center			\$6.86			
	211925940001		11/22/2021		- Calendar 2022		\$518.32			
	210095096001		11/18/2021	Retractable Ge	I Pen and Notepad		\$26.44			
33250	12/17/2021	Open			Accounts Payable	PAVEMENT ENGINEERIN		\$34,250.00		
	Invoice		Date	Description			Amount			
	2111-084		12/08/2021	Construction M Pavement Mair	anagement & Inspection	on for 2020	\$26,592.50			
	2111-083		12/08/2021	Construction M Pavement Mair	anagement & Inspectiont.	on for 2020	\$7,657.50			
33251	12/17/2021	Open			Accounts Payable	PLACEWORKS, INC		\$36,327.58		
	Invoice	•	Date	Description			Amount			
	77078		11/30/2021	10625 S Foothi	ill Blvd Environmental F	Review 2021/11	\$1,355.33			
	77079		11/30/2021	10655 Mary Av	e Environmental Revie	w 2021/11	\$323.85			
	77091		11/30/2021		vironmental Review 20		\$1,398.68			
	77093		11/30/2021	19191 Vallco P	arkway Environmental	Review 2021/11	\$33,249.72			
33252	12/17/2021	Open			Accounts Payable	RANEY PLANNING & MANAGEMENT, INC.		\$3,940.35		
	Invoice		Date	Description			Amount			
	2198E-1		12/09/2021	20860 McClella	an Rd IS/MND 2021/11		\$3,940.35			
33253	12/17/2021	Open			Accounts Payable	RED WING BUSINESS AD ACCOUNT	VANTAGE	\$386.57		
	Invoice		Date	Description			Amount			
	202112100758	399	12/10/2021	Safety Boots fo	r Bob - Building		\$386.57			
33254	12/17/2021	Open			Accounts Payable	RRM DESIGN GROUP		\$8,691.00		
	Invoice		Date	Description	·		Amount			
	1832-00-1121		12/10/2021	Design Review	Consultant 2021/11	· · · · ·	\$8,691.00			
33255	12/17/2021	Open			Accounts Payable	SDI PRESENCE LLC		\$1,662.50		
	Invoice		Date	Description			Amount	<b>+</b> · <b>,</b>		
	8004		11/30/2021	Strategic Plann	ing Services - Nov. 21		\$1,662.50			
33256	12/17/2021	Open		-	Accounts Payable	SHUTE, MIHALY & WEINB LLP	ERGER	\$1,704.01		
	Invoice		Date	Description			Amount			
	275133		12/13/2021	Legal Services	, November 2021		\$1,704.01			
33257	12/17/2021	Open			Accounts Payable	SONITROL/PACIFIC WES SECURITY, INC.	Г	\$10,620.00		
	Invoice		Date	Description			Amount			
	55182		01/01/2022		Hall Jan-Mar 2022		\$1,617.00			
	55183		01/01/2022		fic Jan - March 2022		\$339.00			
	55311		01/01/2022		ary Jan - March 2022		\$750.00			
	55312		01/01/2022	Facilities - Jan			\$1,446.00			
	55313		01/01/2022	Facilities - Jan			\$636.00			
	55314		01/01/2022		Jan - March 2022		\$963.00			
	55315		01/01/2022		Hall Elevator Jan - Ma		\$102.00			
	55316		01/01/2022		Snack Shack Jan - Ma		\$129.00			
	55318		01/01/2022		ior Center Jan - March		\$162.00			
	55319		01/01/2022	Facilities - Rec	Area Jan - March 2022	<u> </u>	\$750.00			

# **Payment Register**

Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name		Transaction Amount	Reconciled Amount	Differend
55320 55321 55322		01/01/2022 01/01/2022 01/01/2022 01/01/2022	Facilities - Will Facilities - City	ekside Park Jan - M son Park Jan - Marcl ⁄ Hall Jan - March 20	ר 2022 21	\$261.00 \$243.00 \$582.00 \$813.00			
55977 55978 56002 56253		01/01/2022 01/01/2022 01/01/2022 01/01/2022	Facilities - BB Facilities - BB Facilities - BB Facilities - Spo	<sup>=</sup> Jan - March 2022 <sup>=</sup> Kiosk Jan - March <sup>=</sup> Cafe Jan - March 2 orts Center Jan - Mar	2022 2022 rch 2022	\$261.00 \$240.00 \$384.00 \$702.00			
12/17/2021	Open	01/01/2022			STATEWIDE TRA		\$1,779.95		
Invoice 05035639		Date 11/04/2021 12/14/2021				Amount \$1,201.82			
12/17/2021	Open					RD	\$1,288.66		
196885 196976		11/08/2021 11/10/2021	Fleet - Kit H1			\$644.33 \$644.33			
12/17/2021 Invoice	Open	Date	Description	,		Amount \$1 835 89	\$1,835.89		
12/17/2021 Invoice	Open	Date	Description	, ,		Amount	\$11,409.39		
75634114107		12/14/2021 12/14/2021			enefit	\$11,203.20 \$206.19			
Invoice	Open	Date 12/09/2021	Description	Accounts Payable	VALLEY OIL COM	Amount	\$15,392.53		
12/17/2021 Invoice	Open	Date	Description		Vision Service Pla	n (CA) Amount	\$210.76		
12/17/2021 Invoice	Open	Date	Description	Accounts Payable	Vision Service Pla	n (CA) Amount	\$2,973.88		
813734747 12/17/2021 Invoice	Open	11/19/2021 Date	December 202 Description		Vision Service Plan		\$882.36		
813771736 12/17/2021	Open	11/24/2021	December 202			\$882.36 Corp. dba First	\$66.50		
Invoice 95135		Date 11/15/2021		or Ayano Hattori, Ra		Amount \$66.50			
otals: nt - Main Checkir	ng Account Totals		vverner	46 Transactions		-	\$1,011,872.62		
			Checks				Re		
	55320         55321         55321         55321         55323         55977         55977         55978         56002         56238         12/17/2021         Invoice         05035639         05036012         12/17/2021         Invoice         196885         196976         12/17/2021         Invoice         3428         12/17/2021         Invoice         95095         12/17/2021         Invoice         813734754         12/17/2021         Invoice         813734747         12/17/2021         Invoice         813734747         12/17/2021         Invoice         813771736         12/17/2021         Invoice         95135         otals:	55320         55321         55322         55323         55977         55978         56002         56238         12/17/2021         Open         Invoice         05035639         05036012         12/17/2021       Open         Invoice         196885         196976         12/17/2021       Open         Invoice         3428         12/17/2021       Open         Invoice         3428         12/17/2021       Open         Invoice         95095         12/17/2021       Open         Invoice         813734754         12/17/2021       Open         Invoice         813734754         12/17/2021       Open         Invoice         813734747         12/17/2021       Open         Invoice         813771736         12/17/2021       Open         Invoice         95135	55320         01/01/2022           55321         01/01/2022           55322         01/01/2022           55323         01/01/2022           55977         01/01/2022           55978         01/01/2022           56002         01/01/2022           56253         01/01/2022           56253         01/01/2022           56253         01/01/2022           56238         01/01/2022           12/17/2021         Open           Invoice         Date           05035639         11/04/2021           05036012         12/14/2021           12/17/2021         Open           Invoice         Date           196976         11/108/2021           12/17/2021         Open           Invoice         Date           196976         11/10/2021           12/17/2021         Open           Invoice         Date           656341095774         12/14/2021           12/17/2021         Open           Invoice         Date           95095         12/09/2021           12/17/2021         Open           Invoice         Date           8137347	55320         01/01/2022         Facilities - Cre           55321         01/01/2022         Facilities - Wit           55322         01/01/2022         Facilities - City           55373         01/01/2022         Facilities - Ser           55977         01/01/2022         Facilities - BBI           5602         01/01/2022         Facilities - BBI           56253         01/01/2022         Facilities - BBI           56253         01/01/2022         Facilities - BBI           12/17/2021         Open         Date         Description           05036612         12/14/2021         Streets - Aqua           05036012         12/14/2021         Streets - Aqua           12/17/2021         Open         Invoice         Date         Description           196885         11/08/2021         Fleet - Kit H1 1         12/17/2021         Fleet - Kit H1 1           12/17/2021         Open         Invoice         Date         Description           3428         11/30/2021         Facilities - Libt         12/14/2021         December 202           12/17/2021         Open         Invoice         Date         Description           1s734754         12/14/2021         December 202         12/17/2021 <td>55320     01/01/2022     Facilities - Creekside Park Jan - March 55321       55321     01/01/2022     Facilities - Vilson Park Jan - March 55323       55323     01/01/2022     Facilities - Service Center Jan - March 55977       55978     01/01/2022     Facilities - BBF Cafe Jan - March 2022       56253     01/01/2022     Facilities - BBF Cafe Jan - March 2022       56253     01/01/2022     Facilities - BBF Cafe Jan - March 2022       56253     01/01/2022     Facilities - BBF Cafe Jan - March 2022       56253     01/01/2022     Facilities - Sports Center Jan - March 256253       12/17/2021     Open     Accounts Payable       Invoice     Date     Description       050336012     12/14/2021     Streets - Aquaphalt 4.0 Bucket       05036012     12/14/2021     Streets - Aquaphalt 5.0 cA Absorbi       12/17/2021     Open     Accounts Payable       Invoice     Date     Description       196885     11/08/2021     Fleet - Kit H1 HV       196976     11/10/2021     Fleet - Kit H1 HV       196976     11/10/2021     Facilities - Library Oct 2021 Aquari       10voice     Date     Description       10voice     Date     Description       11/02/201     Fleet - Kit H1 HV     12/14/2021       12/17/2021     Open</td> <td>55320     01/01/2022     Facilities - Creekside Park Jan - March 2022       55321     01/01/2022     Facilities - Wison Park Jan - March 2022       55323     01/01/2022     Facilities - Evice Center Jan - March 2022       55323     01/01/2022     Facilities - BBF Jan - March 2022       55378     01/01/2022     Facilities - BBF Cate Jan - March 2022       56002     01/01/2022     Facilities - BBF Cate Jan - March 2022       56233     01/01/2022     Facilities - BBF Cate Jan - March 2022       56233     01/01/2022     Facilities - BBF Cate Jan - March 2022       56233     01/01/2022     Facilities - BBF Cate Jan - March 2022       56233     01/01/2022     Facilities - BBF Cate Jan - March 2022       56234     01/01/2022     Facilities - BBF Cate Jan - March 2022       56235     01/01/2022     Facilities - BBF Cate Jan - March 2022       12/17/2021     Open     Accounts Payable     SUNNYVALE FOR       Invoice     Date     Description     Cocounts Payable     SUNNYVALE FOR       12/17/2021     Open     Accounts Payable     TENJI INC       12/17/2021     Open     Accounts Payable     TENJI INC       12/17/2021     Open     Accounts Payable     THE HARTFORD       12/17/2021     Open     Accounts Payable     VILLEY OIL COM       11/0</td> <td>55320         01/01/2022         Facilities - Creekside Park Jan - March 2022         \$281.00           55321         01/01/2022         Facilities - City Hall Jan - March 2021         \$243.00           55323         01/01/2022         Facilities - Stryte Center Jan - March 2022         \$281.00           55977         01/01/2022         Facilities - BF Jan - March 2022         \$281.00           55977         01/01/2022         Facilities - BF Kiosk Jan - March 2022         \$240.00           56020         01/01/2022         Facilities - BF Kiosk Jan - March 2022         \$240.00           56253         01/01/2022         Facilities - BF Kiosk Jan - March 2022         \$240.00           12/17/2021         Open         Accounts Payable         STATEWIDE TRAFFIC SAFETY AND           10vice         Date         Description         Accounts Payable         STATEWIDE TRAFFIC SAFETY AND           12/17/2021         Open         Accounts Payable         SUNNYVALE FORD         Amount           05035639         11/04/2021         Filtert - Kit H1 HV         \$644.33         12/17/2021         Open         Accounts Payable         TENJI INC         Amount           196685         11/02/2021         Fleet - Kit H1 HV         \$644.33         12/17/2021         Open         Accounts Payable         TENJI INC<td>55320         01/01/2022         Facilities - Creekside Park Jan - March 2022         \$261.00           55321         01/01/2022         Facilities - Vision Park Jan - March 2022         \$243.00           55322         01/01/2022         Facilities - Service Center Jan - March 2022         \$243.00           55323         01/01/2022         Facilities - Service Center Jan - March 2022         \$261.00           55977         01/01/2022         Facilities - BBF Cafe Jan - March 2022         \$240.00           56002         01/01/2022         Facilities - BBF Cafe Jan - March 2022         \$270.00           56263         01/01/2022         Facilities - BBF Retreat Jan - March 2022         \$270.00           56263         01/01/2022         Facilities - BBF Retreat Jan - March 2022         \$770.00           56263         01/01/2022         Facilities - BBF Retreat Jan - March 2022         \$770.00           56263         01/01/2022         Facilities - Stapp Hand Bock Absorbing Tool         \$1,779.95           12/17/2021         Open         Accounts Payable         SUNNYVALE FORD         \$1,288.66           Invoice         Date         Description         Amount         \$1,288.58           12/17/2021         Open         Accounts Payable         TENJ INC         \$1,335.89           12/17/2021<!--</td--><td>55320         01/01/2022         Facilities - Creekside Park Jan - March 2022         \$261.00           55321         01/01/2022         Facilities - Wison Park Jan - March 2022         \$243.00           55322         01/01/2022         Facilities - City Hall Jan - March 2022         \$324.00           55323         01/01/2022         Facilities - Service Center Jan - March 2022         \$321.00           55373         01/01/2022         Facilities - BBF Kok, Jan - March 2022         \$324.00           56373         01/01/2022         Facilities - BBF Kok, Jan - March 2022         \$324.00           56333         01/01/2022         Facilities - Sports Center, Jan - March 2022         \$324.00           56333         01/01/2022         Facilities - Sports Center, Jan - March 2022         \$324.00           12/17/2021         Open         Accounts Payable         STATEWIDE TRAFFIC SAFETY AND         \$1,779.95           Invoice         Date         Description         Accounts Payable         \$10/01         \$1,279.95           12/17/2021         Open         Accounts Payable         SUNNYVALE FORD         \$1,286.66           11/02/2021         Fleet - Kit H1 W         \$644.33         \$1,286.66         \$11,203.20         \$1,286.66           11/02/2021         Fleet - Kit H1 HV         \$644.33</td></td></td>	55320     01/01/2022     Facilities - Creekside Park Jan - March 55321       55321     01/01/2022     Facilities - Vilson Park Jan - March 55323       55323     01/01/2022     Facilities - Service Center Jan - March 55977       55978     01/01/2022     Facilities - BBF Cafe Jan - March 2022       56253     01/01/2022     Facilities - BBF Cafe Jan - March 2022       56253     01/01/2022     Facilities - BBF Cafe Jan - March 2022       56253     01/01/2022     Facilities - BBF Cafe Jan - March 2022       56253     01/01/2022     Facilities - Sports Center Jan - March 256253       12/17/2021     Open     Accounts Payable       Invoice     Date     Description       050336012     12/14/2021     Streets - Aquaphalt 4.0 Bucket       05036012     12/14/2021     Streets - Aquaphalt 5.0 cA Absorbi       12/17/2021     Open     Accounts Payable       Invoice     Date     Description       196885     11/08/2021     Fleet - Kit H1 HV       196976     11/10/2021     Fleet - Kit H1 HV       196976     11/10/2021     Facilities - Library Oct 2021 Aquari       10voice     Date     Description       10voice     Date     Description       11/02/201     Fleet - Kit H1 HV     12/14/2021       12/17/2021     Open	55320     01/01/2022     Facilities - Creekside Park Jan - March 2022       55321     01/01/2022     Facilities - Wison Park Jan - March 2022       55323     01/01/2022     Facilities - Evice Center Jan - March 2022       55323     01/01/2022     Facilities - BBF Jan - March 2022       55378     01/01/2022     Facilities - BBF Cate Jan - March 2022       56002     01/01/2022     Facilities - BBF Cate Jan - March 2022       56233     01/01/2022     Facilities - BBF Cate Jan - March 2022       56233     01/01/2022     Facilities - BBF Cate Jan - March 2022       56233     01/01/2022     Facilities - BBF Cate Jan - March 2022       56233     01/01/2022     Facilities - BBF Cate Jan - March 2022       56234     01/01/2022     Facilities - BBF Cate Jan - March 2022       56235     01/01/2022     Facilities - BBF Cate Jan - March 2022       12/17/2021     Open     Accounts Payable     SUNNYVALE FOR       Invoice     Date     Description     Cocounts Payable     SUNNYVALE FOR       12/17/2021     Open     Accounts Payable     TENJI INC       12/17/2021     Open     Accounts Payable     TENJI INC       12/17/2021     Open     Accounts Payable     THE HARTFORD       12/17/2021     Open     Accounts Payable     VILLEY OIL COM       11/0	55320         01/01/2022         Facilities - Creekside Park Jan - March 2022         \$281.00           55321         01/01/2022         Facilities - City Hall Jan - March 2021         \$243.00           55323         01/01/2022         Facilities - Stryte Center Jan - March 2022         \$281.00           55977         01/01/2022         Facilities - BF Jan - March 2022         \$281.00           55977         01/01/2022         Facilities - BF Kiosk Jan - March 2022         \$240.00           56020         01/01/2022         Facilities - BF Kiosk Jan - March 2022         \$240.00           56253         01/01/2022         Facilities - BF Kiosk Jan - March 2022         \$240.00           12/17/2021         Open         Accounts Payable         STATEWIDE TRAFFIC SAFETY AND           10vice         Date         Description         Accounts Payable         STATEWIDE TRAFFIC SAFETY AND           12/17/2021         Open         Accounts Payable         SUNNYVALE FORD         Amount           05035639         11/04/2021         Filtert - Kit H1 HV         \$644.33         12/17/2021         Open         Accounts Payable         TENJI INC         Amount           196685         11/02/2021         Fleet - Kit H1 HV         \$644.33         12/17/2021         Open         Accounts Payable         TENJI INC <td>55320         01/01/2022         Facilities - Creekside Park Jan - March 2022         \$261.00           55321         01/01/2022         Facilities - Vision Park Jan - March 2022         \$243.00           55322         01/01/2022         Facilities - Service Center Jan - March 2022         \$243.00           55323         01/01/2022         Facilities - Service Center Jan - March 2022         \$261.00           55977         01/01/2022         Facilities - BBF Cafe Jan - March 2022         \$240.00           56002         01/01/2022         Facilities - BBF Cafe Jan - March 2022         \$270.00           56263         01/01/2022         Facilities - BBF Retreat Jan - March 2022         \$270.00           56263         01/01/2022         Facilities - BBF Retreat Jan - March 2022         \$770.00           56263         01/01/2022         Facilities - BBF Retreat Jan - March 2022         \$770.00           56263         01/01/2022         Facilities - Stapp Hand Bock Absorbing Tool         \$1,779.95           12/17/2021         Open         Accounts Payable         SUNNYVALE FORD         \$1,288.66           Invoice         Date         Description         Amount         \$1,288.58           12/17/2021         Open         Accounts Payable         TENJ INC         \$1,335.89           12/17/2021<!--</td--><td>55320         01/01/2022         Facilities - Creekside Park Jan - March 2022         \$261.00           55321         01/01/2022         Facilities - Wison Park Jan - March 2022         \$243.00           55322         01/01/2022         Facilities - City Hall Jan - March 2022         \$324.00           55323         01/01/2022         Facilities - Service Center Jan - March 2022         \$321.00           55373         01/01/2022         Facilities - BBF Kok, Jan - March 2022         \$324.00           56373         01/01/2022         Facilities - BBF Kok, Jan - March 2022         \$324.00           56333         01/01/2022         Facilities - Sports Center, Jan - March 2022         \$324.00           56333         01/01/2022         Facilities - Sports Center, Jan - March 2022         \$324.00           12/17/2021         Open         Accounts Payable         STATEWIDE TRAFFIC SAFETY AND         \$1,779.95           Invoice         Date         Description         Accounts Payable         \$10/01         \$1,279.95           12/17/2021         Open         Accounts Payable         SUNNYVALE FORD         \$1,286.66           11/02/2021         Fleet - Kit H1 W         \$644.33         \$1,286.66         \$11,203.20         \$1,286.66           11/02/2021         Fleet - Kit H1 HV         \$644.33</td></td>	55320         01/01/2022         Facilities - Creekside Park Jan - March 2022         \$261.00           55321         01/01/2022         Facilities - Vision Park Jan - March 2022         \$243.00           55322         01/01/2022         Facilities - Service Center Jan - March 2022         \$243.00           55323         01/01/2022         Facilities - Service Center Jan - March 2022         \$261.00           55977         01/01/2022         Facilities - BBF Cafe Jan - March 2022         \$240.00           56002         01/01/2022         Facilities - BBF Cafe Jan - March 2022         \$270.00           56263         01/01/2022         Facilities - BBF Retreat Jan - March 2022         \$270.00           56263         01/01/2022         Facilities - BBF Retreat Jan - March 2022         \$770.00           56263         01/01/2022         Facilities - BBF Retreat Jan - March 2022         \$770.00           56263         01/01/2022         Facilities - Stapp Hand Bock Absorbing Tool         \$1,779.95           12/17/2021         Open         Accounts Payable         SUNNYVALE FORD         \$1,288.66           Invoice         Date         Description         Amount         \$1,288.58           12/17/2021         Open         Accounts Payable         TENJ INC         \$1,335.89           12/17/2021 </td <td>55320         01/01/2022         Facilities - Creekside Park Jan - March 2022         \$261.00           55321         01/01/2022         Facilities - Wison Park Jan - March 2022         \$243.00           55322         01/01/2022         Facilities - City Hall Jan - March 2022         \$324.00           55323         01/01/2022         Facilities - Service Center Jan - March 2022         \$321.00           55373         01/01/2022         Facilities - BBF Kok, Jan - March 2022         \$324.00           56373         01/01/2022         Facilities - BBF Kok, Jan - March 2022         \$324.00           56333         01/01/2022         Facilities - Sports Center, Jan - March 2022         \$324.00           56333         01/01/2022         Facilities - Sports Center, Jan - March 2022         \$324.00           12/17/2021         Open         Accounts Payable         STATEWIDE TRAFFIC SAFETY AND         \$1,779.95           Invoice         Date         Description         Accounts Payable         \$10/01         \$1,279.95           12/17/2021         Open         Accounts Payable         SUNNYVALE FORD         \$1,286.66           11/02/2021         Fleet - Kit H1 W         \$644.33         \$1,286.66         \$11,203.20         \$1,286.66           11/02/2021         Fleet - Kit H1 HV         \$644.33</td>	55320         01/01/2022         Facilities - Creekside Park Jan - March 2022         \$261.00           55321         01/01/2022         Facilities - Wison Park Jan - March 2022         \$243.00           55322         01/01/2022         Facilities - City Hall Jan - March 2022         \$324.00           55323         01/01/2022         Facilities - Service Center Jan - March 2022         \$321.00           55373         01/01/2022         Facilities - BBF Kok, Jan - March 2022         \$324.00           56373         01/01/2022         Facilities - BBF Kok, Jan - March 2022         \$324.00           56333         01/01/2022         Facilities - Sports Center, Jan - March 2022         \$324.00           56333         01/01/2022         Facilities - Sports Center, Jan - March 2022         \$324.00           12/17/2021         Open         Accounts Payable         STATEWIDE TRAFFIC SAFETY AND         \$1,779.95           Invoice         Date         Description         Accounts Payable         \$10/01         \$1,279.95           12/17/2021         Open         Accounts Payable         SUNNYVALE FORD         \$1,286.66           11/02/2021         Fleet - Kit H1 W         \$644.33         \$1,286.66         \$11,203.20         \$1,286.66           11/02/2021         Fleet - Kit H1 HV         \$644.33

# Payment Register

Number	Data	Chatture		Reconciled/	Source	Davia a Nama		Transaction	Reconciled	Difference
Number	Date	Status	Void Reason	Voided Date	Reconciled	Payee Name	\$0.00	Amount	Amount \$0.00	Difference
					Voided	0	\$0.00		\$0.00	
					Stopped	0	\$0.00		\$0.00	
					Total	28	\$1,774,591.95		\$0.00	
					1 otal	20	\$1,111,001.00		φ0.00	
				EFTs	Status	Count	Transaction Amount	Red	onciled Amount	
					Open	46	\$1,011,872.62		\$0.00	
					Reconciled	0	\$0.00		\$0.00	
					Voided	0	\$0.00		\$0.00	
					Total	46	\$1,011,872.62		\$0.00	
				All	Status	Count	Transaction Amount	Red	onciled Amount	
					Open	74	\$2,786,464.57		\$0.00	
					Reconciled	0	\$0.00		\$0.00	
					Voided	0	\$0.00		\$0.00	
					Stopped	0	\$0.00		\$0.00	
					Total	74	\$2,786,464.57		\$0.00	
Grand Total	IS:			Checks	Status	Count	Transaction Amount	Reco	nciled Amount	
					Open	28	\$1,774,591.95		\$0.00	
					Reconciled	0	\$0.00		\$0.00	
					Voided	0	\$0.00		\$0.00	
					Stopped	0	\$0.00		\$0.00	
					Total	28	\$1,774,591.95		\$0.00	
				EFTs	Status	Count	Transaction Amount	Reco	nciled Amount	
					Open	46	\$1,011,872.62		\$0.00	
					Reconciled	0	\$0.00		\$0.00	
		0 1 11	/		Voided	0	\$0.00		\$0.00	
		Zach Korai	ch		Total	46	\$1,011,872.62		\$0.00	
	6			All	Status	Count	Transaction Amount	Reco	nciled Amount	
					Open	74	\$2,786,464.57		\$0.00	
					Reconciled	0	\$0.00		\$0.00	
	Decei	mber 21, 2021			Voided	0	\$0.00		\$0.00	
		1001 21, 2021			Stopped	0	\$0.00		\$0.00	
					Total	74	\$2,786,464.57		\$0.00	

FY 17-18 Acct: 100-12-120-700-702

**CUPERTINO** OF COMMERCE Cupertino Chamber of Commerce 20455 Silverado Avenue Cupertino, CA 95014

Invoice No.

41618

INVOICE

Cus	stomer				
Name	City of Cupertino			Date	4/16/18
Address	10300 Torre Ave			Order No.	
City	Cupertino	State CA ZIP 9	95014	Rep	
Attn:	Angela Tsui			FOB	
Address City	10300 Torre Ave Cupertino Angela Tsui	State <u>CA</u> ZIP 9	95014	Order No. Rep	4/16/18

	Qty	Description	U	nit Price	TOTAL
	1	I Love Cupertino Project		\$5,000.00	\$5,000.00
		Domains			
		FaceBook Pages			
~		Project conceptualized			
		Building content for social media			
		Website design & layout			
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	Payment Details SubTo				\$5,000.00
		<b>\</b>		_	
	Ŷ	Cash		-	
		Check		<b> </b>	
	0	Credit Card		TOTAL	\$5,000.00
	Name				
	CC #		Office Use	e Only	
		Expires	****		
``			1		

Payment Due Upon Receipt

# ILoveCupertino.org Development and Maintenance Services Proposal

Prepared On April 18, 2018

# **Proposed Services**

ILoveCupertino will deliver an exceptional visitor experience and serve as the gateway to Cupertino as a destination for business or pleasure. The following services are included in our proposed service package:

- Domain Acquisition and Maintenance
- In-person and Online Visitor Concierge
- Service Content Creation and Updates
- Program Promotions
- 24/7 Digital Platform Monitoring

## **Personal Service**

The Cupertino Chamber of Commerce staff will provide ILoveCupertino-branded concierge service to all online and in-person inquiries and transactions.

# **Content Updates**

As we create, gather and organize new content for the web pages and social media, the Cupertino Chamber of Commerce will publish to the sites, along with images and videos. We will also manage and update meta tags for SEO when publishing content.

Minor changes to the website's copy, images, or layout can be made on an ongoing basis at your request, so long as those changes do not require changing more than 25% of the website in a given month. If more in-depth changes are required, a statement of work will be created with separate pricing for services to be negotiated.

# **Program Promotions**

Programs, promotions and merchandise will be conducted regularly with all eligible businesses, as determined by the city of Cupertino.

# Pricing

The following table details pricing for the above described service package. This pricing is a one-year term.

Name	Price	Months	Subtotal
Content creation and scheduling Creation, collection, and scheduling of thematic and promotional narratives Proximity to innovation Destination for dreamers and innovators Wineries Open space Parks Families Award-winning public-school systems	\$5,000.00	1	\$5,000.00
Design and Development Concept implementation and integrated marketing design (keeping it fresh)	\$1,000.00	12	\$12,000.00
Website Maintenance Monthly Fee and content management tools	\$1,200.00	12	\$14,400.00
Promotions and Relationship Management Business community coordination and integration	\$500.00	12	\$6,000.00

Total \$37,400.00

#### Cupertino Chamber of Commerce EBilling

Cupertino Chamber of Commerce 20455 Silverado Avenue Cupertino, CA 95014-4439	phone: fax: admi	(4	08) 252-7054 08) 252-0638 9-chamber.org
Invoice			
City of Cupertino Angela Tsui 10300 Torre Ave Cupertino, CA 95014	Inv	e Date: oice #: e Date:	06/03/2019 11182 06/03/2019
I LOVE CUPERTINO PROJECT			
ПЕМ	QUANTITY	RATE	AMOUNT
Database Subscription	1	\$197.66	\$197.66
Website Hosting	1	\$154.55	\$154.55
Website Maintenance	10	\$150.00	\$1,500.00
		Total:	\$1,852.21

He to paus! Please charge to Econ Dev 2018-2019 FY # 100-12-705 - 700 - 702 II love Cupartino Virtual Visitors Website)

Cupertino Chamber of Commerce 20455 Silverado Avenue Cupertino CA 95014-4439

> City of Cupertino Angela Tsui 10300 Torre Ave Cupertino CA 95014

Cupertino CA 95014-4439

Phone: (408) 252-7054 Fax: (408) 252-0638 Website: https://www.cupertino-chamber.org Email: admin@cupertino-chamber.org

Date:	08/01/2019
Invoice #:	11349
Due:	08/01/2019

Description	Quantity	Rate	Amount
I Love Cupertino Project			
Database Subscription	2	\$197.66	\$395.32
I Love Cupertino Project			
Website Hosting	2	\$154.55	\$309.10
I Love Cupertino Project			
Website Maintenance	10	\$150.00	\$1,500.00
		Invoice:	\$2,204.42
		Balance:	\$2,204.42

Othay to pro! ASV Please change to EeonDer # 100-12-705 700-702

City of Cupertino	Date: 08/01/2019
Angela Tsui	Invoice #: 11349
10300 Torre Ave	Due: 08/01/2019
Cupertino CA 95014	
Cupertino Chamber of Commerce 20455 Silverado Avenue	Amount Due: \$2204.42

Phone: (408) 252-7054 Fax: (408) 252-0638 Website: https://www.cupertino-chamber.org Email: admin@cupertino-chamber.org

Date:	10/15/2019
Invoice #:	11579
Due:	10/15/2019

Cupertino Chamber of Commerce 20455 Silverado Avenue Cupertino CA 95014-4439

> City of Cupertino Angela Tsui 10300 Torre Ave Cupertino CA 95014

Description	5	Quantit	/ Rate	Amount
I Love Cupertino Project				
Database Subscription			1 \$197.66	\$197.66
I Love Cupertino Project				
Website Hosting			\$154.55	\$154.55
I Love Cupertino Project				
Website Maintenance		1	\$150.00	\$1,500.00
			- Invoice:	\$1,852.21
		. /	Balance:	\$1,852.21

Please charge to Econ Dev # 100-12-705 700-702

City of Cupertino Angela Tsui 10300 Torre Ave Cupertino CA 95014	Date: Invoice #: Due:	10/15/2019 11579 10/15/2019
Cupertino Chamber of Commerce	Amount Due:	\$1852.21

Cupertino Chamber of Commerce 20455 Silverado Avenue Cupertino CA 95014-4439

> City of Cupertino Angela Tsui 10300 Torre Ave Cupertino CA 95014

Phone: (408) 252-7054 Fax: (408) 252-0638 Website: https://www.cupertino-chamber.org Email: admin@cupertino-chamber.org

Date:	11/04/2019
Invoice #:	11638
Due:	11/04/2019

Description	Quanti	ty Rate	Amount
I Love Cupertino Project			
Database Subscription		1 \$197.66	\$197.66
I Love Cupertino Project			
Website Hosting		1 \$154.55	\$154.55
I Love Cupertino Project			
Website Maintenance		0 \$150.00	\$1,500.00
		Invoice:	\$1,852.21
		Balance:	\$1,852.21

Alley to pag ! ASM Please charge to Econ Der # 100-12-705 700-702

City of Cupertino Angela Tsui 10300 Torre Ave Cupertino CA 95014

> Cupertino Chamber of Commerce 20455 Silverado Avenue Cupertino CA 95014-4439

11/04/2019 Date: Invoice #: 11638 Due: 11/04/2019

\$1852.21

Amount Due:

Phone: (408) 252-7054 Fax: (408) 252-0638 Website: https://www.cupertino-chamber.org Email: admin@cupertino-chamber.org

> 12/06/2019 Date: 11703 Invoice #: Due: 12/06/2019

Description			Quantity	Rate	Amount
I Love Cupertino Project					
Database Subscription			1	\$197.66	\$197.66
I Love Cupertino Project					
Website Hosting		· ·	1	\$154.55	\$154.55
I Love Cupertino Project					
Website Maintenance			15	\$150.00	\$2,250.00
					¢0 000 04
				Invoice:	\$2,602.21
				Balance:	\$2,602.21

014ag to pag ! ABY-Please change to Econ Dev # 100-12-705 700-702

City of Cupertino Angela Tsui 10300 Torre Ave Cupertino CA 95014

Cupertino Chamber of Commerce

20455 Silverado Avenue

Cupertino CA 95014-4439

City of Cupertino

10300 Torre Ave

Cupertino CA 95014

Angela Tsui

Cupertino Chamber of Commerce 20455 Silverado Avenue Cupertino CA 95014-4439

Amount Due: \$2602.21

Date:

Due:

Invoice #:

12/06/2019

12/06/2019

11703

Phone: (408) 252-7054 Fax: (408) 252-0638 Website: https://www.cupertino-chamber.org Email: admin@cupertino-chamber.org

City of Cupertino	Date:	02/05/2020
Angela Tsui	Invoice #:	11879
10300 Torre Ave Cupertino CA 95014	Due:	02/05/2020

Cupertino Chamber of Commerce

Description	Quantity	Rate	Amount
I Love Cupertino Project			
Database Subscription	1	\$197.66	\$197.66
I Love Cupertino Project			
Website Hosting	1	\$154.55	\$154.55
I Love Cupertino Project			
Website Maintenance	12	\$150.00	\$1,800.00
		Invoice:	\$2,152.21
		Balance:	\$2,152.21

— — — — — — — — — — — — — — — — — — —	— — — — — — — — — — — — — — — — Date: Invoice #:	 02/05/2020 11879
10300 Torre Ave Cupertino CA 95014	Due:	02/05/2020
Cupertino Chamber of Commerce 20455 Silverado Avenue Cupertino CA 95014-4439	Amount Due:	\$2152.21

Phone: (408) 252-7054 Fax: (408) 252-0638 Website: https://www.cupertino-chamber.org Email: admin@cupertino-chamber.org

City of Cupertino Angela Tsui	Date: Invoice #:	01/03/2020 11755
10300 Torre Ave	Due:	01/03/2020
Cupertino CA 95014		

Cupertino Chamber of Commerce

Description	Quantity	Rate	Amount
I Love Cupertino Project			
Database Subscription	1	\$197.66	\$197.66
I Love Cupertino Project			
Website Hosting	1	\$154.55	\$154.55
I Love Cupertino Project			
Website Maintenance	10	\$150.00	\$1,500.00
		Invoice:	\$1,852.21
		Balance:	\$1,852.21

City of Cupertino Angela Tsui 10300 Torre Ave Cupertino CA 95014	Date: Date: Invoice #: Due:	01/03/2020 11755 01/03/2020
Cupertino Chamber of Commerce 20455 Silverado Avenue Cupertino CA 95014-4439	Amount Due:	\$1852.21

Phone: (408) 252-7054 Fax: (408) 252-0638 Website: https://www.cupertino-chamber.org Email: admin@cupertino-chamber.org

Date: Invoice #:	03/02/2020 11930
Due:	03/02/2020
	Invoice #:

Cupertino Chamber of Commerce

Description	Quantity	Rate	Amount
I Love Cupertino Project			
Database Subscription	1	\$197.66	\$197.66
I Love Cupertino Project			
Website Hosting	1	\$154.55	\$154.55
I Love Cupertino Project			
Website Maintenance	15	\$150.00	\$2,250.00
		Invoice:	\$2,602.21
		Balance:	\$2,602.21

City of Cupertino	Date:	03/02/2020
Angela Tsui	Invoice #:	11930
10300 Torre Ave	Due:	03/02/2020
Cupertino CA 95014		
Cupertino Chamber of Commerce	Amount Due:	\$2602.21
20455 Silverado Avenue		
Cupertino CA 95014-4439		

Phone: (408) 252-7054 Fax: (408) 252-0638 Website: https://www.cupertino-chamber.org Email: admin@cupertino-chamber.org

City of Cupertino	Date:	04/01/2020
Angela Tsui	Invoice #:	11981
10300 Torre Ave	Due:	04/01/2020
Cupertino CA 95014		

Cupertino Chamber of Commerce

Description	Quantity	Rate	Amount
I Love Cupertino Project			
Database Subscription	1	\$197.66	\$197.66
I Love Cupertino Project			
Website Hosting	1	\$154.55	\$154.55
I Love Cupertino Project			
Website Maintenance	10	\$150.00	\$1,500.00
		Invoice:	\$1,852.21
		Balance:	\$1,852.21

		04/01/2020
Angela Tsui	Invoice #:	11981
10300 Torre Ave Cupertino CA 95014	Due:	04/01/2020
Cupertino Chamber of Commerce 20455 Silverado Avenue Cupertino CA 95014-4439	Amount Due:	\$1852.21

Phone: (408) 252-7054 Fax: (408) 252-0638 Website: https://www.cupertino-chamber.org Email: admin@cupertino-chamber.org

City of Cupertino	Date:	05/04/2020
Angela Tsui	Invoice #:	12094
10300 Torre Ave	Due:	05/04/2020
Cupertino CA 95014		

Description	Quantity	Rate	Amount
I Love Cupertino Project			
Database Subscription	1	\$197.66	\$197.66
I Love Cupertino Project			
Website Hosting	1	\$154.55	\$154.55
I Love Cupertino Project			
Website Maintenance	10	\$150.00	\$1,500.00
		Invoice:	\$1,852.21
		Balance:	\$1,852.21

City of Cupertino	Date:	05/04/2020
Angela Tsui	Invoice #:	12094
10300 Torre Ave	Due:	05/04/2020
Cupertino CA 95014		
Cupertino Chamber of Commerce	Amount Due:	\$1852.21
20455 Silverado Avenue		
Cupertino CA 95014-4439		

Cupertino Chamber of Commerce 20455 Silverado Avenue Cupertino CA 95014-4439

Phone: (408) 252-7054 Fax: (408) 252-0638 Website: https://www.cupertino-chamber.org Email: admin@cupertino-chamber.org

City of Cupertino Angela Tsui	Date: Invoice #:	06/05/2020 12129
10300 Torre Ave	Due:	06/05/2020
Cupertino CA 95014		

Cupertino Chamber of Commerce

Description	Quantity	Rate	Amount
I Love Cupertino Project			
Database Subscription	1	\$197.66	\$197.66
I Love Cupertino Project			
Website Hosting	1	\$154.55	\$154.55
I Love Cupertino Project			
Website Maintenance	10	\$150.00	\$1,500.00
		Invoice:	\$1,852.21
		Balance:	\$1,852.21

City of Cupertino	Date:	06/05/2020
Angela Tsui	Invoice #:	12129
10300 Torre Ave	Due:	06/05/2020
Cupertino CA 95014		
Cupertino Chamber of Commerce	Amount Due:	\$1852.21
20455 Silverado Avenue		
Cupertino CA 95014-4439		

Phone: (408) 252-7054 Fax: (408) 252-0638 Website: https://www.cupertino-chamber.org Email: admin@cupertino-chamber.org

City of Cupertino	Date:	12/13/2020
Angela Tsui	Invoice #:	12492
10300 Torre Ave	Due:	12/13/2020
Cupertino CA 95014		

Description	Quantity	Rate	Amount
I Love Cupertino Project			
Membee Complete Subscription - Website & Database	6	\$352.00	\$2,112.00
July 2020 thru Dec 2020		– Invoice:	\$2,112.00
		Balance:	\$2,112.00

City of Cupertino	Date:	12/13/2020
Angela Tsui	Invoice #:	12492
10300 Torre Ave	Due:	12/13/2020
Cupertino CA 95014		
Currenting Chamber of Commerce	Amount Duo	¢2442.00
Cupertino Chamber of Commerce	Amount Due:	\$2112.00
20455 Silverado Avenue		
Cupertino CA 95014-4439		

Cupertino Chamber of Commerce 20455 Silverado Avenue Cupertino CA 95014-4439

Cupertino CA 95014



# Cupertino Chamber of Commerce 20455 Silverado Avenue Cupertino, CA 95014

Invoice No.

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30119

Under

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	stomer				INVOICE
Name Address	City of Cupertino 10300 Torre Ave			Date Order No.	3/1/19
City Attn:	Cupertino Angela Tsui	State CA	ZIP 95014	Rep FOB	

Qty	Description		Unit Price	TOTAL
1	I Love Cupertino Logo concept & design		\$1,000.00	\$1,000.00
7	Website Hosting (Aug 2018 thru Feb 2019)		\$154.55	\$1,081.85
7	Database Subscription (Aug 2018 thru Feb 20	19)	\$197.66	\$1,383.62
145	Website concept, design, layout and deployme	ent	\$150.00	\$21,750.00
			CubTatal	фо <u>г</u> о4 г. 4
- F	Payment Details		SubTotal	\$25,215.4
C	) Cash		h	
ĕ	Check			
	Credit Card		TOTAL	\$25,215.4
C	)			Ψ20,210.4
Name				
CC #		Off	ice Use Only	
	Expires			

Payment Due Upon Receipt

Phone: (408) 252-7054 Fax: (408) 252-0638 Website: https://www.cupertino-chamber.org Email: admin@cupertino-chamber.org

Date:	06/04/2021
Invoice #:	12806
Due:	06/04/2021

Cupertino Chamber of Commerce 20455 Silverado Avenue Cupertino CA 95014-4439

> City of Cupertino Kristina Alfaro 10300 Torre Ave Cupertino CA 95014

Description	Quantity	Rate	Amount
I Love Cupertino Project			
Membee Complete Subscription - Website & Database	6	\$352.00	\$2,112.00
Jan 2021 thru Jun 2021		- Invoice:	\$2,112.00
			. ,
		Balance:	\$2,112.00

City of Cupertino	Date:	06/04/2021
Kristina Alfaro	Invoice #:	12806
10300 Torre Ave	Due:	06/04/2021
Cupertino CA 95014		
		00440.00
Cupertino Chamber of Commerce	Amount Due:	\$2112.00
20455 Silverado Avenue		
Cupertino CA 95014-4439		



455 Silverado Avenue pertino, CA 95014-4439	phone: fax: adm	(-	408) 252-7054 408) 252-0638 o-chamber.org
Invoice			
City of Cupertino Angela Tsui 10300 Torre Ave Cupertino, CA 95014	In	e Date: voice #: le Date:	
I LOVE CUPERTINO PROJECT			
ІТЕМ	QUANTITY	RATE	E AMOUNT
Database Subscription	2	\$197.66	\$395.32
Website Hosting	2	\$154.55	\$309.10
Website Maintenance	50	\$150.00	\$7,500.00
		Total:	\$8,204,42

the to pay?!

Please charge to Eem Der 2018-2019 FY # 100-12-705 700-702-(I Love Cupatino Virtual Visitor SWebsite)

https://cupertino-chamber.org/members-only/your-account/?d=3oBhAyHpbCCIJz7wgetCQq4N8o6iheuwq%2BQMqWDnoo0%3D

1/1

From:	<u>Jenny Griffin</u>
То:	City Clerk
Cc:	grenna5000@yahoo.com
Subject:	Fwd: City Council Agenda Issues
Date:	Saturday, March 4, 2023 3:44:12 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

FYI. Please add to the Public Record for the City Council Agenda on March 7, 2023, Especially per items (currently 11) concerning the removal of Mr. Wang from the Planning Commission, Item Number 4 on Consent Calendar concerning dissolving the ERC, the DRC, the LRC and the Audit Committees, Item 10 on the Consent Calendar About the Housing Element Consultants and Item Number 15 about the Chamber of Commerce.

Thank you very much.

------ Original Message -----Subject: City Council Agenda Issues
From: Jenny Griffin <grenna5000@yahoo.com>
Sent: Saturday, March 4, 2023, 3:36 PM
To: citycouncil@cupertino.org
CC: grenna5000@yahoo.com

Dear City Council:

The Cupertino City Council Agenda for March 7, 2023 is unprofessional and confusing.

The item (now 11) attempting to remove Mr. Wang from his Planning Commission seat is extremely

unprofessional in every sense of the word. This is bordering on a creating a circus scandal in the City

Council Chambers. This item should be removed from the agenda.

Why is Number 4 on the Consent Calendar again? This item is attempting to dissolve the ERC, the DRC,

The LRC and the Audit Committee. No one from the public can pull the item to discuss it So why is it back on the Consent Calendar? To just show the public they can't speak on anything

Anymore and every commission t hat we had in the city has been dissolved?

Again, why is Item 10 under the Consent Calendar? No one from the public can talk about the Housing Element or the Consultants? So the public spent a great deal of their time and effort Participating in the supposed public meetings from the Housing Elements. We did our time. We

Did our duty. We sat through through meeting after meeting as dictated by the Housing Element agenda. We apparently wasted our time as we are apparently not going to be allowed To speak on the Housing Element now. This item needs to be pulled to allow the public to Speak or I guess we wasted our entire spring, summer and fall and winter of 2022 attending to The tirades of the RHNA and the never ending rules from HCD over the Housing Element. The Housing Element apparently tells the public when they get to say anything about what happens

In their city.

Also, why is Item 15 under an Informational item? Doesn't the public get to ask questions on Things pertaining to such things as the Chamber of Commerce or as was listed in the last City Council Agenda under informational The request to increase restaurant space at Main Street? What ever happened to that item?

Please put the City Council Agenda back to the sensible order that it used to have and please Remove the highly embarrassing and unprofessional item (Now Number 11) accusing Mr. Wang of all manner of outrageous things and trying to remove him from his Planning Commission seat. This item is highly irregular, unorthodox and deeply disturbing to be Appearing in a City Council Agenda. Indeed, it is highly shocking.

Sincerely,

Jennifer Griffin

Liang Chao
City Clerk
Fw: Information Item on Chamber Memo
Tuesday, March 7, 2023 2:11:57 PM
image.png

Please enter it into the written communication for this item since the Council is not allowed to comment on this Informational Item.

Thanks,

Liang



From: Liang Chao

**Sent:** Tuesday, March 7, 2023 2:10 PM

To: Pamela Wu <PamelaW@cupertino.org>

**Cc:** Matt Morley <MattM@cupertino.org>; Tina Kapoor <TinaK@cupertino.org> **Subject:** Information Item on Chamber Memo

There was only a direction to schedule a study session to explore options on June 22, 2022, by two Councilmembers, not even the full Council. I appreciate that the staff provided the answers to those questions.

There was no direction from the City Council to pursue an agreement at all. And the item is not on the City's work program.

I would expect that a study session would be held to first explore options and I hope that the staff provide viable options for the Council.

But it seems the staff is already pursuing an agreement. Thus, I would like to know:

Q1: I would like to know when the staff initiated the discussion for an agreement with Cupertino Chamber of Commerce?

Q2: What's the scope of the agreement? Who determined the scope of the agreement?

#### CITY COUNCIL INFORMATIONAL MEMORANDUM

Date: March 7, 2023

To: Cupertino City Council

From: Pamela Wu, City Manager

Re: Response to Council Inquiries

<u>Background</u>: On June 21, 2022, Councilmembers Chao and Moore moved to provide the following direction to staff:

Bring back a future agenda item for a study session to review past partnership and support for Cupertino Chamber of Commerce and discuss options of future partnership with the Chamber.

Staff is working on drafting an agreement with the Chamber of Commerce. Responses to the remaining items numbered 1 - 10 are included in this memorandum.

