

File No. 221254

Committee Item No. 4

Board Item No. \_\_\_\_\_

## COMMITTEE/BOARD OF SUPERVISORS

### AGENDA PACKET CONTENTS LIST

Committee: Rules Committee

Date Jan. 23, 2023

Board of Supervisors Meeting

Date \_\_\_\_\_

#### Cmte Board

- |                                     |                          |  |
|-------------------------------------|--------------------------|--|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Motion                                       |
| <input type="checkbox"/>            | <input type="checkbox"/> | Resolution                                   |
| <input type="checkbox"/>            | <input type="checkbox"/> | Ordinance                                    |
| <input type="checkbox"/>            | <input type="checkbox"/> | Legislative Digest                           |
| <input type="checkbox"/>            | <input type="checkbox"/> | Budget and Legislative Analyst Report        |
| <input type="checkbox"/>            | <input type="checkbox"/> | Youth Commission Report                      |
| <input type="checkbox"/>            | <input type="checkbox"/> | Introduction Form                            |
| <input type="checkbox"/>            | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/>            | <input type="checkbox"/> | Memorandum of Understanding (MOU)            |
| <input type="checkbox"/>            | <input type="checkbox"/> | Grant Information Form                       |
| <input type="checkbox"/>            | <input type="checkbox"/> | Grant Budget                                 |
| <input type="checkbox"/>            | <input type="checkbox"/> | Subcontract Budget                           |
| <input type="checkbox"/>            | <input type="checkbox"/> | Contract/Agreement                           |
| <input type="checkbox"/>            | <input type="checkbox"/> | Form 126 - Ethics Commission                 |
| <input type="checkbox"/>            | <input type="checkbox"/> | Award Letter                                 |
| <input type="checkbox"/>            | <input type="checkbox"/> | Application                                  |
| <input type="checkbox"/>            | <input type="checkbox"/> | Form 700                                     |
| <input type="checkbox"/>            | <input type="checkbox"/> | Information/Vacancies (Boards/Commissions)   |
| <input type="checkbox"/>            | <input type="checkbox"/> | Public Correspondence                        |

#### OTHER (Use back side if additional space is needed)

- |                                     |                          |   |
|-------------------------------------|--------------------------|---|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Request for Advance Written Determination |
| <input type="checkbox"/>            | <input type="checkbox"/> | _____                                     |
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Completed by: Victor Young Date Jan 19, 2023

Completed by: \_\_\_\_\_ Date \_\_\_\_\_

1 [Advanced Written Determination Regarding Statement of Incompatible Activities - Small  
2 Business Commission - Miriam Zouzounis]

3 **Motion finding that Miriam Zouzounis' proposal to apply for grants administered by the**  
4 **Office of Economic and Workforce Development ("OEWD") and to seek assistance from**  
5 **OEWD relating to the non-profit on whose Board she serves on are not incompatible**  
6 **with the Statement of Incompatible Activities of the Small Business Commission, of**  
7 **which she is a member, subject to conditions.**

8  
9 WHEREAS, Miriam Zouzounis is a member of the Small Business Commission  
10 ("SBC"), appointed by the Board of Supervisors, and is a Board Member of the Neighborhood  
11 Business Alliance, a community merchant non-profit trade association; and

12 WHEREAS, Members of the Small Business Commission are subject to a Statement of  
13 Incompatible Activities ("SIA") that guides OEWD employees and members of the SBC about  
14 the kinds of activities that are incompatible with their public duties and therefore prohibited;  
15 and

16 WHEREAS, Section 3.218 of the Campaign and Governmental Conduct Code  
17 authorizes City employees and officers to seek an Advance Written Determination ("AWD")  
18 from their employer or appointing officer that a proposed activity is or is not incompatible with  
19 the governing SIA; and

20 WHEREAS, An AWD that a proposed activity is not incompatible with the applicable  
21 SIA provides the requestor with immunity from any subsequent enforcement action for  
22 violation of the SIA if the material facts are as presented in the requestor's written submission;  
23 and

1 WHEREAS, Miriam Zouzounis submitted a request for an AWD confirming that the  
2 following activities are not incompatible under the SBC's SIA: Applying for grants and loans  
3 administered by OEWD to support the Neighborhood Business Alliance; and

4 WHEREAS, The SBC's SIA provides that no officer may serve as a member of the  
5 Board of Directors of a nonprofit organization that applies for loans or grants administered by  
6 OEWD, SBC or the Workforce Investment San Francisco Board; and

7 WHEREAS, Notwithstanding this prohibition, Miriam Zouzounis' proposed activities are  
8 not incompatible with the SBC's SIA because the City and County aspires to a diversity of  
9 representation on its Boards and Commissions, particularly encouraging members of the  
10 BIPOC, Immigrant, LGBTQ+, Reentry and other underrepresented communities to serve on  
11 their own time; and

12 WHEREAS, BIPOC, Immigrant, LGBTQ+, Reentry and other underrepresented  
13 communities also experience significant barriers to accessing small business financial and  
14 technical support, as well as pre-development, lease, capital tenant improvement and  
15 acquisition funding, and having to choose between equitable access to small business grants,  
16 loans or other forms of public assistance can be a disincentive to authentic and diverse  
17 representation on the Small Business Commission; and

18 WHEREAS, Miriam Zouzounis does not receive compensation for her volunteer service  
19 on the board of Neighborhood Business Alliance, which is a community merchant non-profit  
20 trade association; now, therefore, be it

21 MOVED, That based on the information submitted, the Board of Supervisors finds that  
22 the Proposed Activities are not incompatible with the SIA of the SBC, subject to the following  
23 conditions:

- Miriam Zouzounis will submit another AWD if the Neighborhood Business Alliance applies for additional grants or loans after two years of the adoption of this Motion; and
- Miriam Zouzounis will not receive direct grant relief from OEWD or the Neighborhood Business Alliance or be compensated by Neighborhood Business Alliance for her role as a Board Member.

## REQUEST FOR ADVANCE WRITTEN DETERMINATION

Under section 3.218 of the San Francisco Campaign and Governmental Conduct Code, each Department, Board, or Commission has adopted a Statement of Incompatible Activities ("SIA") that lists those outside activities that are inconsistent or incompatible with the duties of the officers and employees of the Department, Board, or Commission. Section III.C of the SIA permits an officer or employee to seek an Advance Written Determination whether a proposed outside activity is prohibited because it is inconsistent or otherwise in conflict with the officer's or employee's duties. A written Determination by the Decision-Maker that an activity is not incompatible with the SIA provides the Requestor immunity from any subsequent enforcement action for a violation of the SIA, if the material facts are as presented in the Requestor's written submission. A written Determination does not provide immunity from any other laws that prohibit the proposed activity. An officer or employee may also seek a written opinion from the Ethics Commission to determine whether the person's proposed activities violate the SIA or any other local law relating to conflicts of interest and governmental ethics.

To obtain a written Determination, please fill out Sections A-E legibly and completely, and submit this form to the Decision-Maker identified in Section C. Please note that the Decision-Maker may require you to provide additional information in order to make a Determination. At any time, the Decision-Maker may revoke the Determination, by providing written notice to you specifying the changed facts, circumstances or other good cause that warrants the revocation.

### A. I am a:

- ☐ City employee (Submit completed form to your Department head or his or her designee, or as directed in your SIA.)
- ☐ Department head (Submit completed form to your appointing officer.)
- ☒ Appointed member of a City board or commission (Submit completed form to your appointing officer, your Board or Commission, or the Ethics Commission, as directed in section III.C of the SIA. If the form is to be submitted to the Ethics Commission, please send the completed form to the Ethics Commission office at 25 Van Ness Avenue, Suite 220, San Francisco, CA 94102 or by faxing it to (415) 252-3112.)
- ☐ Elected official (Submit completed form to the Ethics Commission.)

### B. Requestor Information (Please Print Clearly)

Zouzounis, Miriam

Name (Last, First)

Title

Vice President, Small Business Commission

Office Phone

Email

miriam.zouzounis@sfgov.org

Name of Department, Board, or Commission

Small Business Commission

94134

Office Address

Zip Code

### C. Decision-Maker Information (Please Print Clearly)

Walter Shamann

Name (Last, First)

Board President

Title

Board of Supervisors

Name of Department, Board, or Commission

Office Phone

Email

Office Address

Zip Code

Decision-Maker is (check applicable):

- ☐ Department head
- ☐ Department head's designee
- ☐ Board or Commission
- ☒ Appointing officer
- ☐ Ethics Commission

*Please turn page over.*

S:\Conflicts of Interest\Incompatibility Statements\misc Advance Written Determination\Request for Advance Written Determination Form 08.14.08.doc

The Requester and Decision-Maker should retain a copy of this document for their records.

# ADVANCE WRITTEN DETERMINATION – Page 2

## The Written Request

Provide a description of the proposed activity and an explanation of why the activity is not incompatible under the SIA of your Department, Board, or Commission SIA. Describe the proposed activity in sufficient detail for the Decision-Maker to make a fully informed determination. If necessary, the Decision-Maker may require additional information from you. Attach additional documents as appropriate.

For Department Use Only—Date Written Request Received

Requester is a Board Member of The Neighborhood Business Alliance, a community merchant non-profit trade association that may apply for loans or grants administered by the Office of Economic and Workforce Development, DPH, HSA or other City agencies in the future. Funds would be used for in-language and culturally accessible technical services to serve constituents in the City and County of San Francisco. Organizational decisions are made by the Neighborhood Business Alliance full Executive Board and Advisory Committees. Requester is not staff and will not be paid through any funds administered to the Neighborhood Business Alliance by any adjacent or governing City agencies to the Office of Small Business. Miriam's role on the Small Business Commission should not preclude this organization from receiving funds.

## E. Verification

☒ I certify under penalty of perjury that the information provided on this request for Advance Written Determination is true, complete, and correct. I understand that if the Decision-Maker determines that the proposed activity is incompatible, I will not be immune from prosecution from any subsequent enforcement action brought for a violation of the SIA. I further understand that if the Decision-Maker makes a determination that the proposed activity is not incompatible, the Decision-Maker may revoke that Determination ~~at any time~~ <sup>at any time</sup> based on the changed facts, circumstances, or other good cause, by providing written notice to me.

Zouzounis, Miriam

Name of Requestor (Last, First)

Signature

Miriam Zouzounis

Date Request Submitted

## F. Written Determination by the Decision-Maker

☐ Based on the information submitted, I, the undersigned, find that the proposed activity:  
is incompatible with the SIA of the Department, Board, or Commission.  
is not incompatible with the SIA of the Department, Board, or Commission.

Walton, Shamann

Print Name of the Decision-Maker (Last, First)

Department, Board, or Commission

X

Signature

11/29/2022

Date

For Department Use Only—Date notice provided to Requestor.

## G. Comments:

The Requester and Decision-Maker should retain a copy of this document for their records.