

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

3 **Motion finding that Tiffany Carter’s proposal to apply for grants administered by the**
4 **Office of Economic and Workforce Development (“OEWD”) and to seek assistance**
5 **from OEWD relating to the growth of the restaurant she owns are not incompatible with**
6 **the Statement of Incompatible Activities of the Small Business Commission, of which**
7 **she is a member.**

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9 WHEREAS, Tiffany Carter is a member of the Small Business Commission (“SBC”),
10 appointed by the Board of Supervisors, and the owner of restaurant named Boug Cali, which
11 generates less than \$1 million in annual revenue; and

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

24 WHEREAS, Carter submitted a request for an AWD confirming that the following
25 activities are not incompatible under the SBC’s SIA: 1) applying for OEWD grants to support

1 her restaurant, Boug Cali, and 2) seeking assistance from OEWD to identify a new location for
2 her restaurant (“Proposed Activities”); Carter’s request is on file with the Clerk of the Board of
3 Supervisors in Board File No. _____; and

4 WHEREAS, Notwithstanding this prohibition, Carter’s proposed activities are not
5 incompatible with the SBC’s SIA because the City and County aspires to a diversity of
6 representation on its Boards and Commissions, particularly encouraging women and
7 members of the BIPOC, Immigrant, LGBTQ+, Reentry and other underrepresented
8 communities to serve on their own time; and

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

15 WHEREAS, Small business owners in the restaurant industry have very small margins,
16 and without significant outside investment from private investors, are unable to afford high
17 commercial rents, required upgrades to bring restaurant spaces up to code, or even broker
18 services to help locate viable space; and

19 WHEREAS, Tiffany Carter’s small business does not generate enough revenue
20 currently to qualify her to pay gross receipts tax; 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:

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- Tiffany Carter will submit another AWD request if she applies for additional grants, loans or support after two years of the adoption of this motion or if Boug Cali begins to generate over \$1 million in revenue annually; and
- The Board of Supervisors may hold a hearing to re-evaluate this AWD approval at any point.

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