

1 [Advanced Written Determination Regarding Statement of Incompatible Activities - Small
2 Business Commission - William Ortiz Cartagena]

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

8
9 WHEREAS, William Ortiz Cartagena is a member of the Small Business Commission
10 (“SBC”), appointed by the Board of Supervisors, and the founder and treasurer of a non-profit
11 supporting Latino entrepreneurs and small businesses, CLECHA; 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, Ortiz-Cartagena submitted a request for an AWD confirming that the
25 following activities are not incompatible under the SBC’s SIA: 1) applying for loans or grants

1 administered by OEWD to support CLECHA; Ortiz Cartagena’s request is on file with the
2 Clerk of the Board of Supervisors in Board File No. 220776; and

3 WHEREAS, The SBC’s SIA provides that no officer may be employed by or provide
4 services in exchange for compensation from an entity that the officer knows has applied for in
5 the last 12 months or receives loans or grants from OEWD; and

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

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

17 WHEREAS, Ortiz-Cartagena does not receive compensation for his volunteer service
18 on the board of CLECHA, which is a non-profit that seeks to provide financial support to
19 struggling Latino and immigrant small business entrepreneurs; now, therefore, be it

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

- 23 • William Ortiz-Cartagena will submit another AWD if CLECHA applies for
24 additional grants or loans after two years of the adoption of this motion; and
25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

- William Ortiz-Cartagena will not receive direct grant relief from OEWD or CLECHA or be compensated by CLECHA for his role as a Board Member.

n:\govern\as2022\9690021\01606207.docx