

May 26, 2023

VIA E-MAIL

Ms. Gayathri Thaikkendiyil
Acting Executive Director
San Francisco Ethics Commission
25 Van Ness Avenue, Suite 220
San Francisco, CA 94102

RE: Waiver Request Under San Francisco Campaign and Governmental Conduct Code Section 3.234(a)(3)

Dear Ms. Thaikkendiyil:

Pursuant to San Francisco Campaign and Governmental Conduct Code section 3.234(c)(3), I am requesting a waiver from the prohibition on receiving compensation from City contractors imposed by section 3.234(a)(3).

I am seeking this waiver in order to accept an offer of employment from the Chinatown Media & Arts Collaborative (“CMAC”), specifically as the Executive Director of CMAC’s “Edge of the Square” project. I have closely reviewed the law, the regulations adopted by the Ethics Commission, and the two prior examples of the Ethics Commission granting requests for waiver from this law, and believe that the circumstances about this unique employment opportunity warrant the Ethics Commission to grant me a waiver and allow me to accept this job.

CMAC is a pioneering partnership which will transform Chinatown’s social and economic landscape. My deep roots in the Chinatown neighborhood combined with my prior work experience uniquely qualify me for this position. After a long career focused on the arts and community, real estate, and economic development, this position is perfectly situated at the intersection of both my skills and passions: namely, working with San Francisco’s Chinese community to foster the arts and improve the economic and social fabric of the City’s Chinatown neighborhood.

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While the COVID-19 pandemic undoubtedly affected large and varied segments of San Francisco, Chinatown was uniquely impacted. Chinatown traditionally depends on large influxes of tourists to support and sustain its local stores, restaurants and attractions. With stay-at-home orders, rising crime, and anti-Asian hate crimes, Chinatown's economy and social blueprint faded dramatically. As the oldest and largest neighborhood of Chinese immigrants and Chinese-speaking residents in the United States, San Francisco's Chinatown is both integral to the local economy and a symbol of the Chinese community's many positive contributions to our City's unique and diverse culture. CMAC will reinvigorate the neighborhood by renovating a building in the heart of Chinatown with a first-ever cultural hub with spaces for exhibition, performance, media, and artist workshops with the goal of showcasing Chinatown through a creative lens to attract residents and tourists to Chinatown. Advancing CMAC's agenda will require a blend of real estate and community economic development expertise, Chinatown community knowledge and contacts, and arts experience.

With this important context, combined with my long-held connection to this neighborhood and my unique experience at the intersection of real estate development, economic development and the arts, I believe I am perfectly suited for a role that will restore the vitality of one of San Francisco's most important and historic neighborhoods. It is a dream job in the community I worked in for 14 years, visited as a child to see my grandmother who lived there, volunteered in during my college years, and where my heart and passion lie.

Background

During my time as Deputy Director of the Arts Commission, I personally participated in the award of the following two contracts between CMAC and the City:

1. Arts Commission - Storm Relief Grant. After the recent winter storms, CMAC applied for and was awarded a very small (\$3,750) grant from the Arts Commission and the Grants for the Arts, a division of the City Administrator's office. I helped to develop the RFP guidelines for this grant program, reviewed applications, and made the awards along with two other individuals from the Arts Commission and Grants for the Arts. A total of 18 organizations and 26 individual artists received funding through this program. There was no scoring rubric and every organization and artist that met the program eligibility requirements was funded. If I had not reviewed the applications, CMAC still would have received the grant.

I have no oversight authority of the grant contract between the intermediary grant administrator and CMAC.

2. Nonprofit Sustainability (“NSI”) Grant from the Office of Economic Workforce Development (“OEWD”). Almost fifteen months ago, in March 2022, I participated on a selection panel for OEWD which awarded CMAC a grant of \$1 million through the NSI program. Though CMAC has not yet received these funds because of ongoing negotiations between the City and CMAC over certain project conditions, my involvement took place over a year ago and I have not been involved in these negotiations. I served on the selection panel with five other panelists (two other City employees and 3 non-City employees) who reviewed and scored the project proposals using objective criteria. The panel met on March 16, 2022, and all proposals in this review round were unanimously awarded funding. Again, my vote was not essential to CMAC receiving funding. OEWD has a contract with a nonprofit entity, Community Vision, to administer the NSI grant program; Community Vision delivered an award letter to CMAC on March 23, 2022. While funds come from the City, the City does not sign the award letter or grant agreement. Instead, these documents are executed by Community Vision.

The Prohibition Would Cause Extreme Hardship For Me

The opportunity to work with CMAC is truly a once-in-a-lifetime opportunity. Chinatown is my community and where my heart lies. In this role, I would be able to leverage my experience, knowledge, skills and passion to benefit San Francisco’s Chinese community and help revitalize a neighborhood of critical social and economic importance. This position is unique in that I would have the ability to join a brand-new organization on the ground floor and help deploy its capabilities for the benefit of my community. Jobs like this do not come around often, and rarely at a moment of such upheaval and change. Chinatown is in the midst of recovery from a once-in-a-generation pandemic which struck its economy particularly hard, and CMAC is poised to help usher in a new era for this community. I feel uniquely qualified to play a part in righting the ship and participating in the renewal of this neighborhood’s economy and culture. I have been a deputy director and senior manager for decades in several organizations, and this would be my first opportunity to serve as an executive director, in what will likely be my last job before retirement.

While it is true that I may be qualified for other jobs in the arts or real estate or economic development, I do not know of any other job which combines these three areas of my expertise in conjunction with the community which is central to who I am. In many ways I have been waiting my whole career for an opportunity like this. It was my deep, decades-long background in the arts, real estate, and economic development that led CMAC to recruit me for this position in the first place.

In 2011, when the Commission granted the former Director of the Mayor's Office of Housing's waiver request for the same prohibition I face now, the Commission noted the unique nature of the position he wanted to take: President of Mercy Housing California, one of the largest affordable housing developers in the state, a position which had not come up for 20 years up until that point. The Commission ultimately granted this waiver even though the former City employee had personally approved five large contracts to Mercy Housing California within the prior year.

In my situation, I was only involved with two grants to CMAC; more notably, I did not personally approve the NSI grant to CMAC, but rather was simply one of six panelists who scored the proposals. Like the Mercy Housing job sought by the former Director of the Mayor's Office of Housing, serving as the first Executive Director of Edge on the Square is an equally unique opportunity. For the reasons mentioned above, the opportunity to join an organization at its early stages and shape its impact from the bottom up to re-imagine Chinatown's social and economic future is tailor-made for my professional and personal life experiences.

Granting a Waiver Would Not Raise Ethical Concerns

I fully understand that the prohibition on employment with City contractors exists for an important reason. Protecting the integrity of governmental decision-making is of the utmost priority, and it is important that City contracts are – and that the public believes that they are – awarded on a fair and equitable basis. These are worthy goals, and I strongly believe that my involvement in these contracts does not hinder these objectives.

I had no conflict of interest at the time of my involvement with the NSI grant. Fifteen months ago, in early 2022 when this grant was being considered, I was completely unaware of this job opportunity and was fully focused on my work at the Arts Commission. I was not

seeking employment with any other employer and did not engage in any employment discussions with CMAC during this time period. In addition, while I sat on the panel which voted to grant the award to CMAC, it was a unanimous vote and was based on objective scoring criteria. In other words, whether or not I voted for or against the grant would have been immaterial to the ultimate outcome as the other five panelists all voted in favor of the grant. I was not in a position to exert undue influence over the award process, and I did not interact with any other Arts Commission employees about the CMAC proposal. In addition, I have not had any role in negotiating the contract conditions, and would not be involved in implementing the contract in my position at the Arts Commission. In sum, I did not exert any undue influence over the process, and therefore barring me from accepting the Executive Director position would, in my opinion, not promote the purposes of the underlying law.¹

The Permanent Restriction on Representation in Particular Matters

Ethics Commission staff has indicated that I would also require a waiver from the City law which prohibits former City employees from lobbying the City on matters in which they personally and substantially participated while at the City. (Camp. & Govt. Conduct Code section 3.234(a)(1).) Staff also clarified, however, that such a waiver request would only be necessary if I needed to represent CMAC before the City in connection with the award of the NSI grant. Because such action could create the appearance of conflict, should the Commission grant my request for a waiver from the post-employment ban and allow me to accept the CMAC position, I would refrain from interacting with any City employees or officials about the award of the NSI grant and would instead delegate this task to other CMAC representatives.

Certification and Conclusion

Pursuant to regulation 3.234-4(a)(2), I certify that I have provided a copy of this waiver to Ralph Remington, the Director of Cultural Affairs for the Arts Commission.

¹I now appreciate that I perhaps should have recused myself from the small Storm Relief Grant because I had been approached at that time about the CMAC job. Notably, all of the artists and nonprofits which met the limited eligibility requirements were awarded funds during this non-competitive grant process, and – again, the grants were only for a few thousand dollars each.

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For the reasons described above, I respectfully request that the Commission grant my request for a waiver and allow me to accept this job. I will appear at the Commission's June 9 meeting, and will happily address any of the Commissioners' questions or concerns at that time.

Sincerely,

A handwritten signature in black ink, appearing to read "Joanne Lee". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Joanne Lee

cc: Ralph Remington, Director of Cultural Affairs, San Francisco Arts Commission
Michael Canning, Acting Policy and Legislative Affairs Manager
James R. Sutton, Esq., The Sutton Law Firm