

**MINUTES**  
**WAR MEMORIAL BOARD OF TRUSTEES**  
**REGULAR MEETING**

**Thursday, October 13, 2016**

The Board of Trustees of the War Memorial of San Francisco met in regular session at 2:00 p.m. on Thursday, October 13, 2016, in the Trustees' Board Room, War Memorial Opera House, President Horn presiding.

**ROLL CALL**

Present: President Horn, Vice President Bechtle, Trustee Levin, Trustee Lui, Trustee Moscone, Trustee Myatt, Trustee Walker and Trustee Wilsey

Absent: Trustee Davis, Trustee Pelosi and Trustee Shultz

Staff Present: Elizabeth Murray, Managing Director and Jennifer Norris, Assistant Managing Director

**APPROVAL OF MINUTES**

President Horn called for approval of the minutes of the September 8, 2016 regular meeting of the Board. On motion of Trustee Moscone, seconded by Trustee Wilsey, the minutes were unanimously approved.

**PRESIDENT'S REPORT**

President Horn congratulated the San Francisco Opera on its production of *The Dream of the Red Chamber*. He also congratulated Trustee Lui and her committee for what was a sensational presentation.

President Horn introduced Francis Tsang from the Mayor's Office. Francis was Chief Deputy Communications Secretary for Mayor Lee and was recently appointed as the Mayor's Director of Appointments.

**MANAGING DIRECTOR'S REPORT**

**Rental Requests:** Ms. Murray stated that rental requests mailed to Trustees are routine and requested their approval. On motion of Trustee Myatt, seconded by Vice President Bechtle, the following resolution was unanimously adopted:

**RESOLUTION NO. 16-39**

RESOLVED, By the Board of Trustees of the War Memorial of San Francisco that the following rental requests are hereby approved:

**HERBST THEATRE**

HandUp PBC Panel Discussion	October 17, 2016	\$1,250.00
Commonwealth Club of California Cecile Richards	December 5, 2016	\$1,250.00
San Francisco Opera Annual Meeting	March 16, 2017	\$1,250.00

San Francisco Girls Chorus Chorus School Spring Concert	June 12, 2017	\$1,250.00
EXEM Entertainment Comedy Club	October 22, 2017	\$2,500.00

### **WILSEY CENTER FOR OPERA**

San Francisco Symphony Youth Orchestra Meeting	October 15, 2016	\$225.00
California Life Sciences Association Showcase & Reception	December 13, 2016	\$1,025.00

**Veterans Building Meeting Room Usage:** Ms. Murray stated that Trustees have today received a corrected summary report of actual uses of Veterans Building meeting rooms allocated to the San Francisco Posts of the American Legion for FY 2016-17. Included on this report is comparative information on monthly uses of Veterans Building meeting rooms for the four years prior to the 2013 closure of the Veterans Building for renovation. For the current year, it would indicate that in September 2016 there were 85 meeting room uses bringing the year-to-date total to 236 or 51% of potential use. This would also indicate an increase of approximately 138% in activity over this same three month period in FY 2012-13.

Ms. Murray said she would like to note that staff has recorded a significant number of meeting room uses that were attended by only one person and staff has made an inquiry to the Commission as to why this is the case. For example, in the last two weeks of September, ten meetings had only one person and some of the activities had that same one person. She stated that the Commission has been asked to clarify this.

Trustee Levin stated that he believes the report does not give a true picture of what is going on in the Veterans Building space allocated to the American Legion Posts and he believes veterans are not using the space any more now than they were before the building closed for renovation.

**Veterans Building Seismic Upgrade & Improvements Project - Award:** Ms. Murray said she is pleased to report that the Veterans Building Seismic Upgrade & Improvements Project has again been recognized. The *Engineering News Record* has recognized the Veterans Building Project with an Award of Merit for Renovation/Restoration as part of its 2016 California Best Project awards. The award was presented at a ceremony at the Hyatt Regency on October 6.

### **SECRETARY'S REPORT**

**Revenue, Appropriations and Housekeeping Expenditures Reports for September 2016:** Ms. Norris stated that Revenue, Appropriations and Housekeeping Expenditures reports for September 2016 have been distributed to Trustees. Ms. Norris requested approval of the September 2016 housekeeping expenditures as submitted.

During public comment, Ms. Ann Treboux stated that the Secretary's Report was not made available to the public in violation of the Sunshine Ordinance. After public comment was closed, President Horn stated that the Secretary's Report is on the War Memorial's website and that copies of the report are presently on the table at the side of the room for the public.

On motion of Trustee Lui, seconded by Trustee Moscone, the following resolution was unanimously adopted:

#### **RESOLUTION NO. 16-40**

RESOLVED, By the Board of Trustees of the War Memorial of San Francisco that Purchase Order Nos. WM17084 through WM17106, Interdepartmental Work Order No. 17002 and Revenue Transfers 17003 through 17006 are hereby approved.

## COMMITTEE REPORTS

**Veterans Committee:** Trustee Myatt reported that the Veterans Committee met yesterday to consider and adopt recommendations on two items:

### Proposed Renewal of Agreement between War Memorial Board of Trustees and American Legion War Memorial Commission:

Trustee Myatt, Chair of the Veterans Committee, reported that the Committee considered the proposed renewal agreement between the War Memorial Board of Trustees and American Legion War Memorial Commission under which an annual sum is paid by the War Memorial to the Commission.

He stated that as Trustees know, the renewal agreement stems from the 1977 transfer of management and control of what is now the Herbst Theatre and Green Room from the Commission to the Trustees in exchange for a more assured source of income to help cover the Commission's office expenses related to administering Veterans Building space allocated for veterans' use. Each of the original 1977 agreement and 16 subsequent renewal agreements specified an annual sum to be paid by the Trustees to the Commission from Herbst Theatre rental revenues based on the Commission's needs and requirements at the time.

Trustee Myatt reported that the current renewal agreement covers the 16-month period from September 1, 2015 to December 31, 2016. In calendar year 2016, the Trustees will pay to the Commission a total of \$33,216. He stated that this direct support is in addition to annual in-kind support to the San Francisco American Legion Posts of approximately \$350,000, representing the costs for utilities and services to the Veterans Building space allocated for use by the Posts.

Trustee Myatt stated that the Committee reviewed a number of documents including staff's report, the American Legion War Memorial Commission 2017 and 2018 budget worksheet, and the history of the sums paid by the Trustees to the Commission. The Committee also heard from Commission representatives.

Trustee Myatt reported that following discussion, the Veterans Committee voted unanimously to recommend approval of renewal of the agreement with the American Legion War Memorial Commission for a two-year period from January 1, 2017 to December 31, 2018; and the payment by the Trustees to the Commission of \$35,148 in 2017, and not to exceed \$38,592 in 2018. The Committee also recommended approval of the draft renewal agreement prepared by staff including new language to provide that:

- the Commission's expenditures of monies from the sums paid by the Trustees shall conform in all respects to the approved budgets;
- the Commission shall not make any unbudgeted expenditures from the sums paid by the Trustees without advance written approval of the Trustees; and
- at the end of each year, any unexpended fund balance from the sums paid by the Trustees to the Commission shall be carried forward as revenue to the following year, reducing the sum to be paid to the Commission by the Trustees for that subsequent year.

Following discussion, President Horn asked if there is a motion to adopt the Veterans Committee recommendation and approve the renewal of agreement between the War Memorial Board of Trustees and the American Legion War Memorial Commission effective January 1, 2017. On motion of Trustee Levin, seconded by Trustee Moscone, the following resolution was unanimously adopted:

### RESOLUTION NO. 16-41

RESOLVED, By the Board of Trustees of the War Memorial of San Francisco that it hereby adopts the report and recommendation of its Veterans Committee and approves the Renewal of Agreement between the War Memorial Board of Trustees and American Legion War Memorial Commission, effective January 1, 2017.

**Proposed Renewal of Agreement with American Legion Veterans Success Center Committee:**

Trustee Myatt stated that the Committee considered renewal of 2015 Memorandum of Understanding between the War Memorial and the Veterans Success Center Committee of the American Legion Eighth District Council concerning installation of the Veterans Success Center in the Veterans Building. The 2015 MOU provided for re-installation of the Veterans Success Center in Veterans Building office space allocated for veterans, subject to conditions including indemnification and insurance related to Success Center activities. The 2015 MOU provided for a one-year term expiring September 30, 2016.

Trustee Myatt reported that following discussion, the Veterans Committee voted unanimously to recommend approval of the First Amendment to the Memorandum of Understanding between the War Memorial and Veterans Success Center Committee to provide for a one-year additional term to expire on September 30, 2017.

In discussion, Trustee Levin stated that it is important to support the Veterans Success Center, even though its scope is limited and that others can better deliver the education resources veterans need, including the County Veterans Service Center, the EDD and the United States Veterans Center.

Following discussion, and on motion of Trustee Levin, seconded by Trustee Moscone, the following resolution was unanimously adopted:

**RESOLUTION NO. 16-42**

RESOLVED, By the Board of Trustees of the War Memorial of San Francisco that it hereby adopts the report and recommendation of its Veterans Committee and approves the First Amendment to the Memorandum of Understanding between War Memorial Board of Trustees and American Legion Veterans Success Center Committee effective October 1, 2016.

**Presentors Liaison Committee:****Beverages in Opera House and Davies Symphony Hall Auditoriums:**

Vice President Bechtle, Chair of the Presentors Liaison Committee, reported that the Committee met yesterday to consider one item, a request from the San Francisco Symphony, Opera and Ballet for possible implementation of a new policy to allow patrons to bring covered drinks into the Opera House and Davies Symphony Hall auditoriums.

Vice President Bechtle stated that the Committee heard from executive management of each of the Symphony, Opera and Ballet concerning the critical importance of front-of-house patron services to ensuring a welcoming and full-service patron experience. The Committee also heard from War Memorial staff and resident licensees on patron survey data and reports from other venues which have implemented a policy permitting beverages in auditorium areas.

Vice President Bechtle stated that the Opera, Symphony and Ballet put forward a proposal for a half-year pilot program during which patrons would be allowed to bring covered beverages into the auditorium. During this pilot period, War Memorial and resident licensee staffs would monitor the impact of the program and provide monthly reports to the Presentors Liaison Committee. She stated that the proposal also provides that the pilot program may be terminated at any time if the War Memorial or any of the resident licensees find the program is causing audience distraction or damaging the facilities.

Vice President Bechtle reported that following lengthy discussion, the Committee voted unanimously to recommend approval of the proposed six-month pilot program to allow covered beverages in the Opera House and Davies Symphony Hall auditoriums effective in January 2017, subject to the Committee's subsequent review and approval of the covered cup to be used, staffing and set-up plans, and the monitoring, reporting and termination provisions set forth in the Opera/Symphony/Ballet proposal.

Following discussion, and on motion of Trustee Moscone, seconded by Trustee Lui, the following resolution was adopted with Trustee Walker abstaining.

RESOLUTION NO. 16-43

RESOLVED, By the Board of Trustees of the War Memorial of San Francisco that it hereby adopts the report and recommendation of its Presentors Liaison Committee and approves the request of the San Francisco Opera, Symphony and Ballet to conduct a six-month pilot program to allow covered beverages in the Opera House and Davies Symphony Hall auditoriums effective January 2017 subject to the Presentors Liaison Committee's subsequent review and approval of the covered cup to be used, staffing and set-up plans, and the monitoring, reporting and termination provisions set forth in the Opera/Symphony/Ballet proposal.

GOOD AND WELFARE

Trustee Myatt reported that on November 11, Veterans Day, there will be a ceremony to rededicate the San Francisco Vietnam Veterans Memorial in the Veterans Building beginning at 4:00 p.m. in the main lobby.

Trustee Levin stated that the Veterans Day Parade will be held on November 13, 2016 at Fisherman's Wharf.

During public comment, Ms. Ann Treboux read the following statement and asked that it be included verbatim in the minutes:

*September 22, 2016 - California Court of Appeal-1<sup>st</sup> District/Division 5 overturned the case filed against me on July 10, 2015. Barbara Sklar who sits on the SF Arts Commission was never sworn into office; no record is on file with the SF County Clerk and she was not entitled to the services of the SF City Attorney's Office. The affidavit filed on May 1, 2015 was hearsay and the rantings of a scared and confused old lady. No facts or evidence was included in the filing. At trial Sklar changed her testimony 3 times.*

*Howard Lazar-SFAC is a malicious and deceitful man who tried to manipulate the law to his advantage. He made the same filing four times in 15 years. He was not able to, "keep me out of the War Memorial Building".*

*The CA Attorney General opened an investigation on Barbara Sklar. Howard Lazar, should be fired.*

PUBLIC COMMENT

Ms. Ann Treboux stated when she was last before the War Memorial Board she reported her case was pending in the appellate court. She stated her wish that she be allowed to come and go from the Veterans Building freely. She stated the San Francisco Arts Commission is attempting to bar her by filing malicious accusations about her. She would like the Trustees to take an interest in her situation

REGULAR ITEMS

**San Francisco Arts Commission – Public Art Conceptual Design Proposal for the Van Ness Bus Rapid Transit:** President Horn said he is pleased to welcome representatives from the San Francisco Arts Commission to provide an informational presentation on the public art conceptual design proposal for the Van Ness Bus Rapid Transit. President Horn introduced from the Arts Commission Susan Pontious, Program Director for Civic Art Collection & Public Art Program, and Justine Topfer, Public Art Project Manager.

Ms. Topfer explained that the artwork will be designed by international artist Jorge Pardo and she displayed conceptual slides of how the permanent art would be presented at the Van Ness BRT stop near the intersection of McAllister Street and Van Ness Avenue. She stated this particular art design was decided upon for this area because it is in performing arts district and it will appear at both the BRT stations on Van Ness Avenue just north and south of the McAllister intersection. Ms. Topfer stated that it will be approximately three years before the work is completed.

There was a discussion with questions from the Trustees and answers from Ms. Pontious and Ms. Topfer. The presentation was for informational purposes only.

**San Francisco Vietnam Veterans Memorial:** President Horn stated that Trustees have received the letter from the American Legion War Memorial Commission announcing rededication of the San Francisco Vietnam Veterans Memorial in the Veterans Building on Veterans Day, November 11, 2016. President Horn noted that Trustees previously approved placement of the San Francisco Vietnam Veterans Memorial in the Veterans Building main lobby.

**Closed Session for Public Employee Performance Evaluation:**

President Horn stated that as noticed on today's agenda, the Trustees will meet in closed session to consider the public employee performance evaluation for War Memorial Managing Director Elizabeth Murray.

President Horn stated that first, the Board will take public comment on all matters pertaining to the closed session. Then the Board will entertain a motion to hold a closed session for performance evaluation of War Memorial Managing Director Elizabeth Murray pursuant to Government Code Sections 54957(b) and San Francisco Administrative Code Section 67.10(b).

**Public Comment:**

President Horn asked if there was any public comment relating to any aspect of this agenda item, including whether the Board should meet in closed session, and whether the Board should disclose any or all of its closed session discussion.

There was no public comment and public comment was closed.

**Motion to go into Closed Session:**

On motion of Vice President Bechtle, seconded by Trustee Moscone, the Board of Trustees voted unanimously to convene in closed session to consider the performance evaluation of War Memorial Managing Director Elizabeth Murray pursuant to Government Code Sections 54957(b) and San Francisco Administrative Code Section 67.10(b).

**CLOSED SESSION**

**RECONVENE IN OPEN SESSION**

President Horn reconvened the meeting in open session. President Horn announced that the Board of Trustees took no action that is required to be reported under the Brown Act or Sunshine Ordinance during the closed session. President Horn called for a motion on whether to disclose the contents of the closed session. On motion of Vice President Bechtle, seconded by Trustee Wilsey, the Board of Trustees voted unanimously not to disclose any of the discussion during the closed session.

**ADJOURNMENT**

There being no further business to come before the Board, President Horn adjourned the meeting at 3:40 p.m.

Jennifer E. Norris  
Executive Secretary