

MINUTES
WAR MEMORIAL BOARD OF TRUSTEES
REGULAR MONTHLY MEETING

Thursday, June 12, 2008

The Board of Trustees of the War Memorial of San Francisco met in regular session at 2:00 p.m. on Thursday, June 12, 2008, in the Trustees' Board Room, 4th Floor, War Memorial Opera House, President Horn presiding.

ROLL CALL

Present: President Horn, Vice President Bechtle, Trustee Bashford, Trustee Davis, Trustee Farrow, Trustee Myatt, Trustee Pelosi;

Absent: Trustee Jarman, Trustee Moscone, Trustee Shultz, and Trustee Tsakopoulos-Kounalakis.

Staff Present: Elizabeth Murray, Managing Director
Gregory Ridenour, Assistant Managing Director/Executive Secretary

APPROVAL OF MINUTES

President Horn called for approval of the minutes of the May 8, 2008 regular meeting of the Board. On motion of Trustee Farrow, seconded by Trustee Myatt, the minutes were unanimously approved.

PRESIDENT'S REPORT

San Francisco Opera – Summer Season: President Horn reported that the San Francisco Opera opened its 2008 Summer Season on June 3, 2008, and will present 20 performances through July 6, 2008. He added that on June 20, the San Francisco Opera will simulcast its performance of *Lucia di Lammermoor* live from the Opera House to AT&T Park for a free "Opera at the Ballpark" evening. On behalf of the Board, President Horn extended best wishes to the Opera for a successful Summer Season.

San Francisco Symphony – Black and White Ball: President Horn reported that the San Francisco Symphony held its "Black and White Ball" on Saturday, May 31, 2008, in the Opera House, Veterans Building, Davies Symphony Hall and adjacent streets. He stated that this year's Ball was attended by approximately 5,500 guests and received spectacular reviews, including great food, wine, entertainment and décor. On behalf of the Board, President Horn congratulated the Symphony on its 2008 Black and White Ball. President Horn also acknowledged and thanked the War Memorial staff for their hard work in coordinating and providing necessary services for the Ball.

Meeting of the Special Committee of the Whole – Veterans Building Seismic Upgrade and Improvements Project: President Horn stated that the next meeting of the Board's Special Committee of the Whole on the Veterans Building Seismic Upgrade and Improvements Project is confirmed for Wednesday, June 25, 2008 at 2:00 p.m. He stated that this meeting will be a continuation of the Trustees' hearing and discussion on proposals and plans for future Veterans Building space programming utilization, and will include a presentation from the San Francisco Opera on its interests in the Veterans Building Project, and a review of early conceptual drawings for a potential new performance space on the Veterans Building fourth floor.

Deputy City Attorney Adine Varah – First Amendment and California Law issues related to use of City-Owned Facilities: President Horn stated that on several previous occasions, Trustees have raised issues and concerns regarding rental uses of the War Memorial facilities. He said that at the April Board meeting, he asked

staff to invite a deputy city attorney to attend a meeting of the Board to discuss legal and other issues related to Board policies on rentals and bookings of the War Memorial facilities. President Horn stated that as noted on the meeting agenda, Deputy City Attorney Adine Varah is present to provide information on First Amendment and California law issues relevant to rental uses of City-owned facilities and to respond to questions.

Deputy City Attorney Adine Varah addressed the Trustees and said she has worked with the War Memorial department for the last six years and is familiar with legal issues related to the department. She added that she had the opportunity to speak with Beth Murray prior to today's meeting to be informed of the specific issues and concerns raised by Trustees concerning booking policies. Ms. Varah stated that there are two issues embodied in these concerns: first, what legal restrictions apply to the War Memorial as a City agency in licensing out War Memorial facilities; and second, an administrative and policy issue as to what statement, if any, the Trustees wish to make, and how to make any such statement, that the views expressed by groups that rent the War Memorial facilities or their guests are not necessarily those of the Board of Trustees.

Ms. Varah stated that on the question of legal restrictions, there is a constitutional prohibition against viewpoint-based discrimination in City rentals of its facilities for expressive activities. She stated that under the First Amendment of the U.S. Constitution, when a government entity such as the War Memorial elects to make its facilities available to the public for expressive activities, it cannot restrict access to such facilities based on the viewpoint of groups, speakers or participants. Ms. Varah stated that on the administrative policy question, the Board of Trustees could make a policy decision to adopt a general policy statement so as to inform members of the public, by placing a sign or otherwise, that providing groups with access to the facilities does not necessarily mean that the Trustees endorse the views of the groups or their guests, and that the views expressed by groups or their guests are not necessarily those of the Board of Trustees or the City.

In discussion, Trustee Myatt said that in addition to such a general policy statement he would like to see a positive statement of the Trustees' support for veterans. Trustee Pelosi suggested that such a positive statement together with a general policy statement might be included in the War Memorial's license agreements for Veterans Building facilities in recognition of the intent of the Veterans Building to honor veterans. Ms. Varah stated that she would be available to work with the Trustees and War Memorial staff to develop language for a general policy statement based on the policy decision of the Trustees.

Following further discussion, President Horn stated that as this matter was included on today's agenda as an information item and not an action item, and as there is need for further discussion and clarification, he will refer this matter to the Presentors Liaison Committee for study and adoption of recommendations as deemed necessary by the Committee in view of the concerns expressed by Trustees and the advice and information provided by legal counsel.

MANAGING DIRECTOR'S REPORT

Rental Requests: Ms. Murray reported that rental requests mailed to Trustees are routine and requested their approval. On motion of Trustee Farrow, seconded by Trustee Davis, the following resolution was unanimously adopted:

RESOLUTION NO. 08-22

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

LOUISE M. DAVIES SYMPHONY HALL

SFJAZZ	October 3, 4, 17, 22, 2008	\$8,800.00 vs. 10% \$16,800.00 maximum
Hamazkayin Cultural Association Sergey Khochotyran in Concert	September 28, 2008	\$2,200.00 vs. 10% \$4,200.00 maximum

HERBST THEATRE

Theatreworks USA 2008-09 School Tour	November 10, 18, 2008 March 13, 2009 April 28, 2009 May 5, 2009	\$4,500.00
Humanities West 2009-2010 Season	October 2, 3, 2009 February 5, 6, 2010 April 30, May 1, 2010	\$4,500.00
Jeanette Mani Crack Me Off Tour, West Coast 2008	October 18, 2008	\$1,250.00
Omni Foundation 2008-09 Classical Guitar Series	October 30, 2008 December 4, 2008 January 31, 2009 February 8, 2009 March 28, 2009	\$3,750.00

Additional Rental Requests: Ms. Murray requested approval of additional rental requests as submitted. On motion of Trustee Farrow, seconded by Vice President Bechtle, the following resolution was unanimously adopted:

RESOLUTION NO. 08-23

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

HERBST THEATRE

UC Hastings College of Law Welcome Orientation for New Students	August 20, 2008	\$525.00
Linking Rings Performing Arts An Encore Revue	January 23, 2009	\$750.00
ARTV Production Facundo Cabral in Concert	August 17, 2008	\$1,250.00

SECRETARY'S REPORT

Revenue, Appropriations and Status of Building Projects Reports for May 2008: Mr. Ridenour referred to the Revenue, Appropriations, and Status of Building Projects Reports for May 2008, and requested a resolution to approve housekeeping expenditures as submitted. On motion of Vice President Bechtle, seconded by Trustee Bashford, the following resolution was unanimously adopted:

RESOLUTION NO. 08-24

RESOLVED, By the Board of Trustees of the War Memorial of San Francisco that Purchase Order Nos. WM080443 through WM080480 are hereby approved.

COMMITTEE REPORTS

Presentors Liaison Committee:

Request from San Francisco Symphony, Opera and Ballet – Preferred Wine Partnership Proposal: Vice President Bechtle reported that the Presentors Liaison Committee met on Tuesday, June 10, 2008, to consider and adopt recommendations on the request from the San Francisco Symphony, Opera and Ballet for authorization to offer, as part of their “Wine Sales Opportunity Proposal,” exclusive pourage rights of red, white and sparkling wines at all intermission bars in the Opera House, Davies Symphony Hall and Herbst Theatre.

Vice President Bechtle stated that the Committee received and reviewed drafts of the Symphony, Opera and Ballet wine partnership proposals, and heard from representatives of each company as to the scope and benefits of their proposed partnerships. The Committee also heard from Garo Eldemir, Patina’s General Manager at the War Memorial, who noted Patina’s support of the partnership proposal subject to there being no increase in Patina’s costs to procure wine products.

Vice President Bechtle reported that following discussion, the Committee voted unanimously to recommend that the Board of Trustees approve the request of the San Francisco Symphony, Opera and Ballet regarding their Wine Sales Opportunity Proposal subject to several conditions. Following discussion, and on motion of Vice President Bechtle, seconded by Trustee Pelosi, the following resolution was unanimously adopted:

RESOLUTION NO. 08-25

RESOLVED, By the Board of Trustees of the War Memorial of San Francisco that it hereby adopts the report and recommendations of its Presentors Liaison Committee, and gives permission to, and authorizes, the San Francisco Symphony, Opera and Ballet to offer as part of their Wine Sales Opportunity Proposal, exclusive pourage rights of red, white and sparkling wines at all intermission bars in the Opera House, Davies Symphony Hall and Herbst Theatre subject to the following conditions:

- The costs to War Memorial’s concessionaire for wine products to be sold at intermission bars shall be similar to and no higher than the concessionaire’s current wine product costs;
- Such permission is extended on a one-time basis for the currently proposed three-year period only, 2008-09, 2009-10 and 2010-11, and does not apply to, nor set precedent for, any similar future proposals;
- All “on-site” signage, displays, etc., recognizing the Symphony’s, Opera’s and Ballet’s wine partner is subject to War Memorial approval, and unless specifically excepted, shall be subject to standard rental, commercial display and/or other fees; and
- The Symphony, Opera and Ballet shall provide War Memorial with a confidential copy of the wine partnership agreement resulting from their proposal.

REGULAR ITEMS

Request from Jessica Tully – Sidewalk Art on War Memorial Property: President Horn stated that Trustees have received a copy of the letter and attachments from Jessica Tully requesting to install sidewalk art on various War Memorial sidewalks as part of a 15-site walking tour and exhibit being sponsored by Yerba Buena Center for the Arts, from July 19 through October 19, 2008. President Horn stated that the exhibit titled “Syndicate” is intended to celebrate the historic San Francisco labor movement and union workers involved in the arts by installing high resolution stencils of historic photos on sidewalks adjacent to famous San Francisco performance and art spaces. The proposal includes images of the stencils proposed for War Memorial sidewalks.

Ms. Tully addressed the Trustees regarding the "Syndicate" exhibit. She presented images of the stencils proposed for War Memorial sidewalks and identified the proposed locations for the stencils. Ms. Tully responded to questions about the exhibit and about the process for installing and removing stencils.

President Horn noted that Ms. Tully is also contacting both the San Francisco Opera and San Francisco Symphony to seek their approval of this installation as the exhibit will occur during the Opera and Symphony 2008 fall performance seasons. He stated that Ms. Tully is requesting and staff is recommending that the Board of Trustees give conditional approval for the installation contingent upon Ms. Tully obtaining approvals from the Opera and Symphony. Following discussion, and on motion of Vice President Bechtle, seconded by Trustee Bashford, the following resolution was unanimously adopted:

RESOLUTION NO. 08-26

RESOLVED, By the Board of Trustees of the War Memorial of San Francisco that it hereby conditionally approves the request of Jessica Tully to install sidewalk art on various War Memorial sidewalks from July 19, 2008 through October 19, 2008 as part of the 15-site walking tour and art exhibit sponsored by Yerba Buena Center for the Arts, subject to Ms. Tully's obtaining approvals from the San Francisco Opera and San Francisco Symphony.

ADJOURNMENT

There being no further business, President Horn adjourned the meeting at 2:55 p.m.

Gregory P. Ridenour
Executive Secretary