

MINUTES
WAR MEMORIAL BOARD OF TRUSTEES
REGULAR MONTHLY MEETING

Thursday, September 11, 2008

The Board of Trustees of the War Memorial of San Francisco met in regular session at 2:00 p.m. on Thursday, September 11, 2008, in the Trustees' Board Room, 4th Floor, War Memorial Opera House, President Horn presiding.

ROLL CALL

Present: President Horn, Vice President Bechtle, Trustee Farrow, Trustee Moscone, Trustee Tsakopoulos-Kounalakis, and Trustee Shultz;

Absent: Trustee Bashford, Trustee Davis, Trustee Jarman, Trustee Myatt and Trustee Pelosi.

Staff Present: Elizabeth Murray, Managing Director

APPROVAL OF MINUTES

President Horn called for approval of the minutes of the June 12, 2008 regular meeting of the Board. On motion of Trustee Moscone, seconded by Trustee Farrow, the minutes were unanimously approved.

PRESIDENT'S REPORT

San Francisco Symphony Season: President Horn reported that the San Francisco Symphony opened its 2008-09 Season on September 3, 2008, with a gala concert and festivities in Davies Symphony Hall. He congratulated the Symphony on an outstanding opening night and extended the Board's best wishes for a successful 2008-09 Season. President Horn stated that later this month, the Symphony will depart on their Fall 2008 National Tour, performing three concerts at Carnegie Hall in New York City, followed by concerts in Greenvale, New York and Nashville, Tennessee. On behalf of the Board, President Horn extended best wishes to the Symphony for a successful fall tour.

San Francisco Opera Season: President Horn reported that the San Francisco Opera opened its 2008 Fall Season on September 5, 2008, with a performance of *Simon Boccanegra* and related gala festivities. President Horn congratulated the Opera on their 2008 opening night and extended best wishes for continued success of the Opera Fall Season.

MANAGING DIRECTOR'S REPORT

Rental Requests: Ms. Murray reported that rental requests mailed to Trustees include requests from each of the San Francisco Opera and San Francisco Symphony for their opening night activities. She noted a rental request from an organization named The Painted Turtle for use Davies Symphony Hall on October 27, 2008 to present a benefit performance, accompanied by a request to install a tent in the Davies Symphony Hall parking area from October 25-28, to accommodate a VIP reception following the October 27 performance. Ms. Murray stated that remaining rental requests are routine and requested their approval. On motion of Trustee Shultz, seconded by Trustee Moscone, the following resolution was unanimously adopted:

RESOLUTION NO. 08-26

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

WAR MEMORIAL OPERA HOUSE

San Francisco Opera	September 5, 2008	\$6,500.00
Opera Ball Opening Night – Parking Lot Tent for Opening Night Reception & Dinner		Catering exemption
Wine Enthusiast Magazine	April 16, 2009	\$4,400.00
Toast of the Town		

LOUISE M. DAVIES SYMPHONY HALL

San Francisco Symphony	September 3, 2008	\$6,500.00
Symphony Opening Night – Parking Lot Tent for Opening Night Dinner		Catering exemption
The Painted Turtle	October 26, 27, 2008	\$4,400.00 vs. 10%
Rehearsal and performance of The World of Nick Adams		\$6,600.00 maximum
Parking Lot Tent for Post-Performance VIP Reception		\$6,500.00
Another Planet Entertainment	September 14, 2008	\$2,200.00 vs. 10%
Tony Bennett		\$6,500.00 maximum
SF Gay Men’s Chorus	May 21, 2009	\$2,200.00 vs. 10%
Spring Concert		\$4,400.00 maximum
Another Planet Entertainment	October 6, 7, 2008	\$4,400.00 vs. 10%
David Byrne		\$13,000.00 maximum
San Francisco Sinfonietta	December 14, 2008	\$2,200.00 vs. 10%
Sing It Yourself Messiah		\$4,400.00 maximum
Golden Gate University School of Law	May 15, 2009	\$3,900.00
Graduation Ceremony and Reception in Lobby		
UCSF School of Medicine	May 14, 2009	\$3,250.00
Graduation Ceremony		
<u>HERBST THEATRE</u>		
Another Planet Entertainment	November 18, 19, 2008	\$2,500.00
Joan Baez		
San Francisco Sri Chinmoy Centre	September 5, 2008	\$750.00
Song of the Soul: A Musical Tribute to Sri Chinmoy		
KAMSA	September 29, 2009	\$750.00
Patrick Jee		
Museum of Performance and Design	September 25, 2008	\$750.00
A Celebration of Carol Channing		
ARTV Produccion	August 17, 2008	\$1,250.00
Facundo Cabral in Concert		

Youth for Asian Theatre Rehearsal & Performance of original short plays	August 13, 14, 2008	\$1,275.00
Rrazz Productions Bobby Rydell and Lou Christie	November 15, 2008	\$1,250.00
World Affairs Council of Northern California Lecture Pprograms	September 9, 2008 October 7, 2008	\$1,500.00
Pets Unlimited Animals and the Arts	October 19, 2008	\$750.00
Chinese American International School Adult Choir Concert	September 7, 2008	\$750.00
SF Gu-Zheng Music Center Chinese Star in Concert 2009	February 22, 2009	\$750.00
San Francisco Chamber Orchestra 2008-09 Season	December 29, 2008 February 6, 2009 March 13, 2009 April 10, 2009	\$3,000.00
San Francisco Ballet 2009 POV Lecture Series	March 18, 2009 April 29, 2009	\$1,500.00
Chamber Music San Francisco 2009 Season	March 15, 29, 2009 April 5, 19, 25, 2009 May 17, 31, 2009 June 7, 2009	\$6,000.00
Rrazz Productions The Irish Tenors	December 18, 2008	\$1,250.00
City Arts and Lectures Talking Music Series	September 11, 15, 2008 December 2, 16, 17, 2008 January 6, 28, 2009 February 24, 2009 April 27, 2009	\$6,750.00
Nishikawa California Shibu Rehearsal and Performance "Nishikawa Kai in San Francisco"	June 27, 28, 2009	\$1,500.00
AIGA San Francisco Compostmodern Sustainability Conference	February 21, 2009	\$750.00
Rotary Service, Inc. Rotary Peace Symposium	March 16, 2009	\$750.00
Rrazz Productions Mitzi Gaynor	January 10, 2009	\$1,250.00
Rrazz Productions Lucy Lawless	September 27, 2008	\$1,250.00

Melody Chorus Society Melody Chorus 10 th Anniversary	October 12, 2008	\$750.00
US Bank–Bay Area Commercial Banking US Bank – Customer Appreciation	March 17, 2009	\$750.00
Geographic Expeditions Robert Thurman	October 7, 2008	\$1,250.00
Four Seasons Concerts Thomas Buckner	March 8, 2009	\$750.00
Nick Mello Jim Bailey is Judy Garland	December 20, 2008	\$1,250.00
San Francisco Sinfonietta Concert	March 1, 2009	\$750.00

Additional Rental Requests: Ms. Murray noted that additional rental requests include a request from Goldenvoice San Francisco to present a New Year’s Eve popular music concert in the Opera House on December 31, 2008. She stated that staff has reviewed with the promoter the rules and regulations pertaining to the Opera House which are different from those of venues that regularly host popular music events, and that the War Memorial will be requiring additional event staff to oversee the concert. Ms. Murray stated that remaining additional rental requests are routine, and she requested their approval. On motion of Trustee Shultz, seconded by Trustee Moscone, the following resolution was unanimously adopted:

RESOLUTION NO. 08-27

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

WAR MEMORIAL OPERA HOUSE

Goldenvoice, San Francisco Les Claypool and Zappa Plays Zappa	December 31, 2008	\$2,200.00 vs. 10% \$6,500.00 maximum
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HERBST THEATRE

Bay Area Flamenco Partnership Herencia Gitana	February 20, 2008	\$750.00
Korean Nat’l. Univ. of Arts School of Dance KNUA Dance Company	January 24, 2009	\$750.00

SECRETARY’S REPORT

Revenue, Appropriations and Status of Building Projects Reports for June, July and August 2008: Ms. Murray referred to the Revenue, Appropriations, and Status of Building Projects Reports for June, July and August 2008, and requested a resolution to approve housekeeping expenditures as submitted. Ms. Murray noted that while June 30, 2008 marked the end of the 2007-08 fiscal year, the June revenue and appropriations reports do not reflect final year-end revenues and expenditures. She stated that the Controller’s Office will continue making year-end postings through September 2008, following which a final financial report for FY 2007-08 will be submitted to the Board. On motion of Vice President Bechtle, seconded by Trustee Farrow, the following resolution was unanimously adopted:

RESOLUTION NO. 08-28

RESOLVED, By the Board of Trustees of the War Memorial of San Francisco that Purchase Order Nos. WM080481 – WM08531 and WM09002 – WM09102, and Revenue Transfers RE09002 – RE09003, are hereby approved.

COMMITTEE REPORTSVeterans Building Seismic Upgrade and Improvements Project – Special Committee of the Whole:

President Horn reported that the Special Committee on the Veterans Building Seismic Upgrade and Improvements Project held its second meeting on June 25, 2008, to continue the hearing and discussion on proposals and plans for future Veterans Building space programming and utilization. He stated that at the first meeting in February 2008, the Committee heard from representatives of the American Legion War Memorial Commission and American Legion Posts on various veterans' interests in future space programming of the Veterans Building. Due to time, the Committee was unable to hear from representatives of the San Francisco Opera and others who were present at the February meeting, and the meeting was continued to June 25, 2008 in order to hear from the Opera and others.

1. San Francisco Opera proposal for the addition of an annex to the Veterans Building and expansion of Herbst Theatre backstage and support spaces: President Horn reported that the Committee heard from San Francisco Opera General Director David Gockley, who presented a conceptual proposal for the addition of an “annex” or “bustle” at the west end of the Veterans Building to accommodate various needs of the San Francisco Opera and to interact with and enhance backstage areas of the Herbst Theatre. Mr. Gockley stated that the Veterans Building annex would be a twin to the annex space added to the Opera House in the late 1970s, and would allow the Opera to consolidate their operations which are currently spread out over eight locations including the Opera House. The conceptual proposal for the annex includes a basement and five floors which will contain costume shop, prop shop and mechanical storage on the basement level; scenery assembly studio and storage on the first level; three levels of office space; and on the 5th floor above grade a large orchestral rehearsal room that could perhaps be converted into special event space. Mr. Gockley stated that they estimate the cost of constructing an annex at approximately \$30 million, which funding they would propose to raise as part of their upcoming capital fundraising campaign.

Mr. Gockley stated that the Opera is also in need of access to a 1,000-seat theater—at times when the Ballet is occupying the Opera House—to offer community programming and educational work and pieces that are specific for a theatre of that size, and he said the Herbst Theatre is the ideal size theater for the Opera's smaller-scale events. Mr. Gockley stated that the Opera would like to have access to Herbst Theatre for two to three weeks in late July/early August for two Merola productions; and three separate periods between December 15 and May 15 of each year, each period consisting of one rehearsal week and approximately 8 non-contiguous performances between which other events could be scheduled. Mr. Gockley acknowledged that Herbst Theatre is currently very heavily used. He noted the War Memorial's current effort to evaluate the potential for a new smaller performance space on the Veterans Building 4th floor, as well as plans of SF JAZZ – which currently uses Herbst Theatre approximately 45 days per year – to establish their own performance space. Mr. Gockley stated his hope that these changes would make it possible for the Opera to use Herbst Theatre for these programming needs. Mr. Gockley added that the Opera is aware of the War Memorial's desire to implement improvements to the Herbst Theatre backstage areas as part of the renovation project; and he stated the Opera would be interested in working jointly with the War Memorial in designing and funding these improvements.

2. Report of Auerbach, Pollack, Friedlander – First concepts for comment on potential new performance space in the Veterans Building: President Horn noted that plans developed by the War Memorial as part of the 2002 “Veterans Building Bond Program Proposal” included a potential new performance venue on the 4th floor, in the former “rotunda” space of the Museum of Modern Art, to accommodate smaller performance-setting needs of a variety of user groups. He stated that during the last year, the War Memorial re-visited this

proposal with potential user groups and found continued and renewed interest in such a venue, and, in January 2008, staff asked the performing arts facilities' planning and design firm of Auerbach-Pollock-Friedlander to do a preliminary conceptual review and evaluation of creating such a new performance venue.

President Horn stated that Beth Murray presented to the Committee Auerbach's preliminary "First Comments" report on a 4th floor performance space that would have flexible seating and stage arrangements to accommodate a variety of dance, theater, recital and other activities, with seating capacities ranging from 298 to 370. Preliminary sketches included schematics for three stage and seating configurations, and preliminary layout of auxiliary spaces including theater lobby, dressing rooms, rehearsal/warm-up room and technical support spaces. The Committee heard from several representatives of potential user groups including the San Francisco Ballet and Chamber Music San Francisco, as to the need for a new facility of this size in the Civic Center area. President Horn stated that this was a preliminary presentation only and that staff is continuing to work with Auerbach on further developing plans for a new 4th floor venue.

President Horn reported that no recommendations were made by the Committee at the June 25, 2008 meeting. He stated that the Special Committee will meet again in late October or early November 2008, to further review the proposals and plans presented and discussed at the February and June hearings, and to adopt recommendations to the full Board of Trustees.

REGULAR ITEMS

Request from the Museum of Performance & Design to install a banner in the Veterans Building main lobby: President Horn stated that Trustees received a copy of the letter and attachment from David Humphrey, Director of the Museum of Performance & Design, requesting permission to install a banner in the archway leading to the south elevator in the Veterans Building main lobby, to identify and direct the public to the Museum's galleries and library located on the 4th floor. He stated that the proposed banner would be identical in size and design to the banner created by the Museum for the War Memorial's 75th anniversary, which banner remains installed in the center archway in the Veterans Building main lobby, and could easily be removed when necessary for special activities. President Horn stated that staff is recommending approval of the request. Following discussion, and on motion of Trustee Moscone, seconded by Vice President Bechtle, the following resolution was unanimously adopted:

RESOLUTION NO. 08-29

RESOLVED, By the Board of Trustees of the War Memorial of San Francisco that it hereby approves the request of the Museum of Performance & Design to install a banner in the archway leading to the south elevator in the Veterans Building main lobby to identify and direct the public to the Museum's galleries and library located on the 4th floor.

Amendment of Food and Beverage Concession Agreement between the War Memorial and RA Center, LLC to extend the term through January 19, 2009: President Horn stated that Trustees received a copy of the summary page of the draft amendment to the Food and Beverage Concession Agreement between the War Memorial and RA Center, LLC, which amendment would extend the term of the Agreement from the original expiration date of August 31, 2008 through January 19, 2009. This 4½-month extension was proposed by War Memorial staff in order to accommodate the 'Request for Proposal' process which is currently underway to establish a new Food and Beverage Concession agreement. President Horn stated that RA Center/Patina has agreed to the extension as outlined in the draft amendment, and staff is recommending the Board's approval of the amendment. Following discussion, and on motion of Vice President Bechtle, seconded by Trustee Shultz, the following resolution was unanimously adopted:

RESOLUTION NO. 08-30

RESOLVED, By the Board of Trustees of the War Memorial of San Francisco that it hereby approves the amendment of the Food and Beverage Concession Agreement between the War Memorial and RA Center, LLC to extend the term of the agreement through January 19, 2009.

Request from San Francisco Ballet to install a Ballet donor plaque in the Box Office Lobby of the War Memorial Opera House:

President Horn stated that Trustees received a copy of the letter from Richard C. Barker, Chair of the San Francisco Ballet, requesting permission to install a Ballet donor plaque in the Box Office Lobby of the War Memorial Opera House. President Horn referred this matter to the Board's Building Committee for consideration and adoption of recommendations to be reported to the full Board.

Renewal of agreement between the War Memorial and City Box Office for Herbst Theatre Box Office and Ticket Sales Services:

President Horn stated that the War Memorial's agreement with the City Box Office for the Herbst Theatre Box Office and Ticket Sales Services is scheduled to expire on October 31, 2008. He said the current five-year agreement provides that the War Memorial may, at its sole discretion, exercise options to extend the agreement on substantially the same terms and conditions for additional periods of no less than one year and no more than five years, subject to mutual agreement of the parties. He stated that the City Box Office has notified the War Memorial of its desire to extend the agreement for an additional period of up to five years and is submitting an extension proposal to staff. President Horn referred this matter to the Board's Presentors Liaison Committee for consideration and adoption of recommendations to be reported to the full Board.

Renewal of agreement between the War Memorial Board of Trustees and the American Legion War Memorial Commission:

President Horn stated that the current two-year renewal of the Board's agreement with the American Legion War Memorial Commission is scheduled to expire on December 31, 2008. He noted that the Trustees and Commission originally entered into an agreement in September 1977, setting forth the permanent transfer of management and control of the Herbst Theatre and Green Room from the Commission to the Trustees, and specifying an annual sum to be paid by the War Memorial to the Commission from Herbst Theatre rental revenues for a four-year period. In accordance with original agreement, since 1981, the Trustees and Commission have approved renewal agreements for 13 two-year periods, each renewal specifying a re-negotiated annual sum to be paid by the War Memorial to the Commission based on the needs and requirements of the Commission at the time. President Horn stated that Trustees have received copies of correspondence between the Commission and War Memorial staff regarding the upcoming renewal of agreement, and he referred this matter to the Board's Budget & Finance and Veterans Committees for joint consideration and adoption of recommendations to be reported to the full Board.

Public Employee Appointment: Executive Secretary to the Board of Trustees/Assistant Managing Director (Deputy Director II):

President Horn stated that the San Francisco Administrative Code and Government Code allow for the discussion, consideration and vote to appoint a new Executive Secretary to the Board of Trustees/Assistant Managing Director to be held in closed session. He said that if the Board of Trustees votes to convene in closed session, all members of the public will be excused from the Board Room, and with the exception of Managing Director Beth Murray, no other staff members will be present.

CLOSED SESSION:

President Horn called for any public comment on matters pertaining to the closed session, and there being none, President Horn called for a motion to hold a closed session. On motion of Vice President Bechtle, seconded by Trustee Farrow, the Board of Trustees voted unanimously to convene in closed session to discuss, consider and possibly appoint a new Executive Secretary to the Board of Trustees/Assistant Managing Director.

RECONVENE IN OPEN SESSION:

President Horn reconvened the meeting in open session. President Horn stated that during the closed session the Board of Trustees considered public employee appointment, and pursuant to Government Code Section 54957, the Board of Trustees voted unanimously as follows:

RESOLUTION NO. 08-31

RESOLVED, By the Board of Trustees of the War Memorial of San Francisco that it hereby appoints Jennifer Norris to the position of Executive Secretary to the War Memorial Board of Trustees/Assistant Managing Director effective immediately.

President Horn called for a motion not to disclose any of the discussions held in closed session, and on motion of Vice President Bechtle, seconded by Trustee Moscone, the following resolution was unanimously adopted:

RESOLUTION NO. 08-32

RESOLVED, By the Board of Trustees of the War Memorial of San Francisco that it hereby finds it is in the best interest of the public to disclose none of its closed session discussion and deliberations.

MISCELLANEOUS CORRESPONDENCE

President Horn acknowledged the following miscellaneous correspondence items on the agenda:

1. Letter dated June 14, 2008, from LeRue Grim, Chair, American Legion War Memorial Commission, regarding temporary relocation of veterans during the construction phase of the Veterans Building Seismic Upgrade and Improvements Project. President Horn referred this letter to the Special Committee on the Veterans Building Seismic Upgrade and Improvements Projects for consideration at the appropriate time.
2. Letter dated June 20, 2008, from the Office of the City Attorney to LeRue Grim, Chair, American Legion War Memorial Commission, regarding "Unauthorized Signature on State Liquor License Application." President Horn stated he is advised by staff that, to date, the City Attorney has not received a response from the American Legion War Memorial Commission as requested in their June 20 letter. He stated he finds this to be both disappointing and of concern, and he asked that staff send a letter to the Commission stating it is the Board's expectation that the Commission will respond to the City Attorney's letter as requested.
3. Letter dated July 9, 2008, from Wallace Levin, regarding the impact on veterans of the proposals discussed at the June 25, 2008 meeting of the Trustees' Special Committee on the Veterans Building Project, and regarding the request from the Museum of Performance & Design to install a banner in the Veterans Building main lobby. President Horn stated this letter is provided for the Trustees' information.
4. Letter dated July 31, 2008, from Judith Klain, Executive Director, Project Homeless Connect, thanking the War Memorial for its support and collaboration for the "Veterans Connect" event held on July 23, 2008 at the War Memorial Veterans Building. President Horn stated this letter is provided for the Trustees' information.
5. Letter dated June 14, 2008, from LeRue Grim, Chair, American Legion War Memorial Commission, regarding permitted activities in uses of Veterans Building space by veterans groups. President Horn referred this matter to staff as part of its current inquiries to the Office of the City Attorney regarding permitted uses of Veteran Building space by veterans' organization pursuant to the Trust Agreement.

ADJOURNMENT

There being no further business, President Horn adjourned the meeting at 3:30 p.m., in memory of those who lost their lives in the tragedy seven years ago today at the World Trade Center, and with prayers and thoughts for their families.

Elizabeth Murray
Managing Director