

MINUTES
WAR MEMORIAL BOARD OF TRUSTEES
Thursday, October 8, 2015

The Board of Trustees of the War Memorial of San Francisco met at 2:00 p.m. on Thursday, October 8, 2015, in the Trustees' Board Room, War Memorial Opera House, President Bashford presiding.

ROLL CALL

Present: President Bashford, Vice President Horn, Trustee Bechtle, Trustee Davis, Trustee Pelosi, Trustee Shultz, Trustee Stafford, and Trustee Wilsey

Absent: Trustee Lui, Trustee Moscone and Trustee Myatt

Staff Present: Jennifer Norris, Assistant Managing Director

APPROVAL OF MINUTES

President Bashford called for approval of the minutes of the September 9, 2015 meeting of the Budget & Finance Committee. On motion of Trustee Shultz, seconded by Trustee Wilsey, the minutes were unanimously approved.

President Bashford called for approval of the minutes of the September 9, 2015 meeting of the Veterans Committee. On motion of Trustee Shultz, seconded by Trustee Bechtle, the minutes were unanimously approved.

President Bashford called for approval of the minutes of the September 10, 2015 regular meeting of the Board. On motion of Trustee Davis, seconded by Trustee Bechtle, the minutes were unanimously approved.

President Bashford called for approval of the minutes of the September 28, 2015 meeting of the Litigation Committee. On motion of Trustee Bechtle, seconded by Trustee Wilsey, the minutes were unanimously approved.

PRESIDENT'S REPORT

Veterans Building Re-Dedication Ceremony: President Bashford reported the September 16 Re-Dedication of the Veterans Building was a great success and thanked the Trustees, staff, American Legion War Memorial Commission and San Francisco Opera for their participation in the ceremony. President Bashford stated that performances and events have now started in the Herbst Theatre and Green Room, and both the Arts Commission and Grants for the Arts will be moving into the Veterans Building during the next two weeks.

MANAGING DIRECTOR'S REPORT

Rental Requests: Jennifer Norris, Assistant Managing Director, stated that rental requests are routine and requested their approval. On motion of Trustee Bechtle, seconded by Trustee Shultz, the following resolution was unanimously adopted:

RESOLUTION NO. 15-39

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

SF Choral Society Verdi's Requiem	August 17-20, 2016	\$9,400.00 vs 10% \$14,400.00 maximum
JMP Presents The Legend of Zelda	August 21, 2016	\$2,500.00 vs 10% \$7,250.00 maximum

HERBST THEATRE

Rigpa Fellowship Sogyal Rinpoche	December 9, 2015	\$1,250.00
Artbeat, Inc. Forever Tango (eight additional shows)	January 6-10, 2016	\$10,000.00
KPIX Jefferson Awards	January 13, 2016	\$2,500.00
Intersection for the Arts Richard Howell & Sudden Changes: The Burkina Project	January 16, 2016	\$1,250.00
MGD Productions Gianmarco	February 13, 2016	\$2,500.00
Star Valley Choral Center Concert	April 30, 2016	\$1,250.00
San Francisco Girls Chorus Rehearsals & Concert	May 10, 11, 14, 2016	\$3,250.00

SECRETARY'S REPORT

Revenue, Appropriations and Housekeeping Expenditures Reports for September 2015: Ms. Norris stated that Revenue, Appropriations and Housekeeping Expenditures reports for September 2015 have been distributed to Trustees, and she requested approval of the September 2015 housekeeping expenditures as submitted. On motion of Trustee Stafford, seconded by Trustee Shultz, the following resolution was unanimously adopted:

RESOLUTION NO. 15-40

RESOLVED, By the Board of Trustees of the War Memorial of San Francisco that Purchase Order Nos. WM160052 through WM160077, and PO16003 through PO16005 are hereby approved.

REGULAR ITEMS

Ballet request to install exterior banners on the Opera House: President Bashford stated that Trustees have received a letter from the San Francisco Ballet requesting permission to install exterior banners on the Opera House loggia for the 2016 Ballet Repertory Season. President Bashford noted that the Ballet's letter includes photo renderings of the proposed banners. Following discussion and on motion of Trustee Pelosi, seconded by Vice President Horn, the following resolution was unanimously approved.

RESOLUTION NO. 15-41

RESOLVED, By the Board of Trustees of the War Memorial of San Francisco that it hereby approves the request of the San Francisco Ballet to install exterior banners on the Opera House loggia for the 2016 Ballet Repertory Season.

Ballet request to install PPIE display cases in the Opera House: President Bashford stated that Trustees have received a letter from the San Francisco Ballet requesting permission to install four display cases in the Opera House orchestra promenade lobbies during the Ballet's 2015 Nutcracker Season. The display cases will contain information about the 1915 Pan Pacific International Exhibition and the role of the performing arts at the PPIE. President Bashford noted that the Ballet's letter includes photos and dimensions of the display cases and drawings of the proposed display case locations. Following discussion and on motion of Trustee Shultz, seconded by Trustee Wilsey, the following resolution was unanimously approved.

RESOLUTION NO. 15-42

RESOLVED, By the Board of Trustees of the War Memorial of San Francisco that it hereby approves the request of the San Francisco Ballet to install four display cases containing information about the 1915 Pan Pacific International Exhibition in the Opera House orchestra promenade lobbies during the Ballet's 2015 Nutcracker Season.

Lease agreement between War Memorial and San Francisco Opera for Opera's lease of space in the Veterans Building: President Bashford stated that in February 2014, the Trustees approved the Letter of Intent between the San Francisco Opera Association and the War Memorial Board of Trustees concerning the Opera's development and lease of Veterans Building space. The Letter of Intent provides that the parties shall enter into a mutually agreeable final lease, and staff advises that a draft of the Opera lease is near completion. President Bashford referred the matter of the Opera lease to the Board's Budget & Finance Committee for consideration and recommendation to the full Board.

Herbst Theatre Acoustics Advisory Committee – Gift of maintenance funds: President Bashford stated that in April 2015, the Trustees accepted the gift from the Herbst Theatre Acoustics Advisory Committee of an acoustical shell and new stage lighting for the Herbst Theatre. The Advisory Committee subsequently raised \$202,000 for the purchase and installation of the new shell and associated lighting. The new acoustical shell has now been installed and was used by New Century Chamber Orchestra for a rehearsal on September 15.

President Bashford stated that Trustees have received a copy of the October 1 letter from Peter Pastreich, Chair of the Herbst Theatre Acoustics Advisory Committee, stating that as part of the committee's gift, the committee will contribute funds of \$11,454.05 to the War Memorial, which, together with any interest earned, is to be used exclusively for acoustical shell maintenance and repair. Following discussion and on motion of Trustee Shultz, seconded by Trustee Bechtle, the following resolution was unanimously approved.

RESOLUTION NO. 15-43

RESOLVED, By the Board of Trustees of the War Memorial of San Francisco that it hereby accepts the gift from the Herbst Theatre Acoustics Advisory Committee of \$11,454.05 which, together with any interest earned, is to be used exclusively for maintenance and repair of the Herbst Theatre acoustical shell.

GOOD AND WELFARE

Trustee Shultz congratulated and thanked the War Memorial staff and everyone who worked on the completion of the renovation of the Veterans Building and its Re-Dedication Ceremony.

PUBLIC COMMENT

Wallace Levin, Commander of the Jewish War Veterans of the U.S.A., San Francisco Post 1205, distributed a letter he wrote to an organization asking that they use the proper name of “War Memorial Veterans Building” when referring to the building.

Mr. Levin also noted that the Veterans Building has four banner poles out front and he hopes that going forward one of the banners will be used in tribute to veterans and their presence in the building.

Roger Dong stated that the Veterans Success Center was discussed at the last War Memorial Board meeting on September 10, 2015. Mr. Dong said the Veterans Success Center staff is happy to move back to the beautiful Veterans Building. Mr. Dong stated that the resolution passed by the Trustees authorizes the use of suite 213 or 224 by the Veterans Success Center. Mr. Dong stated that suite 213 or 224 will not work very well for the Veterans Success Center due to lack of space and a need for privacy and that he is requesting the use of meeting room 212 for the Veterans Success Center.

Paul Cox, Chair of the American Legion War Memorial Commission, thanked the War Memorial Board, staff and everyone for the wonderful Re-Dedication ceremony on September 16, 2015. Mr. Cox said he appreciated the comments from Mayor Lee, Board of Supervisors President London Breed, President Bashford, Vice President Horn and General Myatt.

Mr. Cox asked that the Board consider improving the acoustics in the beautiful Green Room.

Mr. Cox announced that on Wednesday, October 28, 2015 at 6:30 p.m., there will be a “Veterans Building Welcome Home Celebration.” Mr. Cox stated that the event will be a fundraising event to raise money to buy computers, audio visual and kitchen equipment for the Veterans Success Center and Veterans Rooms. Mr. Cox stated that the following three speakers are confirmed: Allison A. Hickey, US Department of Veterans’ Affairs Under Secretary for Veterans Benefits; Keith Boylan, Deputy Secretary for the Veterans Services Division at the California Department of Veterans Affairs; and Brett Jones, Retired and Ex-Navy SEAL.

COMMITTEE REPORTS

Building Committee

Request from American Legion War Memorial Commission to relocate the San Francisco Vietnam Veterans Memorial to the Veterans Building:

Trustee Pelosi, Chair of the Building Committee, stated that the Committee met to consider the request from the American Legion War Memorial Commission to relocate the San Francisco Vietnam Veterans Memorial plaque from its current location at the foot of Market Street to the Veterans Building, specifically on the east wall of the Veterans Building outer main lobby. He reported that the Committee heard from Paul Cox, Chair of the American Legion War Memorial Commission, who confirmed that all costs related to the plaque’s relocation would be paid for by private donations.

Chair Pelosi stated that following consideration, the Building Committee voted unanimously to recommend to the full Board approval of the request from the American Legion War Memorial Commission subject to all costs related to the relocation being borne by private donations through the American Legion War Memorial Commission.

John Patrick, a Vietnam veteran, stated that he appreciates the gesture and hope the Board will vote to move the Vietnam Memorial plaque from its current location on Market Street to the Veterans Building lobby.

Following discussion, and on motion of Trustee Pelosi, seconded by Trustee Shultz, the following recommendation was unanimously adopted:

RESOLUTION NO. 15-44

RESOLVED, By the Board of Trustees of the War Memorial of San Francisco that it hereby adopts the report and recommendation of its Building Committee and approves the request of the American Legion War Memorial Commission to relocate the San Francisco Vietnam Veterans Memorial plaque to the Veterans Building outer main lobby, subject to all costs related to the relocation being borne by private donations through the American Legion War Memorial Commission.

Litigation Committee

Closed Session for Conference with Legal Counsel for Existing Litigation: President Bashford stated that as noticed on today's agenda, the Trustees will meet in closed session with legal counsel on existing litigation regarding space allocation for and facility use by the San Francisco Posts of the American Legion in the Veterans Building.

President Bashford 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 to confer with the City Attorney pursuant to Government Code Sections 54956.9(d)(1) and San Francisco Administrative Code Section 67.10(d)(1).

Public Comment:

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

Nelson Lum, Commander of the American Legion Eighth District Council representing the San Francisco Posts of the American Legion, stated that the Posts are willing to negotiate and continue to take that position.

There being no further public comment, public comment was closed.

Motion to go into Closed Session:

President Bashford stated that attorneys for the petitioner, San Francisco Posts of the American Legion, filed a lawsuit in Superior Court of the State of California on Tuesday, July 28, 2015, naming the City, acting through this Board of Trustees, as the respondent. The case name is "In the Matter of San Francisco War Memorial Trust, dated August 19, 1921, as amended June 30, 1928" and the case number is PTR-15-298701.

President Bashford asked for a motion to invoke the attorney-client privilege and go into closed session to confer with or receive advice from the City Attorney pursuant to Government Code Sections 54956.9(d)(1) and San Francisco Administrative Code Section 67.10(d)(1).

On motion of Trustee Shultz, seconded by Trustee Davis, the Board of Trustees voted unanimously to convene in closed session pursuant to Government Code Sections 54956.9(d)(1) and San Francisco Administrative Code Section 67.10(d)(1).

CLOSED SESSIONRECONVENE IN OPEN SESSION

President Bashford reconvened the meeting in open session. President Bashford 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 Bashford called for a motion on whether to disclose the contents of the closed session. On motion of Trustee 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 Bashford adjourned the meeting at 3.05 p.m.

Jennifer E. Norris
Executive Secretary