

**MINUTES**  
**WAR MEMORIAL BOARD OF TRUSTEES**  
**Thursday, November 12, 2015**

The Board of Trustees of the War Memorial of San Francisco met at 2:00 p.m. on Thursday, November 12, 2015, in the Trustees' Board Room, War Memorial Opera House, President Bashford presiding.

**ROLL CALL**

Present: President Bashford, Vice President Horn, Trustee Davis, Trustee Lui, Trustee Moscone, Trustee Myatt, Trustee Pelosi, Trustee Shultz, Trustee Stafford, and Trustee Wilsey

Absent: Trustee Bechtle

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

**APPROVAL OF MINUTES**

President Bashford called for approval of the minutes of the October 8, 2015 meeting of the Building 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 October 8, 2015 regular meeting of the Board. On motion of Trustee Lui, seconded by Trustee Moscone, the minutes were unanimously approved.

**MANAGING DIRECTOR'S REPORT**

**Rental Requests:** Ms. Murray stated that rental requests are routine and requested their approval. On motion of Trustee Moscone, seconded by Trustee Lui, the following resolution was unanimously adopted:

**RESOLUTION NO. 15-45**

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 Ballet 2015 Nutcracker & 2016 Repertory Season	December 14, 2015-May 8, 2016	\$220,425.00
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**HERBST THEATRE**

US Bank Employee Network Event	December 10, 2015	\$2,500.00
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Community Music Center Summit of Older Adult Choirs	January 27, 2016	\$700.00
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Adobe Systems XD Design Week Show & Tell	January 28, 2016	\$2,500.00
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Earplay Concert	February 1, 2016	\$1,250.00
CIIS Public Programs Cheryl Strayed	February 3, 2016	\$1,250.00
Merola Opera Program Merola Member Event	February 8, 2016	\$1,250.00
SFMOMA Ed Ruscha	February 17, 2016	\$1,250.00
San Francisco Performances Concerts	January 20, 2016 March 15, 2016	\$2,500.00
Community Housing Partnership A Night with the Stars	April 27, 2016	\$1,250.00
Wallenberg High School Graduation Ceremony	May 25, 2016	\$700.00
Jewish Community Relations Council Community Celebration in honor of Rabbi Doug Kahn	June 14, 2016	\$1,250.00

### **DIRECTOR'S REPORT**

**Update on Parking Lot:** Ms. Murray stated that completion of the parking area behind the Memorial Court and Veterans Building continues to be delayed due to back-order of parts and fabrication of new chain connections. Ms. Murray said staff will notify Trustees and others of the parking lot completion date as soon as it is known.

**Opera House – House Manager Eric Colby:** Ms. Murray stated she is sorry to report that the House Manager at the Opera House, Eric Colby, is resigning effective November 15, to accept a position in the events department at Stanford University. Eric Colby served as the House Manager since February 1, 2005, and during that time significantly improved the stature of the front-of-house ushering staff. Ms. Murray stated that the War Memorial staff will greatly miss Eric, and she hopes Trustees will join her in wishing Eric the best in his new position. The War Memorial, together with the San Francisco Opera and Ballet, will be initiating a recruitment and selection process to fill this position over the next six weeks.

### **SECRETARY'S REPORT**

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

#### **RESOLUTION NO. 15-46**

RESOLVED, By the Board of Trustees of the War Memorial of San Francisco that Purchase Order Nos. WM160078 through WM160102 and Revenue Transfers WM16006 and WM16008 are hereby approved.

### MISCELLANEOUS CORRESPONDENCE

**Correspondence from American Legion Post 198:** President Bashford stated that Trustees received a copy of the correspondence from Commander Samuel Patterson Jr. of Post 198 of the American Legion concerning denial by the American Legion War Memorial Commission and War Memorial Managing Director of proposed fundraising events in the Veterans Building, to be hosted by Post 198 in affiliation with various commercial banks.

During public comment on this item, Commander Samuel Patterson Jr. stated that Post 198 wants to host fundraising events at the Veterans Building for children to have scholarships. He stated the Post is following the four pillars and it is currently working on Pillar 1 which is working with our community; Post 198 is working with veterans because they want to use their certificate of eligibility to purchase single family homes and income property to rent to low income individuals. He reported that, Post 198 is working with Mayor Ed Lee's office, Congresswoman Nancy Pelosi's office, Senator Dianne Feinstein's office and the banks to make sure that everything is legitimate to move forward to enhance the community.

Nelson Lum, Commander of the American Legion Eighth District Council, stated that Post 198 was undersubscribed and in danger of losing its standing as a Post by the American Legion Department of California. He stated that he and the Eighth District worked hard to keep Post 198 open. Mr. Lum said Post 198 submitted an application for a veterans' fundraising event which was later discovered to be a private event for a doctor's group. He stated the Post currently has an application to use Veterans Building space for a Special Police Association which is a for-profit organization. Mr. Lum said that under the American Legion War Memorial Commission rules, applications for use of space on behalf of non-Veterans organizations do not qualify for use of free space in the Veterans Building.

In a rebuttal comment, Commander Samuel Patterson Jr. stated that the Physicians group included veterans and they work with health issues for the veterans. The event was not a fundraiser; it was a free event. Post 198 invites veterans and the public to their events.

### PUBLIC COMMENT

John Patrick McCathery, Viet Nam Veteran, stated there are two significant problems in the new veterans' offices in the Veterans Building. In Room 213-B, the light switch is not next to the door, which is in violation of the electric code and ADA rule of the law. He also reported that in the kitchen in Room 213-H, the water supplies are reversed, the hot water is on the right and the cold water is on the left. He said this is a violation of the plumbing code and ADA rule of law. Mr. McCathery requested that these ADA problems be resolved immediately.

### REGULAR ITEMS

**Arts Commission Gallery – Request to install temporary promotional signage:** President Bashford stated that Trustees received a letter from the San Francisco Arts Commission requesting to install temporary promotional signage for the inaugural exhibition in the SFAC Gallery. President Bashford asked Beth Murray to review the request.

Ms. Murray stated that the Arts Commission Gallery is requesting to install temporary promotional signage at the Veterans Building from January 22, 2016 through April 16, 2016, the time period of its inaugural exhibition which will feature newly commissioned work by ten local artists. The proposed signage includes using one of the six exterior display cases; a banner on the wall in the outer main lobby; a temporary monitor on a pedestal in the main lobby—in the location where the War Memorial plans to have permanent digital display monitors—with exhibition related content; and a free-standing vertical sign at the Gallery entrance. She noted that the Arts Commission has provided illustrations of each of these signage proposals.

Ms. Murray stated that staff recommends approval of the Arts Commission Gallery request, subject to the Arts Commission agreeing to move temporary signage if and when necessary for the War Memorial to accommodate other Veterans Building lobby activities.

During public comment on this item, Wallace Levin, Commander of the Veterans of Foreign Wars, Post 1205, stated that the Veterans Building was named because the people of San Francisco loved the returning WWI soldiers. Mr. Levin asked that the following comment be recorded in the War Memorial Board of Trustees' minutes for November 12, 2015: "Wallace Levin objects to the installation of temporary promotional signage for the inaugural exhibition of the San Francisco Art Commission Gallery in the main lobby and the reason is because there is nothing in the lobby to show that it is the Veterans Building or the history of why the people of San Francisco named the building Veterans Building."

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

RESOLUTION NO. 15-47

RESOLVED, By the Board of Trustees of the War Memorial of San Francisco that it hereby approves the request of the San Francisco Arts Commission Gallery to install temporary promotional signage at the Veterans Building from January 22, 2016 through April 16, 2016, subject to the Arts Commission moving temporary signage if and when necessary for other Veterans Building lobby activities.

Trustee Myatt reiterated his desire to have a permanent display in the Veterans Building main lobby explaining the purpose and history of the Veterans Building. He said that Beth Murray has been in touch with a potential designer who may be available in January 2016.

**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 Counsel, representing the San Francisco Posts of the American Legion, stated that the Posts are willing to negotiate prior to the judge's ruling 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 Vice President Horn, seconded by Trustee Shultz, 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 SESSION

#### RECONVENE 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 Myatt, seconded by Trustee Moscone, the Board of Trustees voted unanimously not to disclose any of the discussion during the closed session.

**Closed Session for Public Employee Performance Evaluation:** President Bashford 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 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 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 Bashford 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 Horn, seconded by Trustee Shultz, 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).

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### **ADJOURNMENT**

There being no further business to come before the Board, President Bashford adjourned the meeting at 3:15 p.m.

Jennifer E. Norris  
Executive Secretary