

**MINUTES**  
**WAR MEMORIAL BOARD OF TRUSTEES**  
**REGULAR MEETING**  
**Thursday, May 12, 2016**

The Board of Trustees of the War Memorial of San Francisco met in regular session at 2:00 p.m. on Thursday, May 12, 2016, in the Trustees' Board Room, War Memorial Opera House, President Horn presiding.

**ROLL CALL**

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

Absent: Trustee Pelosi, Trustee Shultz, and Trustee Walker

Staff Present: Elizabeth Murray, Managing Director; Jennifer Norris, Assistant Managing Director/Executive Secretary

**APPROVAL OF MINUTES**

President Horn called for approval of the minutes of the April 14, 2016 regular meeting of the Board. Under public comment, Ann Treboux stated that under 67.15 of the Sunshine Ordinance you have 10 business days to post the draft minutes. You did not post them and it's a violation of the ordinance. On motion of Vice President Bechtle, seconded by Trustee Moscone, the minutes were unanimously approved.

President Horn called for approval of the minutes of the April 20, 2016 meeting of the Veterans Committee. Under public comment, Ann Treboux stated it is not a violation of the Sunshine Ordinance as they are not under the jurisdiction of the ordinance. On motion of Trustee Wilsey, seconded by Trustee Moscone, the minutes were unanimously approved.

**PRESIDENT'S REPORT**

**Resolution honoring San Francisco Opera General Director David Gockley:**

President Horn stated he is pleased to welcome to the War Memorial Board meeting David Gockley, General Director of the San Francisco Opera, who is retiring in July 2016. President Horn said he asked Mr. Gockley to attend today's meeting so the War Memorial Board could extend to him heartfelt thanks and commendation for his brilliant service to the San Francisco Opera and to the City of San Francisco during his 11-year tenure as San Francisco Opera General Director. President Horn asked Mr. Gockley to come forward while he read the proposed resolution in his honor.

During public comment, Nelson Lum, Vice Chair of the American Legion War Memorial Commission, stated that on behalf of the hundreds of veterans who have had the chance to view and enjoy the opera through the offerings of San Francisco Opera General Director David Gockley, he would like to express appreciation and thanks to Mr. Gockley for what he has done to develop the relationship between veterans and the San Francisco Opera.

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

RESOLUTION NO. 16-18

- Whereas,* **DAVID GOCKLEY** will retire in July 2016, concluding a ten-year, seven-month tenure as General Director of the San Francisco Opera; and
- Whereas,* David Gockley has had an internationally acclaimed and award-winning career spanning 44 years as one of America's most prominent opera impresarios; and
- Whereas,* David Gockley, by maintaining unmatched enthusiasm and extraordinarily high standards, has guided the San Francisco Opera through unprecedented growth, artistically and financially over the past eleven years; and
- Whereas,* David Gockley's tenure as San Francisco Opera General Director has brought remarkable innovations increasing San Francisco Opera's presence in the community, including establishment of "Opera at the Ballpark" live simulcasts to AT&T Park and the San Francisco Opera "Grand Opera Cinema Series" which broadcasts San Francisco Opera performances both locally and nationally; and
- Whereas,* By the end of his tenure, David Gockley will have commissioned nine operas for San Francisco Opera, and combined with his commissions for Houston Grand Opera, has been responsible for the creation of more than 44 new works; and
- Whereas,* Because of David Gockley's vision and leadership, the San Francisco Opera designed and built the Diane B. Wilsey Center for Opera in the War Memorial Veterans Building, which triumphantly opened in February 2016, consolidating the Company's operations onto the War Memorial campus, including a new education center, 299-seat flexible theater, public archive, and Opera costume shop; and
- Whereas,* Residents of and visitors to San Francisco are – and will continue to be – the grateful beneficiaries of David Gockley's tenure at San Francisco Opera; now Therefore Be It
- RESOLVED,** By the Board of Trustees of the War Memorial of San Francisco to hereby thank and commend **DAVID GOCKLEY** for his exemplary vision, skill and leadership in enhancing and strengthening the San Francisco Opera and for his dedicated service to the cultural community of San Francisco, and extend to him heartfelt best wishes on the occasion of his retirement.

San Francisco Opera General Director David Gockley stated that the San Francisco Opera has had a great relationship with the War Memorial and with the veterans with whom we are now grateful to be companions in the Veterans Building. Mr. Gockley stated the War Memorial has a wonderful staff and that the War Memorial Trustees have performed a great service to this community by taking care of the War Memorial buildings and making certain the buildings are available on an advantageous basis. Not every community has such a dedicated board and civic support for its arts and veterans organizations. Mr. Gockley thanked the Trustees for their work and friendship and said he looks forward to continuing that relationship in the future.

**Ballet and Opera Seasons:** President Horn stated that the San Francisco Ballet closed its 2016 Repertory Season on Sunday, May 8, 2016. He said it was a spectacular Ballet season and on behalf of the Trustees he extended congratulations to the San Francisco Ballet. President Horn stated the San Francisco Opera will open its 2016 Summer Season on May 27, and he extended best wishes to the Opera for a successful summer season.

MANAGING DIRECTOR'S REPORT

**Rental Requests:** Ms. Murray stated that rental requests include the first outside reservations for the use of the Veterans Building Wilsey Center for Opera. She stated that remaining rental requests are routine and requested their approval. On motion of Vice President Bechtle, seconded by Trustee Moscone, the following resolution was unanimously adopted:

RESOLUTION NO. 16-19

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 Burt Bacharach	November 11, 2016	\$2,500.00 vs 10% \$5,200.00 maximum
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**HERBST THEATRE**

Presidio Performing Arts Foundation Student Recital and Showcase	May 25, 26, 27, 2016	\$2,850.00
CIIS Public Programs	August 11, 2016 September 28, 2016	\$2,500.00
New Century Chamber Orchestra Concerts	September 16, 17, 2016 November 12, 2016 March 18, 2017 May 16, 18, 20, 2017	\$12,250.00
San Francisco Friends of Chamber Music SF Music Day	September 25, 2016	\$1,250.00
She Can Fundraising Event	November 18, 2016	\$1,250.00
Rova: Arts Hengenjizai, Japanese Koto	May 13, 2017	\$1,250.00
SFJAZZ SFJAZZ Festival	June 8, 9, 10, 2017	\$3,750.00
Merola Opera Program Gala Performance	June 11, 2017	\$1,250.00

**WILSEY CENTER FOR OPERA**

San Francisco Opera Education Department Teacher Training Workshop	June 6, 2016	\$225.00
San Francisco Opera Orchestra Auditions	June 23, 24, 25, 2016	\$3,075.00
San Francisco Friends of Chamber Music SF Music Day	September 25, 2016	\$1,800.00
San Francisco Contemporary Music Players Concert	October 8, 2016	\$800.00
University of Illinois College of Medicine	October 23, 2016	\$1,475.00

## Alumni Reception & Presentation

**Veterans Building Meeting Room Usage:** Ms. Murray stated that Trustees received a summary report of actual uses of Veterans Building meeting rooms allocated to the San Francisco Posts of the American Legion covering the seven-month period from October 1, 2015 to April 30, 2016. Ms. Murray stated that veterans' organizations had 61 meeting room usages during April 2016, bringing their year-to-date usage level to 24%; and that for the seven-month period of the report there were 85 days, or 40% of the total days, on which none of the five veteran meeting rooms were used. She noted that the usage level has increased every month since the Veterans Building re-opened.

Under public comment, Paul Cox, Chair of the American Legion War Memorial Commission, stated that veterans meeting room use is increasing and he appreciates that is being reflected in the data. He said he believes that meeting room scheduling is over-reported and that usage is under-reported by a few degrees. Mr. Cox said he does not get the reports in time to accurately go through and correct them. He stated he has had meetings with staff on reporting and tracking meeting room uses.

John McCaffrey, a Vietnam veteran, stated he thinks this action is discriminatory and prejudicial and he questions why it is being done.

**Veterans Building Project – AIA Award:** Ms. Murray said she was pleased to report that the Veterans Building Seismic Upgrade and Improvements Project received a design award from the American Institute of Architects San Francisco Chapter, as well as a special commendation for historic preservation, at the AIA award ceremony in the Herbst Theatre on April 20. Ms. Murray stated it was very appropriate that representatives of the Department of Public Works' Veterans Building team received the award on the Herbst Theatre stage.

## **SECRETARY'S REPORT**

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

Under public comment, Ann Treboux stated she called the recording secretary about three weeks ago and asked for a copy of the draft minutes of the board's last meeting, and she was very rude and slammed down the phone.

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

### **RESOLUTION NO. 16-20**

RESOLVED, By the Board of Trustees of the War Memorial of San Francisco that Purchase Order Nos. WM16230 through WM16249 are hereby approved.

## **COMMITTEE REPORTS**

### **Veterans Committee:**

#### **Proposed Policy Governing Allocation of Space in the Veterans Building to Patriotic Organizations:**

Veterans Committee Chair Myatt stated that the Veterans Committee met on April 20, to consider and adopt recommendations on a proposed Policy Governing Allocation of Space in the Veterans Building to Patriotic Organizations.

Trustee Myatt stated that prior to the committee meeting, committee members received a draft policy prepared by staff. At the meeting, committee members received a revised draft policy incorporating a number of changes resulting from a meeting between War Memorial and American Legion Post representatives. He reported that during the committee meeting, Beth Murray reviewed changes in the revised draft.

Trustee Myatt stated that the draft policy is a document that seeks to create an orderly and reasonable way to implement the allocation of Veterans Building space to patriotic organizations. The draft policy includes and identifies:

- Types of patriotic organizations which are eligible to occupy rent-free space in the Veterans Building.
- Permissible uses of the Veterans Building by eligible patriotic organizations.
- Description of Veterans Building spaces currently allocated to the San Francisco Posts of the American Legion. The draft policy provides that incoming patriotic organizations shall initially be assigned space within the currently allocated space. If the Board of Trustees determines the currently allocated is fully utilized, the Trustees will then identify additional space in the building for use by patriotic organizations.
- The draft policy sets forth the procedure, and provides a “Notice of Space Allocation” form, for the American Legion War Memorial Commission to notify the Trustees of each new patriotic organization seeking to occupy space in the Veterans Building.
- The draft policy sets forth the procedure for the Board of Trustees’ consideration of the American Legion War Memorial Commission’s notices of space allocation.
- And finally, the draft policy identifies the requirements and procedure for implementing approved space allocations.

Trustee Myatt reported that during the committee’s public comment, Paul Cox, Chair of the American Legion War Memorial Commission, seemingly spoke in favor of the revised draft policy, and after discussion, the committee voted unanimously to recommend to the full board that it approve the revised draft Policy Governing Allocation of Space in the Veterans Building to Patriotic Organizations.

Trustee Myatt further reported that following the committee’s adoption of its recommendation, and during General Public Comment, Mr. Cox said he was not in favor of the committee voting on the draft policy and that he preferred there be additional meetings prior to the committee’s approving a recommendation. Trustee Myatt stated the committee advised that if Mr. Cox or others have issues or proposed amendments to the recommended draft, they could put that in a letter to the Board so that when the Board considers the committee’s recommendation the Board can as well take any comments under consideration.

Trustee Myatt stated that subsequently, on May 4, attorneys for the American Legion Posts submitted proposed changes to the draft policy approved by the Veterans Committee. Following review by War Memorial staff and our deputy city attorneys, and following a meeting between the parties on Monday of this week, staff has prepared a revised draft policy, recommending several changes to the policy approved by the committee.

Trustee Myatt stated he therefore submits to the full board the draft Policy Governing Allocation of Space in the Veterans Building to Patriotic Organizations as recommended by the Veterans Committee for consideration by the full board together with the amendments being proposed today by staff.

President Horn said Trustee Myatt has referenced the revised draft policy which has been circulated at today’s meeting, and which contains the draft policy approved by the Veterans Committee together with staff’s recommended amendments shown in red-line format. President Horn asked Beth Murray to review staff’s recommended changes.

Managing Director Beth Murray reviewed the revised draft policy containing changes based on discussion with representatives of and attorneys for the San Francisco American Legion Posts.

During public comment, Paul Cox, Chair of the American Legion War Memorial Commission, stated the revised draft policy before the board today has come a long way from the first draft reviewed by the Veterans Committee and this is a good step forward. He said the Commission appreciated having opportunity to meet and share the parties’ concerns, goals and positions. Mr. Cox stated the Commission still has some major disagreements with some aspects of the policy which they were unable to resolve, such as not including the Veterans Administration as a patriotic organization. Mr. Cox stated that the Commission will enumerate those disagreements in writing and hopefully the staff will bring them to the board as amendments in the future.

Nelson Lum, Vice Chair of the American Legion War Memorial Commission, stated concern over the fee referenced in the draft policy. He said that while \$1.29 per square foot per month does not sound like much and would not be a problem for veterans' service organizations, it will be a hardship for veterans' membership organizations as the majority of these membership organizations do not have funds other than membership dues. He said that in the case of American Legion posts, a good portion of membership dues must be paid to American Legion national and Department of California, leaving insufficient funds to pay the referenced fee. Mr. Lum stated that if our goal is full utilization of space by veterans and then we charge a fee which prevents veterans from coming in, we have gone against the goal.

Mario Benfield, Commander of American Legion Post 448, stated that there are going to be more veteran organizations that would like to use the building. The proposed draft is very good and well thought out. However, we will probably come back to you down the line and look to reducing usage space now that the war is still ongoing, but we hope to see more organizations coming in.

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

RESOLUTION NO. 16-21

RESOLVED, By the Board of Trustees of the War Memorial of San Francisco that it hereby approves the Policy Governing Allocation of Space in the Veterans Building to Patriotic Organizations as recommended by the Veterans Committee with staff's recommended amendments.

**Presentors Liaison Committee:**

**Patina Restaurant Group request for Food and Beverage Price Increases:**

Vice President Bechtle, Chair of the Presentors Liaison Committee, stated that the Presentors Liaison Committee met earlier today to consider Patina Restaurant Group's request for food and beverage price increases in the Performing Arts Center facilities.

Vice President Bechtle stated the committee received a presentation from Patina identifying cost factors that contribute to the need for price increases including labor, union health welfare and pension, and costs for food and commodities. The committee also heard from representatives of the Symphony, Opera and Ballet concerning recent patron surveys and the increased expectations of patrons for higher standard front-of-house services including food and beverage. There was consensus that price increases are necessary at this time and that increased communication between Patina and resident licensees on food and beverage services is essential to better meeting patrons' expectations.

Vice President Bechtle reported that following discussion the committee voted unanimously to recommend approval of the food and beverage price increases proposed by Patina Restaurant Group.

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

RESOLUTION NO. 16-22

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 from Patina Restaurant Group to increase food and beverage prices as submitted.

**REGULAR ITEMS**

**Notice of Veterans Building Space Allocation – Korean War Memorial Foundation:**

President Horn stated that in line with the Policy Governing Allocation of Space in the Veterans Building to Patriotic Organizations which has now been adopted by the Board of Trustees, the American Legion War Memorial Commission has submitted a Notice of Space Allocation for the Korean War Memorial Foundation

which is seeking to occupy space in the Veterans Building in accordance with that policy.

President Horn reported that the American Legion War Memorial Commission has completed and submitted the required Notice form, and the Korean War Memorial Foundation has submitted the required letter containing information about the organization and its proposed use of Veterans Building space.

President Horn stated that in accordance with the policy, in considering this proposed occupancy, the Trustees will consider four items:

- Does the Korean War Memorial Foundation satisfy the eligibility criteria set forth in Section I of the policy?
- Does the Korean War Memorial Foundation's proposed use of space fall within the uses prescribed in Section II of the policy and/or paragraph 10 of the Trust, i.e. use as club and meeting rooms and for executive offices and auditorium purposes?
- Is the ALWMC's proposed space to be allocated to the Korean War Memorial Foundation, room 313A, appropriate based on the organization's proposed uses or activities, and number of staff?
- Are any proposed alterations appropriate for the space in question?

President Horn stated that staff reports the proposed space allocation to the Korean War Memorial Foundation satisfies all four items set forth in the policy. Ms. Murray added that the Korean War Memorial Foundation will occupy a portion of the third floor space previously designated for the American Legion Department of California.

Under public comment, Wallace Levin stated that he is a Korean War veteran. Unfortunately, the Korean War was considered the "Forgotten War". The Korean War Memorial Foundation has worked hard to raise the money. I think you have an obligation to check out the organizations that want to move into the building. The Korean War Memorial Foundation should be an example of the proper organization that should be located in the Veterans Building.

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

RESOLUTION NO. 16-23

RESOLVED, By the Board of Trustees of the War Memorial of San Francisco that it hereby approves the proposed Veterans Building space allocation for the Korean War Memorial Foundation subject to the terms and conditions of the Board's Policy Governing Allocation of Space in the Veterans Building to Patriotic Organizations.

MISCELLANEOUS CORRESPONDENCE

President Horn stated that for information purposes, the meeting agenda lists correspondence received by the Board of Trustees from April 7 through May 5, 2016.

Under public comment, Ms. Ying Yang from the San Francisco Falun Buddha Study Association, thanked the board for its continued support for the SHEN YUN Performing Arts and for dates at the Opera House. She stated that Falun Gong practitioners have been persecuted in China and San Francisco. She stated that for years the Falun Gong have not been permitted to march in the Chinese New Year Parade and that most recently they were removed from the Cherry Blossom Festival Parade.

GOOD AND WELFARE

Trustee Myatt stated that the Korean War Memorial Foundation will dedicate the Korean War Memorial monument on August 1, 2016.

**GENERAL PUBLIC COMMENT**

Ann Treboux stated she was surprised to see in the Chronicle that two additional trustees of the Fine Arts Museum had resigned. She stated that Louise Renne was a wonderful trustee and a wonderful lawyer and patron of the arts. Ms. Treboux stated she had visited Louise Renne's office to find out why she had resigned. She stated that she was shocked that an active trustee on your board would do something like this. Here is my written public comment.

**ADJOURNMENT**

There being no further business to come before the Board, President Horn adjourned the meeting at 2:41 p.m.

Jennifer E. Norris  
Executive Secretary