

October 5th, 2022

Dear Trustees:

Global Gourmet Catering would like to respectfully request price increases for food and beverage offerings subject to approval by the War Memorial Board of Trustees. These increases are intended to offset inflation, minimum wage increases, and a general increase in the cost of goods and services post-pandemic.

Inflation, especially in food and fuel, has led to a 15-25% increase in our cost of goods. Although stabilizing, we continue experiencing difficulties in the supply chain, which in turn increase costs beyond inflation. These factors directly impact our ability to provide top quality food and beverage at our current price points.

Further, as of July 1, 2022, the minimum wage has been increased by 4% to \$16.99 per hour for all of our hourly staff, which has caused a significant increase in our labor costs.

Global Gourmet is dedicated to providing an exceptional patron experience and properly managing costs is a necessary part of accomplishing that. A detailed chart of proposed price increases will be presented in full with our request to the War Memorial Board of Trustees' Presenters Liaison Committee.

Thank you in advance for your time and consideration.

Sincerely,

A handwritten signature in dark ink, appearing to read "Gina Robak", with a stylized, cursive script.

Gina Robak
General Manager
Global Gourmet Catering

SAN FRANCISCO WAR MEMORIAL AND PERFORMING ARTS CENTER

RENTAL REQUESTS: October 13, 2022

HERBST THEATRE

Band of the Golden West Concert	November 10, 2022 <i>Request to waive rental fees</i>	\$1,450.00
SF Opera Center Meet the Adlers Concert	December 2, 2023	\$1,450.00
Philharmonia Baroque 6 Orchestra Concerts	Oct 17-20, Nov 18, Dec 15, 2022, and Feb 6-9, March 31, April 27, 2023	\$15,600.00
Korean Consulate General 140 th Korea-US Relations K-Concert	October 12, 2022	\$1,700.00
SF Intl. New Concept Film Festival 9 th SFINCFE Awards	October 30, 2022	\$1,700.00
She-Can Global She-Can Global Summit 2022	November 5, 2022	\$1,450.00
Bayanihan Equity Center Congressional Gold Medal Award Ceremony	November 9, 2022	\$1,450.00
Tempi Priestley Motown Review	November 26, 2022	\$1,450.00
LongNow Foundation Lost Landscapes	December 13, 2022	\$1,450.00
FolkYEAH! Jonathan Richman	December 17, 2022	\$1,450.00

WILSEY CENTER

SF Opera Center Schwabacher Recital	April 11-12, 2023	\$1,720.00
New Century Chamber Orchestra Closed Rehearsals	January 16-18, 2023	\$2,250.00
Amabile Music School Winter Recital	December 11, 2022	\$860.00
Napa Valley Youth Symphony Orchestra 200 th Anniversary of Brazilian Independence Concert & Reception	December 17, 2022	\$1,110.00

SAN FRANCISCO WAR MEMORIAL AND PERFORMING ARTS CENTER

RENTAL REQUESTS: October 13, 2022

GREEN ROOM

Capital Group Corporate Dinner	September 12, 2022	\$6,000.00
Office of Economic Development & Workforce Quarterly Board Meeting	September 14, 2022	\$1,150.00
Golden Gate Men's Chorus Fundraiser Gala	September 15, 2022	\$1,310.00
Taste of Talent Piano Concert	September 22, 2022	\$1,150.00
Chanticleer Vocal Concert	September 23 & 24, 2022	\$2,300.00
Congregation Sha'ar Zahav High Holy Days	September 25, 2022, October 4, 2022 & October 5, 2022	\$3,930.00
ASCE SF Section Awards Dinner	September 28, 2022	\$1,310.00
Urban Land Institute Fundraiser Reception	September 29, 2022	\$1,150.00
La Raza Centro Legal Fundraiser Reception	September 30, 2022	\$1,310.00
SF Fleet Week Association Post-Concert Reception	October 6, 2022 <i>Waiver Granted</i>	\$1,150.00
Iranian American Bar Association Fundraiser Dinner	October 8, 2022	\$1,310.00
InterMusic SF Public Concerts	October 9, 2022	\$1,790.00
Office of the Treasurer and Tax Collector All Staff Meeting	October 11, 2022	\$1,150.00
La Casa De Las Madres Fundraiser Gala	October 12, 2022	\$1,470.00
Consulate General of Georgia Independence Day	October 13, 2022	\$1,150.00
SF Performances Fundraiser Gala	October 14, 2022	\$1,790.00

SAN FRANCISCO WAR MEMORIAL AND PERFORMING ARTS CENTER

RENTAL REQUESTS: October 13, 2022

GREEN ROOM (CONT.)

GLBT Historical Society Fundraiser Gala	October 19, 2022	\$1,150.00
The Ninth Judicial Circuit Historical Society Fundraiser Gala	October 20, 2022	\$1,150.00
SF Opera SF Opera Centennial Celebration	October 23, 2022	\$1,150.00
Blue Shield of California HR Seminar	October 25, 2022	\$1,150.00
Castro Country Club Fundraiser Gala	October 26, 2022	\$1,150.00
Taste of Talent Piano Concert	October 27, 2022	\$1,150.00
Japanese Community Youth Council Fundraiser Reception	November 12, 2022	\$1,150.00
Reed Smith Alumni Cocktail Reception	November 2, 2022	\$6,000.00
AIGA San Francisco Awards Ceremony & Reception	November 4, 2022	\$1,150.00
SHE-CAN Fundraiser Gala	November 5, 2022	\$1,790.00
OneVet OneVoice Gala	November 9, 2022	\$1,630.00
Band of the Golden West Reception	November 10, 2022 <i>Request to waive rental fees</i>	\$1,150.00
Building Education Fundraiser Dinner	November 18, 2022	\$1,150.00
CPM Association Corporate Dinner	December 3, 2022	\$6,700.00
Gordon & Rees Scully Mansukhani Corporate Reception	December 6, 2022	\$6,000.00
The CIO Scholarship Fund Fundraiser Dinner	December 10, 2022	\$1,550.00

SAN FRANCISCO WAR MEMORIAL AND PERFORMING ARTS CENTER

RENTAL REQUESTS: October 13, 2022

GREEN ROOM (CONT.)

Office of Economic Development & Workforce Quarterly Board Meeting	December 13, 2022	\$1,150.00
Hamilton Families Awards Ceremony & Dinner	December 16, 2022	\$1,150.00
Prologis Corporation Corporate Dinner	January 20, 2023	\$6,500.00
Pocket Opera Fundraiser Gala	February 26, 2023	\$1,630.00
Office of Economic Development & Workforce Quarterly Board Meeting	March 8, 2023	\$1,150.00
Minds Matter SF Fundraiser Reception	March 25, 2023	\$1,150.00
University of Penn. Wharton School Graduation Reception	May 6, 2023	\$1,150.00
Pacific Edge Voices Concert	June 9, 2023	\$1,150.00
Office of Economic Development & Workforce Quarterly Board Meeting	June 14, 2023	\$1,150.00
SF Opera Reception & Dinner	June 16, 2023	\$2,110.00
Merola Opera Program Reception	August 19, 2023	\$1,150.00
SHE-CAN Fundraiser Gala	November 4, 2023	\$1,150.00

San Francisco War Memorial
FY 2022 - 2023 Appropriations Report - September 30, 2022

Account	DESCRIPTION	YTD		
		REVISED APPROPRIATION	ENCUMBERED & EXPENDED	BALANCE
501010	Permanent Salaries	\$ 6,943,350	\$ 1,357,343	\$ 5,586,007
505010	Temporary Salaries	\$ 381,958	\$ 184,779	\$ 197,179
509010	Premium Pay	\$ 153,945	\$ 30,520	\$ 123,425
510210	One-Time Salaries Payments	\$ -	\$ -	\$ -
511010	Overtime	\$ 254,732	\$ 41,582	\$ 213,150
501070	Holiday	\$ 102,799	\$ 13,929	\$ 88,870
513000	Mandatory Fringe Benefits	\$ 3,551,653	\$ 723,037	\$ 2,828,616
521030	Air Travel	\$ 6,000	\$ -	\$ 6,000
521050	Non-Air Travel	\$ 15,000	\$ -	\$ 15,000
522000	Training	\$ 46,098	\$ 8,120	\$ 37,978
523010	Auto Mileage // Local Field Expense	\$ -	\$ -	\$ -
524010	Membership Dues	\$ 3,909	\$ 3,150	\$ 759
527090	Special Inspection & Testing Services	\$ 10,184	\$ 17,119	\$ (6,936)
527610	Systems Consulting	\$ 17,000	\$ 7,460	\$ 9,540
527990	Other Professional Services	\$ 124,372	\$ 106,181	\$ 18,191
528010	Scavenger Service	\$ 225,940	\$ 131,330	\$ 94,609
528030	Pest Control	\$ 51,643	\$ 33,643	\$ 18,000
528910	Elevator Service	\$ 278,639	\$ 245,924	\$ 32,715
528990	Other Building Maintenance Services	\$ 928,000	\$ 964,892	\$ (36,892)
529110	Data/Word Processing Maintenance	\$ 15,000	\$ -	\$ 15,000
529990	Other Equipment Maintenance	\$ 50,573	\$ 21,733	\$ 28,840
531000	Equipment Lease/Rental	\$ 22,473	\$ 19,672	\$ 2,801
535000	Other Current Expenses (535000-535990)	\$ 120,015	\$ 66,885	\$ 53,130
540000	Materials & Supplies	\$ 347,518	\$ 166,302	\$ 181,216
552110	Taxes (Community Benefit District)	\$ 175,434	\$ -	\$ 175,434
552115	Sales Tax	\$ 1	\$ 1	\$ -
552210	Fees, Licenses and Permits	\$ 34,442	\$ -	\$ 34,442
581015	Human Resources Modernization	\$ 4,600	\$ -	\$ 4,600
581046	Diversity Equity Inclusion	\$ 1,721	\$ -	\$ 1,721
581051	PUC - Light, Heat and Power	\$ 1,391,362	\$ -	\$ 1,391,362
581063	PUC - Sewer Service	\$ 98,661	\$ 35,704	\$ 62,957
581064	PUC - Water	\$ 89,280	\$ 28,005	\$ 61,275
581140	DT - Technology Projects	\$ 42,139	\$ -	\$ 42,139
581210	DT - Technology Infrastructure	\$ 163,595	\$ -	\$ 163,595
581270	City Attorney - Legal Services	\$ 75,000	\$ -	\$ 75,000
581325	DTIS - Enterprise Agreement	\$ 10,787	\$ -	\$ 10,787
581360	DTIS - Telephone Services	\$ 29,274	\$ -	\$ 29,274
581410	GSA - Custodial Services	\$ 4,192,025	\$ -	\$ 4,192,025
581430	GF-HR-Equal Employmnt Opportuni	\$ 28,266	\$ -	\$ 28,266
581450	DHR - Management Training	\$ 44,816	\$ -	\$ 44,816
581460	DHR - Workers Compensation	\$ 154,157	\$ -	\$ 154,157
581570	DPH - Medical Services/Training	\$ 69,386	\$ -	\$ 69,386
581580	DPH - Toxic Waste & Haz. Mat Svcs.	\$ 17,820	\$ -	\$ 17,820
581820	Purchasing - Reproduction	\$ 8,500	\$ -	\$ 8,500
581880	Rec. Park - Gardener Services	\$ 192,882	\$ -	\$ 192,882
TOTAL OPERATING		\$ 20,474,948	\$ 4,207,310	\$ 16,267,638
14680	Facilities Maintenance	\$ 833,148	\$ 377,282	\$ 455,866
067ACP	Capital Improvements	-	-	-
067ACP	Capital Equipment	-	-	-
GRAND TOTAL		\$ 21,308,096	\$ 4,584,592	\$ 16,723,504
10000	Debt Service	\$ 9,520,809	\$ 2,420,354	\$ 7,100,455
14720	War Memorial Reserve	\$ 1,569,003	\$396,888.30	\$ 1,172,115
14700	Concessions Equip. Repl. Fund	\$ 51,925	\$ 6,308	\$ 45,618

San Francisco War Memorial
FY 2022-23 Revenue Report - September 30, 2022

Account		AUGUST REVENUE	YEAR TO DATE	LAST YEAR TO DATE	FY 2018-2019
FACILITY RENTAL					
435511	Opera House	\$ -	\$ 3,470.00	\$ 210,700.52	\$ 280,366.90
435512	Green Room	16,620.00	62,970.00	15,850.00	187,925.00
435521	Herbst Theatre	41,000.00	70,475.00	55,250.00	269,600.00
435531	Davies Symphony Hall	18,864.80	87,770.80	213,000.00	240,690.00
435542	Wilsey Center	42,030.00	79,295.00	97,282.14	63,330.00
462891	Zellerbach Rehearsal Hall	11,360.00	23,400.00	26,760.00	72,880.00
OFFICE RENTAL					
435517	San Francisco Ballet (OH)	\$ 2,771.26	\$ 8,313.78	\$ 10,445.52	\$ 5,609.04
435519	San Francisco Opera (OH)	-	47,947.77	45,181.56	53,995.28
435539	San Francisco Symphony (DSH)	16,099.20	48,297.60	15,170.40	42,957.00
435540	Veterans Bldg. Office Rent (SFO)	-	120,597.66	113,766.42	143,323.60
462861	Veterans Building Occupancy Fees	10,437.66	33,139.80	29,539.26	1,625.82
FOOD/BEVERAGE CONCESSIONS					
435611	Opera House	\$ 5,424.04	\$ 43,825.19	\$ -	\$ 51,253.63
435611	Herbst Theatre	323.00	381.00	-	22,493.60
435631	Davies Symphony Hall	13,228.68	25,019.33	-	80,598.93
PROGRAM CONCESSIONS					
435612	Opera House	\$ -	\$ -	\$ -	\$ 200.03
435612	Herbst Theatre	80.56	80.56	-	-
435632	Davies Symphony Hall	-	1,560.58	-	4,447.02
OTHER					
435232	Parking Fees	\$ 3,574.00	\$ 10,717.00	\$ 6,342.00	\$ 11,396.25
462899	Miscellaneous Revenue	13,795.00	28,284.00	4,942.00	66,007.60
GROSS REVENUE		\$ 195,608.20	\$ 695,545.07	\$ 844,229.82	\$ 1,598,699.70
Less 15% War Memorial Reserve		(29,341.23)	(104,331.76)	(126,634.47)	(239,804.96)
Payment to War Memorial Commission		(3,150.00)	(9,450.00)	(7,500.00)	(9,648.00)
NET REVENUE		\$ 163,116.97	\$ 581,763.31	\$ 710,095.35	\$ 1,349,246.75
OTHER FUNDS					
435614	Concessions Equipment Replacement	\$ 876.40	\$ 3,101.75	\$ -	\$ 7,948.27

San Francisco War Memorial FY 2022-2023 Housekeeping Expenditures - September 30, 2022			
PO Number	Description	Amount	Fund Source
<u>PURCHASE ORDER</u>			
652957	PATRICK & CO	\$ 511.71	14670
653657	MCCLURE ELECTRIC INC	\$ 3,500.00	14680
653788	ABCO MECHANICAL CONTRACTORS INC	\$ 71,826.68	14680
653818	B B I ENGINEERING INC	\$ 1,104.54	14670
653823	ISLAND CREATIVE MANAGEMENT LLC	\$ 2,183.56	14670
654270	UNITED CALIFORNIA GLASS & DOOR	\$ 5,431.26	14670
654354	RMI MECHANICAL CONTRACTOR INC	\$ 72,495.00	14680
654367	CHARLES PANKOW BUILDERS LTD	\$ 124,370.00	14690
654772	B B I ENGINEERING INC	\$ 430.18	14670
654783	SYSERCO, INC	\$ 50,000.00	14680
654855	INTL ASSOCIATION OF VENUE MANAGERS INC	\$ 3,150.00	14670
656855	RMI MECHANICAL CONTRACTOR INC	\$ 19,000.00	14680
658176	GRAINGER	\$ 2,746.09	14670
658210	UNITED CALIFORNIA GLASS & DOOR	\$ 5,000.00	14670
658223	WAXIE SANITARY SUPPLY	\$ 1,193.57	14670
658589	B B I ENGINEERING INC	\$ 68.66	14670
659114	TK ELEVATOR CORPORATION	\$ 42,576.00	14690
659115	TK ELEVATOR CORPORATION	\$ 6,336.00	14680
659154	PRESERVATION ARTS, LLC;	\$ 1,680.00	14670
659199	B B I ENGINEERING INC	\$ 9,495.91	14670
659204	B B I ENGINEERING INC	\$ 9,375.26	14670
659361	B B I ENGINEERING INC	\$ 1,035.78	14670
660079	ALAMEDA ELECTRICAL DISTRIBUTORS INC	\$ 1,753.59	14670
	Total	\$ 435,263.79	
FUND CODE:	DESCRIPTION:		
14670	Operating	\$ 45,160.10	
14680	Facilities Maintenance	\$ 223,157.69	
14690	Capital Projects	\$ 166,946.00	
14700	Concessions Equipment Replacement Fund		
14720	War Memorial Reserve		
14820	Gift Fund		
	Total	\$ 435,263.79	

MINUTES
WAR MEMORIAL BOARD OF TRUSTEES
REGULAR BOARD MEETING

Thursday, September 8, 2022

The Board of Trustees of the War Memorial of San Francisco met in regular session on Thursday, September 8, 2022, at 2:00 p.m., in the Trustees' Board Room, War Memorial Opera House, President Horn presiding. As authorized by California Government Code Section 54953(e) and Mayor Breed's 45th Supplement to her February 25, 2020 emergency proclamation, some members of the public also attended this meeting remotely.

ROLL CALL

Present: President Horn, Trustee Gatti, Trustee Kopp, Trustee Muduroglu, Trustee Newstat,
(*in person*) Trustee Pelosi, Trustee Rocco, and Trustee Wilsey

Present: Trustee Fisher and Trustee Wright
(*remote on video*)

Absent: Vice President Lui

Staff Present: John Caldon, Managing Director, and Rob Levin, Executive Secretary

PRESIDENT'S REPORT

President Horn opened the meeting by introducing and welcoming two new trustees, Lieutenant General Michael A. Rocco, USMC (Ret.) and Joyce Newstat.

President Horn noted that Trustee Rocco is President and CEO of the Marines Memorial Association and Foundation, a position previously held by former Trustee Michael J. Myatt. President Horn commented on how helpful Trustee Rocco will be to the Board as both a veteran with a distinguished military career and with his experience as a facilities manager. Trustee Rocco stated that he was honored to be a part of the Board. He also noted that previously he served for 38 years in the United States Marine Corps with responsibility for over 184,000 Marines. Trustee Rocco expressed that he was looking forward to working with the Board.

President Horn then introduced Trustee Joyce Newstat, who is an attorney, philanthropist, public policy expert, civic leader, and human rights activist. He noted that she was greatly involved in advancing marriage equality and combatting antisemitism and would bring a great deal to the Board. Trustee Newstat expressed that she could not wait to start working with the Board and offered gratitude to Mayor Breed for her appointment.

President Horn noted that after a long period of having multiple Trustee vacancies, these appointments mean there is currently a full roster of eleven trustees on the Board.

President Horn stated that on Friday, September 9, 2022, the Opera will celebrate the opening of its Centennial season with a concert in the War Memorial Opera House and a reception in City Hall. He congratulated the Opera on this incredible milestone and wished it all the best for a successful season. He also noted that Trustee Muduroglu is Co-Chair of the Opera Gala and said he is looking forward to enjoying the celebration she has planned.

President Horn then highlighted a special event for the Trustees: the San Francisco Opera is dedicating its "Opera in the Park" performance on Sunday, September 11, 2022, to the memory of George and Charlotte Shultz. He noted it was an incredibly kind gesture and expressed the gratitude of the Board to the Opera for honoring George and Charlotte Shultz in such a special way.

MANAGING DIRECTOR'S REPORT

Director Caldon noted for Trustees that there were Additional Rental Requests on the Consent Agenda. He stated that they included a request made by the San Francisco Fleet Week Association for the waiver of rental fees for use of the Herbst Theatre and The Green Room for its annual "Honor Our Fallen" concert featuring the United States Marine Corps 1st Marine Division Band, a request which Trustees have approved in past years.

Approval of Consent Agenda: Director Caldon stated that items submitted on the Consent Agenda included: the minutes of the Regular Board Meeting held on July 14, 2022; Rental Requests for September 8, 2022; Additional Rental Requests for September 8, 2022; and the Resolution adopting findings under AB 361 to continue remote meetings.

On motion of Trustee Kopp, seconded by Trustee Wilsey, the following resolution was unanimously adopted:

RESOLUTION NO. 22-13

RESOLVED, By the Board of Trustees of the War Memorial of San Francisco that the minutes of the Regular Board Meeting held on July 14, 2022; Rental Requests for September 8, 2022; Additional Rental Requests for September 8, 2022; the Resolution adopting findings under AB 361 to continue remote meetings; and the Resolution Adopting Findings to Allow Teleconferenced Meetings Under California Government Code are hereby approved.

Update on Sculptures: Director Caldon also reported on the Shuttered Venue Operators Grant the War Memorial received last year from the federal government. He stated that a portion of funds from the grant were used to restore the four sculptures on War Memorial grounds including: the Gordin owned by the San Francisco Arts Commission, the Voukos and Benton on loan from the SFMoMA, and the Moore, which is owned by the War Memorial. He continued that the Moore sculpture, at the corner of Van Ness and Grove, and the Fletcher Benton sculpture on the Grove Street terrace of Davies Symphony Hall, were both removed for restoration in December 2021 and recently returned in August 2022. Director Caldon stated that the sculptures have been completely rebuilt structurally and painstakingly restored to beautiful results. He encouraged the Board members to visit the sculptures on their way out following the meeting.

SECRETARY'S REPORT

Housekeeping Expenditures: Executive Secretary Levin stated that items submitted on the Revenue, Appropriations, and Housekeeping Expenditure reports for July and August 2022 were distributed to Trustees.

On motion of Trustee Wilsey, seconded by Trustee Muduroglu, the following resolution was unanimously adopted:

RESOLUTION NO. 22-14

RESOLVED, By the Board of Trustees of the War Memorial of San Francisco that the July and August 2022 Housekeeping Expenditure Reports are hereby approved.

REGULAR ITEMS

Behested Payments Legislation: President Horn then turned to legislation recently enacted by the Board of Supervisors regarding behested payments. He noted that in December 2021, the Board of Supervisors enacted a Behested Payments Ordinance, which became effective January 23, 2022. He stated that the Board has discussed this Ordinance previously but Trustees needed to be apprised of changes in the law that could impact them.

President Horn explained that the Ordinance prohibits the direct or indirect solicitation of payments from “interested parties” and expands the definition of an interested party to include contractors and other entities and individuals that have business before the Board or who have sought to influence a Trustee’s decision on any matter.

President Horn noted that because this legislation is new and far-reaching, he invited Deputy City Attorney Lauren Curry to present an overview on its impacts and to answer questions from Trustees.

Deputy City Attorney Lauren Curry stated that the Behested Payments Ordinance now prohibits “the direct or indirect” solicitation of behested payments from “interested parties.” She noted that the Ordinance expanded the definition of “interested party” and eliminated the City’s disclosure requirement. Ms. Curry explained that previously, if a behested payment was solicited from an interested party in an amount over \$1,000, there was a form to report the payment, but since the new Ordinance now prohibits these payments, there is no disclosure requirement. Ms. Curry stated that this Ordinance has expanded its reach to apply to Trustees, Department Heads, and any other City employee who is required to file the Form 700 Statement of Economic Interests.

Ms. Curry defined “interested party” as a party or participant (or agent of a party or participant) involved in a proceeding regarding administrative enforcement, a license, a permit, or other entitlement for use, before the Board or the Department. She explained that interested parties include organizations that are contracting or seeking to contract with the Board or the Department. Ms. Curry noted that an interested party is also any person who has attempted to influence a Trustee in any legislative or administrative action. She stated the definition of interested party would also include a contract lobbyist or expenditure lobbyist, as well as a permit consultant who has registered with the Ethics Commission, if the permit consultant has reported any contacts with the Board or Department during the prior 12-months. She explained that this would be the universe of persons from which Trustees cannot make behested payment requests, notwithstanding some exemptions.

Ms. Curry noted that exemptions include any federal or state government agency; an individual who is an uncompensated board member of a nonprofit organization that is an interested party; and for the purposes of the “contractor and prospective contractor” category, interested party does not include a person providing a grant to the City or a City department. She stated that these rules typically apply for a 12-month period: for example, in the case of a contractor, the contractor continues to be considered an interested party for 12-months after the contract has expired.

Ms. Curry also noted the existence of the public appeal exemption, which is a request for a payment when the request is made by means of television, radio, billboard, a public message on an online platform, the distribution of 200 or more identical pieces of printed material, the distribution of a single email to 200 or more recipients, or a speech to a group of 20 or more individuals. She stated that for public appeals which are broadly distributed, those individuals would not be considered interested parties.

Ms. Curry expressed that Trustees may solicit behested payments on behalf of organizations they wish to support but that they cannot ask those interested party-organizations for a payment. She provided the example that for the Ballet, Opera, or Symphony, Trustees are permitted to solicit donations to benefit those organizations but are prohibited from soliciting the organizations themselves for money. She noted that the legislation is about from whom you are soliciting donations, rather than about who is receiving the money.

Ms. Curry also explained that there are amendments that have been proposed by Mayor Breed and Supervisor Peskin that have been approved by the Ethics Commission and are currently with the Rules Committee of the Board of Supervisors. She noted that they are expected to be heard on September 12, 2022. She stated that these proposed amendments would exempt payments under \$1,000 dollars. She continued that an additional proposed amendment to the “attempt to influence” section would narrow that provision to City contractors and allow the Board of Supervisors to grant waivers in individual cases.

Ms. Curry also stated that because licensee rental requests do come before the Board, those entities constitute interested parties for the Board. President Horn noted that several Trustees have relationships with organizations that are defined as interested parties, including serving on the Boards of organizations that present in the War Memorial complex, including the resident companies and various veterans' organizations. He stated that it is not uncommon for members of the Board to fundraise on behalf of these organizations. Ms. Curry stated that under the Ordinance, Trustees can give money and request other people to donate to those organizations. She explained that what is prohibited is soliciting donations from those interested party-organizations. She also noted that the Ordinance does not prohibit Trustees from providing unsolicited donations to interested party-organizations.

Trustee Gatti inquired about what triggered this legislation being enacted. Ms. Curry responded that it was generally in response to the corruption investigation being led by the Federal Bureau of Investigation in San Francisco. Trustee Newstat then asked whether Board members could solicit donations from each other, for example if they were raising money for a political candidate. Ms. Curry responded that while there are City policies governing political fundraising, this activity was not prohibited by the Behested Payments Ordinance itself. Responding to a question from Director Caldon, Ms. Curry also confirmed that the Behested Payments Ordinance applies to in-kind donations.

Director Caldon noted for the Board that a list of all Interested Parties to the Department was distributed to Trustees and will be for them updated quarterly.

GOOD AND WELFARE

President Horn opened Good and Welfare remarking on Queen Elizabeth II's recent passing. He recalled her 1983 visit to the War Memorial, when Dianne Feinstein was Mayor, where the Queen was delighted to learn that women occupied leadership roles in City government, including as Mayor and Department Heads. He noted that Trustee Schultz had organized a full slate of events, including visits to Davis Symphony Hall and Beach Blanket Babylon. He remembered the closing number in Beach Blanket Babylon included a giant hat with a model of Buckingham Palace that had a tiny statuette of the Queen, which was a hit with Prince Philip.

PUBLIC COMMENT

Public comment is an opportunity for members of the public to directly address the Trustees on items within the subject matter jurisdiction of the Board, but not on the agenda.

President Horn stated that during COVID-19 health emergency while Trustees are meeting remotely, members of the public may address the Board by emailing their public comment to WarMemorialBoard@sfgov.org or by leaving public comment as a voicemail at 415-554-6377 in advance of Board meetings. President Horn also invited the public to leave additional public comment until 12:00 p.m. on War Memorial Board meeting day. Trustees encourage the public to provide their comments and feedback by email or voicemail. It should be noted that no public comment was received either prior to the meeting or in the subsequent week.

There being no public comment, and President Horn closed public comment.

ADJOURNMENT

There being no further business to come before the Board, President Horn adjourned the meeting at 2:32 p.m.

Rob Levin
Executive Secretary

WAR MEMORIAL BOARD OF TRUSTEES
TICKET DISTRIBUTION POLICY

Resolution No. [insert no.]
[insert date]

WHEREAS, The War Memorial and Performing Arts Center is a "charitable trust department" under Article V of the San Francisco Charter governed by the War Memorial Board of Trustees ("WMBT");

WHEREAS, Under Section 5.101 of the Charter and the War Memorial Trust Agreement of 1921, as amended, (the "Trust"), the WMBT has exclusive charge of the trust and all other assets under its jurisdiction including the War Memorial Opera House, the War Memorial Veterans Building (including Herbst Theatre), and Louise M. Davies Symphony Hall (collectively, the "War Memorial Facilities");

WHEREAS, The WMBT, under lease agreements with various organizations for use of the War Memorial Facilities, requires that tickets for certain seats for each performance in the War Memorial Facilities be set aside for use by the War Memorial and Performing Arts Center for distribution for the War Memorial's charitable trust purposes and for other legitimate governmental and public purposes, and thus the War Memorial and Performing Arts Center obtains such tickets under the terms of contracts for use of public property;

WHEREAS, Public officials and employees involved in the governance, funding, advising, management or administration of the War Memorial and Performing Arts Center are more effectively able to understand and appreciate the offerings and operations of the War Memorial and Performing Arts Center and execute their responsibilities by attending events and performances in the War Memorial Facilities;

WHEREAS, Because the performances and events at the War Memorial Facilities form an essential and core part of the operations and public purposes of the War Memorial and Performing Arts Center, the WMBT also expects and encourages trustees to attend several performances and events at the War Memorial Facilities each year in furtherance of their public and fiduciary duties as charitable trustees of the Trust;

WHEREAS, The California Fair Political Practices Commission ("FPPC") Regulation 18944.1, addresses the distribution of tickets and passes to public officials, and provides that the distribution of a ticket or pass by an agency to a public official constitutes a gift to the public official unless such distribution meets specific criteria and is made in accordance with a written policy adopted by the governing body of the agency setting forth certain requirements;

WHEREAS, Under Regulation 18944.1, the WMBT must adopt a written policy that contains, at a minimum, (1) a provision setting forth the public purposes of the agency to be accomplished by the distribution of tickets or passes; (2) a provision requiring that the distribution of any ticket or pass by the agency to, or at the behest of, an official accomplish a public purpose of the agency; and (3) a provision prohibiting the transfer by any official of any ticket or pass, distributed to such official pursuant to the agency policy, to any other person, except to members of the official's immediate family or no more than one guest, solely for their personal use.

WHEREAS, FPPC Regulation 18944.1, as amended, is on file with the Secretary of the War Memorial Board of Trustees and is hereby declared to be a part of this policy;

NOW, THEREFORE, IT IS RESOLVED THAT:

The WMBT hereby adopts the following ticket distribution policy:

War Memorial Policy Governing Distribution of Tickets and Passes

1. **Public Purposes of Distribution of Tickets or Passes.**

The distribution of any ticket or pass by the War Memorial and Performing Arts Center (the "War Memorial") to, or at the behest of, a public official shall accomplish one or more of the following public purposes ("War Memorial Charitable Trust and Public Purposes"):

- a. Furthering the charitable purposes of the War Memorial under the War Memorial Trust Agreement and the San Francisco Charter.
- b. Facilitating the performance of a ceremonial role or function by a City Official on behalf of the City at an event.
- c. Facilitating public officials' familiarity with, or ability to carry out their services or fiduciary duties with respect to the management, administration, and/or care of the War Memorial.
- d. Monitoring and evaluation of operation and maintenance of public facilities available for City resident and visitor use by City employees.
- e. Promotion of economic development and employment in the City and surrounding areas.
- f. Promotion of City tourism on a local, state, national, or worldwide scale.
- g. Promotion of intergovernmental relations and/or cooperation and coordination of resources with other governmental agencies, including, but not limited to, attendance at an event with or by elected officials, appointed public officials, or dignitaries from other jurisdictions, and their immediate family members or no more than one guest, solely for their personal use.
- h. Promotion of cultural exchange amongst other artistic and cultural organizations, including, but not limited to, attendance at an event with or by organization officials, staff, and guests.
- i. Promoting, supporting and/or showing appreciation for programs or services rendered by charitable, non-profit, or educational organizations benefitting San Francisco residents.
- j. Facilitating increased direct contact, input from, and communication with, tenants, licensees, and event representatives.
- k. Facilitating familiarity of War Memorial staff and employees with the function of the venues during use by the public so they may better carry out their duties with respect to the maintenance, administration, and/or care of the War Memorial.
- l. Furthering any other public purpose that a department or commission is required or authorized by law to pursue.

If the public purpose justifying the ticket distribution is for oversight or inspection of City facilities, then there must also be a written inspection report of findings and recommendations by the official receiving the ticket or pass.

2. **Prohibition on Transfer.**

A public official who has received a ticket or pass distributed under this policy shall not transfer such ticket or pass to any other person, except to the public official's immediate family (spouse/partner and dependent children) or to no more than one guest, solely for their personal use. But the public

official must accompany any immediate family member or guest who received a ticket or pass through a transfer to the event or performance.

3. Disclosure.

As required by the FPPC Regulation 18944.1, the War Memorial shall prominently post this policy and the following information regarding the distribution of any tickets or passes under this policy on the War Memorial's website on a form provided by the FPPC within 45 days after the ticket/pass distribution and will send the FPPC an email with the War Memorial's website link that displays the form so that the FPPC may post the link.

- The name of the person receiving the ticket or pass, or if the ticket or pass is distributed to a department or other unit of the agency, and not used by a member of the governing body, political appointee, department head, or chief administrative officer of the agency, the name of the department or other unit of the agency receiving the ticket or pass and the number of tickets or passes provided to the department. If the ticket or pass is distributed to a non-City organization, the name, address, description of the organization, and the number of tickets or passes provided to the organization;
- A description of the event;
- The date of the event;
- The fair value of the ticket or pass as that term is defined in Regulation 18946, subdivision (d)(1);
- The number of tickets or passes provided to each person;
- If the ticket or pass is distributed at the behest of a public official, the name of the official who requested the distribution of the ticket or pass;
- A description of the public purpose under which the distribution was made or, alternatively, that the ticket or pass was distributed as income to the official; and
- A written inspection report of findings and recommendations by the official receiving the ticket or pass if received for the oversight or inspection of City facilities.

4. Distribution of Tickets.

The Managing Director of the War Memorial is the department official authorized to exercise discretion in the distribution of tickets and passes. The Managing Director, or the Managing Director's designee, shall have the authority to determine whether the distribution of tickets and/or passes to a particular recipient furthers one or more of the public purposes specified under this policy. Notwithstanding the above, the disproportionate use of tickets or passes by a trustee, member of the Board of Supervisors or other City elected official, City commissioner, City department head, or the City Administrator is prohibited.

5. Effective Date.

This policy supersedes and replaces any prior ticket distribution policy and shall be effective as of [insert date], the date this policy was passed, approved, and adopted by resolution of the WMBT at a [regular][special] meeting of the Board.

**SAN FRANCISCO WAR MEMORIAL BOARD OF TRUSTEES
RESOLUTION AUTHORIZING THE ADMINISTRATION OF GIFTS AND BEQUESTS
ON BEHALF OF THE WAR MEMORIAL**

WHEREAS, the San Francisco War Memorial and Performing Arts Center is a "charitable trust department" under Article V of the San Francisco Charter;

WHEREAS, under Section 5.101 of the Charter the War Memorial Board of Trustees (the "WMBT") has exclusive charge of the trust and all other assets under its jurisdiction, which may be acquired by loan, purchase, gift, devise, bequest or otherwise;

WHEREAS, the San Francisco Performing Arts Center Foundation (the "Foundation") was created in 1973 as a Section 509(a)(3) supporting organization for the War Memorial and Performing Arts Center;

WHEREAS, from time to time, gifts, grants, donations, and bequests are made to the War Memorial and Performing Arts Center (or the "War Memorial Board of Trustees" or a similar designation);

WHEREAS, both the WMBT and the Foundation desire that the Foundation administer such gifts, grants, donations, and bequests on behalf of the War Memorial and for its benefit; and

WHEREAS, the WMBT and the Foundation wish to enter into an agreement that describes such administration, including each party's rights and duties;

NOW, THEREFORE, IT IS RESOLVED THAT:

Section 1. The Managing Director of the War Memorial is authorized (a) to negotiate, with the assistance of the City Attorney, an agreement with the Foundation for the administration of gifts, grants, donations, and bequests to the War Memorial and Performing Arts Center (the "Agreement"); and (b) to take all actions that are reasonable or necessary to finalize, execute, and implement the Agreement.

Section 2. The Managing Director is authorized to execute the Agreement.

Section 3. Any actions of the WMBT, or any other person acting on the WMBT's behalf that are authorized by this resolution but were taken before the adoption of such resolution, are separately ratified, confirmed, approved and adopted as acts in the name of and on behalf of the WMBT.

Passed, approved and adopted at a [regular] [special] meeting of the WMBT held on _____, 2022.



AMERICAN LEGION WAR MEMORIAL COMMISSION

401 VAN NESS AVENUE, SUITE 101
SAN FRANCISCO, CALIFORNIA 94102
PHONE 415.861.4920

September 13, 2022

Tom Horn, President
San Francisco War Memorial Board of Trustees
Room 110
401 Van Ness, San Francisco, CA 94102

Re: United Nations Association of the USA, SF Chapter
In Their Hands exhibit

Dear President Horn,

The American Legion War Memorial Commission has instructed me to write this letter of support for the United Nations Association, San Francisco Chapter's proposal for an exhibit in the Veterans Building lobby during the month of December, 2022. Titled ***In Their Hands: Women Taking Ownership of Peace Through the Lens of Women Photographers***, the exhibit was created by the UN headquarters in New York, this exhibit, consisting of hanging banners, pays homage to women around the world that are working heroically for improved human rights, preventing conflict, and building peace. FMI: <https://www.un.org/en/exhibits/exhibit/in-their-hands>.

As we are all aware, the UN has an important historical claim to the Veterans Building since it was the site of the signing of the UN Charter in 1945. The Legion has sponsored numerous well-attended and informative forums by the SF Chapter in the WMC rooms since 2015. For this important exhibit the UNA-USA chapter wants to expand their reach with the banners in the lobby, and will be staging forums and receptions in the veterans' rooms on the second floor.

We urge the Board of Trustees to support this effort.

Thank you in advance.

Sincerely,



Paul Cox, Finance Officer
War Memorial Commission

Cc: John Caldon, Managing Director WMPAC
Mary Steiner, UNA-USA, SF
Tony Benfield, Chair, WMC
Merc Martinelli, ALWMC Office Manager



American Legion War Memorial Commission

401 Van Ness, Room 101
San Francisco, CA 94102
Chairman Benfield



Tuesday, September 20, 2022

**To: Tom Horn, President
San Francisco War Memorial Board of Trustees
Room 110
401 Van Ness Ave, San Francisco, California 94102**

Re: United Nations Association of the United States of America, San Francisco Chapter "In their Hands" Exhibit.

The American Legion War Memorial Commission on Tuesday, September 6th, 2022, unanimously endorsed a motion presented by Commissioner Paul Cox Post 315, to invite the United Nations Association for a presentation in the San Francisco War Memorial Veterans Building: in recognition of Women of the United Nations.

Usage in the Veterans Lobby from December 1, 2022, to December 31, 2022. The exhibit is titled "In their hands", Women taking Ownership of Peace through the lens of women photographers". Banners reflect the exhibit will be hung in the lobby, during the month-long event.

<http://www.un.org/en/exhibits/exhibit/in-their-hands>. This request seeks a waiver of expenses pertaining to usage upon approval of the Trustees.

Note: Current banners now being displayed will need to be packed away for a month during this historic event.

Additionally, meetings and receptions will be conducted in veteran chambers the second floor during the month-long event.

Your contact OIC is Commissioner Paul Cox: PaulCox@sonic.net

All my best,

**Mario A. Benfield
Chairman**



American Legion War Memorial Commission

401 Van Ness, Room 101
San Francisco, CA 94102
Chairman Benfield



Tuesday, September 20, 2022

**To: Tom Horn, President,
San Francisco War Memorial Board of Trustees
Room 110
401 Van Ness Ave, San Francisco, California 94102**

Re: 2022 Veterans Celebration and use of the Herbst Theater

The American Legion War Memorial Commission on Tuesday, September 6th, 2022, unanimously endorsed a motion presented by Commissioner Ramirez Post 505 to invite the United States Air Force, Band of the Golden West, to perform in the San Francisco Veterans Building: in recognition of Veterans Day.

Use of the Herbst Theater for November 10th, 2022. Usage between 2-6pm with concert at 7pm to 9pm performance. This request seeks a waiver as is customary upon approval of the Trustee.

In addition, a reception prior to the concert in the Green Room. Hours for set-up between 10 am and 5pm. This request seeks a waiver of certain expenses upon approval of the Trustees.

The Air Force OIC for this event is Commissioner Edwardo Ramirez: Cesar Chavez Post 505, Eduardo.Ramirez@att.net

Timing details can be refined.

All my best,

**Mario A. Benfield
Chairman**

**RESOLUTION MAKING FINDINGS TO ALLOW TELECONFERENCED
MEETINGS UNDER CALIFORNIA GOVERNMENT CODE SECTION
54953(e)**

WHEREAS, California Government Code Section 54953(e) empowers local policy bodies to convene by teleconferencing technology during a proclaimed state of emergency under the State Emergency Services Act so long as certain conditions are met; and

WHEREAS, In March, 2020, the Governor of the State of California proclaimed a state of emergency in California in connection with the Coronavirus Disease 2019 (“COVID-19”) pandemic, and that state of emergency remains in effect; and

WHEREAS, On February 25, 2020, the Mayor of the City and County of San Francisco (the “City”) declared a local emergency, and on March 6, 2020 the City’s Health Officer declared a local health emergency, and both those declarations also remain in effect; and

WHEREAS, On March 11 and March 23, 2020, the Mayor issued emergency orders suspending select provisions of local law, including sections of the City Charter, that restrict teleconferencing by members of policy bodies; and

WHEREAS, Consistent with the Mayor’s orders and State law, the War Memorial Board of Trustees met remotely during the COVID-19 pandemic through March 6, 2022; and

WHEREAS, On February 10, 2022, the Mayor issued an emergency order that (1) requires decision-making boards and commissions established in the Charter (with the exception of the Board of Supervisors) to hold meetings in person at a physical location where members of the public may attend and provide comment, (2) allows members of those boards and commissions to participate remotely in the in-person meetings for COVID-related health reasons, (3) allows but does not require subcommittees of those boards and commissions to meet in person at a physical location where members of the public may attend and provide comment, and (4) prohibits all other policy bodies (with the exception of the Board of Supervisors and its committees) from meeting in person under any circumstances, with limited exceptions; and

WHEREAS, On September 16, 2021, the Governor signed AB 361, a bill that amended the Brown Act to allow local policy bodies to continue to meet by

teleconferencing during a state of emergency without complying with restrictions in State law that would otherwise apply, provided that the policy bodies make certain findings at least once every 30 days; and

WHEREAS, While federal, State, and local health officials emphasize the critical importance of vaccination (including a booster once eligible) and consistent mask-wearing, regardless of vaccination status, to prevent the spread of COVID-19, the City's Health Officer has issued at least one order (Health Officer Order No. C19-07y, available online at www.sfdph.org/healthorders) and one directive (Health Officer Directive No. 2020-33i, available online at www.sfdph.org/directives) that continue to recommend measures to promote safety for indoor gatherings, including vaccination, masking, improved ventilation, and other measures, in certain contexts; and

WHEREAS, The California Department of Industrial Relations Division of Occupational Safety and Health ("Cal/OSHA") has promulgated Section 3205 of Title 8 of the California Code of Regulations, which requires most employers in California, including in the City, to train and instruct employees about measures that can decrease the spread of COVID-19; and

WHEREAS, Without limiting any requirements under applicable federal, state, or local pandemic-related rules, orders, or directives, the City's Department of Public Health, in coordination with the City's Health Officer, has advised that for group gatherings indoors, such as meetings of boards and commissions, people can increase safety and greatly reduce risks to the health and safety of attendees from COVID-19 by maximizing ventilation, wearing well-fitting masks regardless of vaccination status (and as required for unvaccinated people by the State of California's indoor masking order), encouraging vaccination (including a booster as soon as eligible), staying home when sick or when experiencing any COVID-19 symptom, discouraging consumption of food or beverages in the meeting, following good hand hygiene practices, and making informed choices when gathering with people whose vaccination status is not known; and

WHEREAS, the War Memorial Board of Trustees will begin meeting in person consistent with the Mayor's February 10, 2022 order, allowing members to participate by video from a separate location for COVID-related health reasons and providing members of the public an opportunity to observe and provide public comment either in person or remotely; now, therefore, be it

RESOLVED, That the War Memorial Board of Trustees finds as follows:

1. As described above, the State of California and the City remain in a state of emergency due to the COVID-19 pandemic. At this meeting, the War Memorial Board of Trustees has considered the circumstances of the state of emergency.
2. As described above, because of the COVID-19 pandemic, conducting meetings of this body and its committees in person without allowing certain members of this body to attend remotely would present imminent risks to the health or safety of certain attendees due to COVID-19, and the state of emergency continues to directly impact the ability of those members to meet safely in person; and, be it

FURTHER RESOLVED, That for at least the next 30 days, the War Memorial Board of Trustees will hold in-person meetings, with some members possibly appearing remotely. If all members of the War Memorial Board of Trustees are unable to attend in person for COVID-related health reasons, then the War Memorial Board of Trustees will hold the meeting remotely without providing an in-person meeting location. If the War Memorial Board of Trustees votes to allow it and appropriate space is available, the War Memorial Board of Trustees' subcommittees may hold in-person meetings as well, or alternatively, the subcommittees may hold meetings exclusively by teleconferencing technology (and not by any in-person meetings or any other meetings with public access to the places where any policy body member is present for the meeting). All meetings of the War Memorial Board of Trustees and its committees will provide an opportunity for members of the public to address the body and will otherwise occur in a manner that protects the statutory and constitutional rights of parties and the members of the public attending the meeting via teleconferencing; and, be it

FURTHER RESOLVED, That the Executive Secretary of the War Memorial Board of Trustees is directed to place a resolution substantially similar to this resolution on the agenda of a future meeting of the War Memorial Board of Trustees within the next 30 days. If the War Memorial Board of Trustees does not meet within the next 30 days, the Executive Secretary is directed to place a such resolution on the agenda of the next meeting of the War Memorial Board of Trustees.