

SAN FRANCISCO WAR MEMORIAL AND PERFORMING ARTS CENTER

RENTAL REQUESTS: November 10, 2022

DAVIES SYMPHONY HALL

SFJAZZ Shakti	September 8 & 9, 2023	\$6,120.00 vs 10% \$12,200.00 maximum
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WAR MEMORIAL OPERA HOUSE

San Francisco Ballet Nutcracker & 2023 Season	December, 2022-May, 2023	\$238,020.00
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GREEN ROOM

AIDS/LifeCycle Holiday Reception	December 12, 2022	\$1,150.00
Supreme Court of California Retirement Celebration of Chief Justice	December 21, 2022	\$1,150.00
Health Extension Foundation Salon/Meeting	January 12, 2023	\$1,150.00
University of Rochester Holiday Reception	January 21, 2023	\$1,150.00
RAWdance Performance	February 17 & 18, 2023	\$2,300.00
Family Builders Fundraiser Gala	April 29, 2023	\$1,310.00
Girls Leadership Power of Voice Benefit	May 3, 2023	\$1,150.00
SEO Scholarship SF Fundraiser Reception	May 11, 2023	\$1,150.00
Kara Schleunes	May 14, 2023	\$1,470.00
SF Education Fund Awards Ceremony	June 8, 2023	\$1,150.00
Institute of Music Concert	June 18, 2023	\$7,300.00
How Women Lead Holiday Reception	December 6, 2023	\$1,150.00

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HERBST THEATRE

Golden Gate Symphony 22/23 Season	11/6/22, 12/12/22, 3/12/23, 6/4/23	\$5,800.00
SF Girls Chorus Spring Concert	May 24, 2023	\$1,450.00
SF Boys Chorus 75 th Anniversary Concert	May 25, 2023	\$1,450.00
Minted Andre Nickatina Reimagined	March 18, 2023	\$2,900.00
Human Rights Commission Dream Keepers—Keeping the Dream Alive	January 11, 2023	\$1,450.00
Human Rights Commission Dr King. Celebration	January 13, 2023	\$1,450.00

WILSEY CENTER

SF Performances SFP Salon Series 2023	January 4, 11, 18, 25, 2023	\$3,000.00
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San Francisco War Memorial
FY 2022-23 Revenue Report - October 31, 2022

Account		OCTOBER REVENUE	YEAR TO DATE	LAST YEAR TO DATE	FY 2018-2019
FACILITY RENTAL					
435511	Opera House	\$ 121,870.00	\$ 125,340.00	\$ 210,700.52	\$ 283,166.90
435512	Green Room	20,830.00	83,800.00	21,950.00	205,100.00
435521	Herbst Theatre	10,575.00	81,050.00	63,300.00	292,950.00
435531	Davies Symphony Hall	149,540.00	237,310.80	213,000.00	375,010.00
435542	Wilsey Center	1,910.00	81,205.00	108,207.14	74,930.00
462891	Zellerbach Rehearsal Hall	44,100.00	67,500.00	26,760.00	145,795.00
OFFICE RENTAL					
435517	San Francisco Ballet (OH)	\$ 2,771.26	\$ 11,085.04	\$ 15,668.28	\$ 9,348.40
435519	San Francisco Opera (OH)	56,181.81	104,129.58	60,242.08	67,494.10
435539	San Francisco Symphony (DSH)	16,099.20	64,396.80	60,681.60	57,276.00
435540	Veterans Bldg. Office Rent (SFO)	56,181.81	176,779.47	151,688.56	179,154.50
462861	Veterans Building Occupancy Fees	10,437.66	43,577.46	49,232.10	1,625.82
FOOD/BEVERAGE CONCESSIONS					
435611	Opera House	\$ 300.41	\$ 44,125.60	\$ -	\$ 87,153.38
435611	Herbst Theatre	9,997.08	10,378.08	-	29,872.45
435631	Davies Symphony Hall	6,969.95	31,989.28	-	103,106.33
PROGRAM CONCESSIONS					
435612	Opera House	\$ -	\$ -	\$ -	\$ 200.03
435612	Herbst Theatre	1,120.16	1,200.72	-	657.01
435632	Davies Symphony Hall	-	1,560.58	-	4,447.02
OTHER					
435232	Parking Fees	\$ 2,739.00	\$ 13,456.00	\$ 14,669.50	\$ 15,190.50
462899	Miscellaneous Revenue	16,377.10	44,661.10	8,836.00	95,403.77
GROSS REVENUE		\$ 528,000.44	\$ 1,223,545.51	\$ 1,004,935.78	\$ 2,027,881.21
Less 15% War Memorial Reserve		\$ (79,200.07)	\$ (183,531.83)	\$ (150,740.37)	\$ (304,182.18)
Payment to War Memorial Commission		(3,150.00)	(12,600.00)	(10,000.00)	(12,864.00)
NET REVENUE		\$ 445,650.37	\$ 1,027,413.68	\$ 844,195.41	\$ 1,710,835.03
OTHER FUNDS					
435614	Concessions Equipment Replacement	\$ 688.26	\$ 3,790.01	\$ -	\$ 11,008.80

San Francisco War Memorial FY 2022 - 2023 Appropriations Report - October 31, 2022				
Account	DESCRIPTION	REVISED APPROPRIATION	YTD ENCUMBERED & EXPENDED	BALANCE
501010	Permanent Salaries	\$ 6,943,350	\$ 1,839,409	\$ 5,103,941
505010	Temporary Salaries	\$ 381,958	\$ 233,046	\$ 148,912
509010	Premium Pay	\$ 153,945	\$ 41,104	\$ 112,841
510210	One-Time Salaries Payments	\$ -	\$ 120,651	\$ (120,651)
511010	Overtime	\$ 254,732	\$ 50,117	\$ 204,615
501070	Holiday	\$ 102,799	\$ 24,600	\$ 78,199
513000	Mandatory Fringe Benefits	\$ 3,551,653	\$ 987,919	\$ 2,563,734
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	\$ 107,868	\$ 16,504
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	\$ 966,268	\$ (38,268)
529110	Data/Word Processing Maintenance	\$ 15,000	\$ -	\$ 15,000
529990	Other Equipment Maintenance	\$ 50,573	\$ 24,708	\$ 25,865
531000	Equipment Lease/Rental	\$ 22,473	\$ 19,672	\$ 2,801
535000	Other Current Expenses (535000-535990)	\$ 120,015	\$ 71,152	\$ 48,863
540000	Materials & Supplies	\$ 347,518	\$ 212,096	\$ 135,422
552110	Taxes (Community Benefit District)	\$ 175,434	\$ -	\$ 175,434
552115	Sales Tax	\$ 1	\$ 1	\$ -
552210	Fees, Licenses and Permits	\$ 34,442	\$ 2,326	\$ 32,116
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	\$ 278,888	\$ 1,112,474
581063	PUC - Sewer Service	\$ 98,661	\$ 59,778	\$ 38,883
581064	PUC - Water	\$ 89,280	\$ 42,600	\$ 46,680
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	\$ 7,983	\$ 21,291
581410	GSA - Custodial Services	\$ 4,192,025	\$ 957,208	\$ 3,234,817
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	\$ 53,259	\$ 139,623
	TOTAL OPERATING	\$ 20,474,948	\$ 6,547,401	\$ 13,927,547
14680	Facilities Maintenance	\$ 833,148	\$ 416,062	\$ 417,086
067ACP	Capital Improvements	\$ -	\$ -	\$ -
067ACP	Capital Equipment	\$ -	\$ -	\$ -
	GRAND TOTAL	\$ 21,308,096	\$ 6,963,463	\$ 14,344,633
10000	Debt Service	\$ 9,520,809	\$ 2,420,354	\$ 7,100,455
14720	War Memorial Reserve	\$ 1,569,003	\$ 396,888	\$ 1,172,115
14700	Concessions Equip. Repl. Fund	\$ 51,925	\$ 6,308	\$ 45,618

San Francisco War Memorial
FY 2022-2023 Housekeeping Expenditures - October 31, 2022

PO Number	Description	Amount	Fund Source
<u>PURCHASE ORDER</u>			
660829	RMI MECHANICAL CONTRACTOR INC	\$ 2,882.92	14680
662388	D T C GRIP & ELECTRIC INC	\$ 4,421.31	14670
662695	GRAINGER	\$ 3,644.61	14670
662858	PATRICK & CO	\$ 428.38	14670
665749	UNITED CALIFORNIA GLASS & DOOR	\$ 2,137.00	14680
667686	GRAINGER	\$ 2,972.35	14670
667692	MCCLURE ELECTRIC INC	\$ 1,376.00	14670
667694	RMI MECHANICAL CONTRACTOR INC	\$ 899.75	14670
667697	GRAINGER	\$ 7,481.43	14670
668455	UNITED RENTALS (NORTH AMERICA)INC	\$ 2,000.00	14670
668458	HOLZMUELLER CORP	\$ 9,564.53	14670
668481	HOLZMUELLER CORP	\$ 5,200.63	14670
668523	TK ELEVATOR CORPORATION	\$ 26,500.00	14680
668526	TK ELEVATOR CORPORATION	\$ 5,500.00	14680
669358	GRAINGER	\$ 6,018.14	14670
669359	REGENCY ENTERPRS INC DBA REGNCY LIGHTING	\$ 6,294.92	14670
	Total	\$ 87,321.97	
FUND CODE:	DESCRIPTION:		
14670	Operating	\$ 50,302.05	
14680	Facilities Maintenance	\$ 37,019.92	
14690	Capital Projects		
14700	Concessions Equipment Replacement Fund		
14720	War Memorial Reserve		
14820	Gift Fund		
	Total	\$ 87,321.97	

MINUTES
WAR MEMORIAL BOARD OF TRUSTEES
REGULAR BOARD MEETING
Thursday, October 13, 2022

The Board of Trustees of the War Memorial of San Francisco met in regular session on Thursday, October 13, 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 Rocco, Trustee Wilsey, and
(*in person*) Trustee Wright

Present: Vice President Lui, Trustee Fisher, Trustee Muduroglu, and Trustee Pelosi
(*remote on video*)

Absent: Trustee Newstat

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

PRESIDENT'S REPORT

90th Anniversary Celebration: President Horn began the meeting by announcing that Saturday, October 15, 2022, marks the 90th Anniversary of the first performance in the War Memorial Opera House, a presentation by the San Francisco Opera of "Tosca." He stated that to honor this occasion, everyone is invited to celebrate the 90th Anniversary of the San Francisco War Memorial on Sunday, October 23, 2022, at 4:30 p.m. in The Green Room. President Horn noted that the event will include the presentation of a resolution from the State Senate, a number of speakers, and performances by all three resident companies: the Ballet, Opera, and Symphony. He reminded the Board that the event is free and open to the public and that the program will begin at 5:00 p.m.

President Horn congratulated Trustee Rocco and his team on a successful Fleet Week celebration. President Horn noted that for many years Major General J. Michael Myatt, who was previously a War Memorial Trustee, managed the event. President Horn stated he is happy to have Trustee Rocco as the person currently leading this glorious celebration, which also included a concert in the Herbst Theatre that was a great success.

President Horn announced that the American Legion War Memorial Commission has had a leadership change. He thanked outgoing Chair Mario Benfield for his work on behalf of veterans and introduced the incoming chair of the Commission, Courtney Ellington. Chair Ellington addressed the Trustees to introduce herself and noted she is also a Veteran Affairs Commissioner, having been appointed by Mayor Breed six months ago, and the Commander of American Legion Post 333. She expressed her desire to serve the veterans community and thanked the Board.

MANAGING DIRECTOR'S REPORT

Approval of Consent Agenda: Director Caldon stated that items submitted on the Consent Agenda included: the minutes of the Regular Board Meeting held on September 8, 2022; Rental Requests for October 13, 2022; and the Resolution Adopting Findings to Allow Teleconferenced Meetings Under California Government Code.

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

RESOLUTION NO. 22-15

RESOLVED, By the Board of Trustees of the War Memorial of San Francisco that the minutes of the Regular Board Meeting held September 8, 2022; Rental Requests for October 13, 2022; and the Resolution Adopting Findings to Allow Teleconferenced Meetings Under California Government Code are hereby approved.

Director Caldon also welcomed incoming Chair Ellington and thanked outgoing Chair Benfield for his service to the American Legion War Memorial Commission.

Training: Director Caldon reminded Trustees about upcoming trainings required for all Trustees and City employees. He noted that Harassment Prevention Training needs to be completed by December 31, 2022, for existing Trustees, and within six months of appointment for recently appointed Trustees. He also stated that Implicit Bias training needs to be completed every five years and staff will directly remind those Trustees who currently need to complete that training. He recommended that Trustees who have questions should reach out to Francesca Cicero, Public Information Officer, to request assistance. Director Caldon pointed out two additional trainings will be released in the coming months, including a COVID Health and Safety training and a Bystander Intervention training.

Director Caldon reported that War Memorial staff arranged an Active Shooter training for staff, tenants, and resident companies. He thanked Rob Levin, Assistant Managing Director, and Omar Castillo, Director of Security, for planning and coordinating the training. Director Caldon noted it was conducted as a half-day training, offered twice in one day, and that there was good turnout from both staff and the resident companies. He remarked that it was a good starting point to begin reflecting on processes related to safety-planning for these types of scenarios. Director Caldon noted that at the last Pride Celebration in Civic Center, there was an active shooter scare, which triggered a brief lockdown of the War Memorial Opera House out of an abundance of caution. He expressed satisfaction with how quickly staff reacted to the incident, especially noting that a performance had just finished and there were still patrons in the building. Director Caldon reported that staff will be debriefing with resident companies to see how processes can be improved moving forward.

SECRETARY'S REPORT

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

On motion of Trustee Wilsey, seconded by Vice President Lui, the following resolution was unanimously adopted:

RESOLUTION NO. 22-16

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

Secretary Levin also reported that the issues with the aisle lights, which were outstanding from the Opera House Seating Project, now appeared to be resolved, though staff continues to monitor for failures.

REGULAR ITEMS

Agreement with American Legion War Memorial Commission: President Horn reported that the agreement between the War Memorial and the American Legion War Memorial Commission regarding payments to the Commission from Herbst Theatre revenues is set to expire on December 31, 2022. President Horn referred the matter to the Veterans Committee, so that a new agreement may be considered, and requested that the Committee meet in November to review and consider approval of a renewal agreement.

American Legion War Memorial Commission request to allocate office space in the Veterans Building to NPower:

President Horn noted that prior to the Board meeting, Trustees received a letter from the American Legion War Memorial Commission requesting that the Board permit NPower, a nonprofit organization that creates pathways to economic prosperity by launching digital careers for military veterans and young adults from underserved communities, to utilize office space on the second floor of the Veterans Building.

President Horn referred the matter to the Veterans Committee and requested that the Committee meet in November to review and consider approval of the request.

Global Gourmet Catering Request for Price Increases: President Horn stated that Trustees received a letter from Global Gourmet Catering with a request to increase the prices of food and beverage items to offset increased costs caused by inflation and minimum wage increases.

President Horn referred the matter to the Presentors Liaison Committee and requested that the Committee meet in November to review and consider approval of Global Gourmet Catering's request.

Revised Ticket Distribution Policy: President Horn stated that in September 2009, Trustees adopted a policy regarding the distribution of tickets and passes by the War Memorial department in accordance with regulations of the Fair Political Practices Commission. He noted that since that time, the FPPC has revised its regulations regarding the distribution of tickets and accordingly, staff has drafted an amended ticket distribution policy reflecting the FPPC regulation changes. President Horn asked Deputy City Attorney Lauren Curry to review the proposed amendments to the War Memorial ticket distribution policy for the Board.

Ms. Curry stated that revisions to the Ticket Distribution Policy were made to align with Fair Political Practices Commission regulations. She reminded the Board that a ticket or pass received by a public official is a gift and is subject to gift limits under the law, unless it is subject to an exception. She stated that one of the major exceptions is if the gift is used for a public purpose and that tickets distributed under the Ticket Distribution Policy for an established public purpose do fall under the exception and as such do not constitute a gift.

Ms. Curry then outlined the high-level changes made to the War Memorial's Ticket Distribution Policy. She explained that if a ticket is used for the public purpose of "oversight or inspection of City facilities," there must be a written inspection report of findings and recommendations made by the official receiving the ticket or pass following the performance. She also noted that the policy prohibits the transfer of any ticket received by an official, except to the official's immediate family members, including spouses, partners, or dependent children, or to no more than one guest, solely for use by the guest or immediate family member. Ms. Curry also stated that the public official must accompany any guest who receives a ticket or pass to the event or performance. She continued that the policy prohibits the disproportionate use of tickets to certain public officials, including Commissioners and Department Heads. She noted that Section 3 of the Policy clarifies the War Memorial's disclosure requirements under the FPPC.

Trustee Kopp requested that a clarification be made to Section 2 of the Policy by revising the language "...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." to instead read: "...solely for use by the guest."

Trustee Wright asked for clarification on what the public purposes are under the regulations. Ms. Curry noted that in general the public purposes further the Charitable Trust purposes of the War Memorial, advance arts and culture in the City of San Francisco, support community events, and allow for inspection of the facilities. President Horn remarked to the new Trustees that he encourages everyone to attend as many performances as they can to be able to observe traffic flow, how staff operates, and mechanical or other maintenance issues.

Director Caldon clarified that the amended policy will state for Section 2: "...no more than one guest, solely for use by the guest or immediate family member."

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

Resolution No. 22-17

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 use by the guest or immediate family member.

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 use by the guest or immediate family member.

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 October 13, 2022, the date this policy was passed, approved, and adopted by resolution of the WMBT at a Regular meeting of the Board.

Resolution Authorizing the Administration of Gifts and Bequests on Behalf of the War Memorial:

President Horn noted that prior to the meeting, Trustees received a proposed policy governing bequests made to the War Memorial Board of Trustees.

President Horn stated that the proposed policy, if enacted by the Board, would govern bequests made to the War Memorial Board of Trustees. He noted that if this policy were enacted, it would become the policy of the Trustees that upon receipt of a bequest, a request be made to the executor overseeing the bequest to direct the gift to the San Francisco Performing Arts Center Foundation. President Horn noted that the proposed resolution on the agenda is a "partner resolution" to a similar resolution enacted by the Board of Directors of the Foundation on September 22, 2022. He stated that if passed, the resolution authorizes the Managing Director of the War Memorial to execute a Memorandum of Understanding with the Foundation to govern this arrangement.

President Horn noted that if the policy is approved, the Foundation would be required to expend any funds received as part of a bequest in accordance with the wishes of the person who left the bequest. He further noted that the Foundation would also be required to obtain advance approval from the War Memorial Board of Trustees for any work to be executed using the funds. He confirmed that as such, the policy would not result in any loss of control by the Trustees over how funds are expended and would ensure that funds go much further toward fulfilling the desires of the person who left the bequest.

He noted that from a functional standpoint, following enactment of the policy and execution of the Memorandum of Understanding, when a bequest is received, both the War Memorial and the Foundation would provide the partnering resolutions and Memorandum of Understanding to the executor of a bequest with a stated request that the executor direct the bequest in accordance with the enacted policies and the Memorandum of Understanding.

President Horn also reported that the resolution has been reviewed and approved by both the City Attorney's Office and the attorney representing the Foundation and he urged Trustees to support it.

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

**SAN FRANCISCO WAR MEMORIAL BOARD OF TRUSTEES
RESOLUTION AUTHORIZING THE ADMINISTRATION OF GIFTS AND BEQUESTS
ON BEHALF OF THE WAR MEMORIAL
Resolution No. 22-18**

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.

Request from American Legion War Memorial Commission to install banners in the Veterans Building Lobby in partnership with the United Nations Association: President Horn stated that prior to the meeting, Trustees received a letter from the American Legion War Memorial Commission requesting to install a banner display in partnership with the United Nations Association in the Veterans Building Lobby during the month of December 2022.

President Horn noted that if approved, the current World War II banner display would be removed for the month of December and reinstalled in January 2023. Mary Steiner from the United Nations Association presented to the Board on the international exhibit “In Their Hands: Women Taking Ownership of Peace.” She thanked the Board and introduced her colleague Dr. Cherie Safapou, who was also attending in person. Ms. Steiner noted that this would be the first time this exhibit would be displayed on the West Coast and was excited to present an exhibit of peacemaking centered around women.

Ms. Steiner then introduced Sophie Boudre, Director of Communications and Outreach for Projects, from the United Nations to discuss the history of the project. Ms. Boudre noted that this exhibit is a partnership with U.N. Women and the Department of Peacebuilding and Political Affairs at the U.N. She stated that the exhibit focuses on 14 women from under-reported areas of the world, including women who are peace mediators, journalists, and grassroot activists. She noted that the exhibition is a series of photo panels taken by women photographers in countries such as Colombia, Yemen, Mali, and the Democratic Republic of the Congo. Ms. Boudre discussed the many places the exhibit has been displayed, including the United States Senate, as well as around the world in places like New York, South Korea, and Kenya.

President Horn noted that the World War II banner exhibit, currently on display in the Veterans Building Lobby, will be removed for the month of December 2022 and reinstalled after the exhibit closes. Trustee Rocco inquired as to whether it was common practice to remove one exhibit to install another. Director Caldon noted that the lobby displays do rotate, noting that previously there was a World War I exhibit, which was moved to its current permanent home in a corridor on the second floor of the Veterans Building. He stated that the Veterans Commemoration Committee then created the World War II banner exhibit, currently on display, and this is the first request the Board has received for a lobby display since that time.

Trustee Kopp inquired about who will pay for the installation and work related to the exhibit. Director Caldon responded that the United Nations Association would pay all costs associated with the work. Vice President Lui inquired about whether the Department would charge admission for the exhibit or if there was another type of financial benefit to the War Memorial. Director Caldon noted that there would be no revenue generated, as the exhibit would be in the main lobby of the Veterans Building, which is open to the public. He also noted that there would be no financial cost to the Department.

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

RESOLUTION NO. 22-19

RESOLVED, By the Board of Trustees of the War Memorial of San Francisco that the request to permit the United Nations Association to install the exhibit "In Their Hands: Women Taking Ownership of Peace" banner exhibit in the lobby of the Veterans Building for the month of December 2022 is hereby approved, with installation methods and logistics to be approved by War Memorial staff.

Request from American Legion War Memorial Commission for a rental fee waiver for use of the Herbst Theatre to present a Band of the Golden West concert on November 10, 2022: President Horn stated that Trustees received a letter from the American Legion War Memorial Commission requesting a waiver of rental fees to present a concert in the Herbst Theatre and host a reception in The Green Room on November 10, 2022. He noted the concert will feature a performance by the United States Air Force's Band of the Golden West, which is consistent with the purposes and mission of the San Francisco War Memorial, as the event is a patriotic celebration of Veterans Day and is open to all members of the public free of charge.

President Horn invited Adjutant Kim Flaherty to present the request to Trustees. Adjutant Flaherty was joined by Sergeant Jon Anderson of the United States Air Force Band of the Golden West. Adjutant Flaherty expressed her hope that the Board would approve the request to host this free concert for the enjoyment of both veterans and the general public. Chair Courtney Ellington of the American Legion War Memorial Commission also spoke on behalf of American Legion Post 505 and mentioned the Post has been doing a tremendous amount of work in the community on behalf of veterans. She expressed her hope that this concert would be a great way to further expand the relationships between veterans and the community-at-large.

Trustee Wright asked about how the American Legion promotes events. Chair Ellington stated that they have a list-serv of 6,000 names, as well as relationships with other veterans organizations, and they plan to issue a press release. Ms. Ellington also mentioned the possibility of printing physical flyers to hand out at community events to do outreach beyond veterans groups. Trustee Wright mentioned that she would be happy to speak further with Chair Ellington about ways to outreach to the broader public.

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

RESOLUTION NO. 22-20

RESOLVED, By the Board of Trustees of the War Memorial of San Francisco that the request by the American Legion War Memorial Commission for a waiver of rental fees to present the United States Air Force Band of the Golden West concert in the Herbst Theatre and host a reception in The Green Room on November 10, 2022, is hereby approved.

Establishing the Racial Equity and Cultural Awareness Committee as a Permanent Committee of the War Memorial Board of Trustees: President Horn stated that in the aftermath of the George Floyd murder, the Board established a Special Committee on Racial Equity. He remarked that as the scope of the Committee has expanded, staff recommends, and he thinks it is appropriate, to establish the special committee as a permanent committee of the Board named the Racial Equity and Cultural Awareness Committee.

Trustee Kopp inquired what was the reasoning for establishing the committee as a permanent committee. President Horn asked the Chair of the committee, Trustee Wright, to respond. Trustee Wright noted that the Mayor asked each City Department to report on their plans to promote racial equity internally within their Departments. Trustee Wright stated that the committee is looking at how the department can be more inclusive and supportive of local communities through the arts. She continued that for example, the department supported the work of the Opera, which collaborated with artists formerly and currently incarcerated at San Quentin State Prison to present an exhibit of artwork during performances of "Fidelio" in the War Memorial Opera House, which was successful and well received. She remarked that one artist even sold a piece of artwork as a direct result of the opportunity.

President Horn added that this is also an opportunity to tell the outside world about the work we are doing. Trustee Wright noted that how we work to build the brand of the War Memorial is important both inside and outside the community, and that the Committee gives the Board an opportunity to be more intentional with its plans.

Trustee Kopp then remarked that he does not believe it is needed as a standing committee of the Board and he intends to vote against it. Trustee Wright responded that the work of inclusion is an ongoing process and to institutionalize it would be to demonstrate to the public that the War Memorial is serious about these efforts.

President Horn opened Public Comment. Chair Courtney Ellington of the American Legion War Memorial Commission stated that San Francisco is a very diverse place and if we don't show that we are open and willing to learn about other people and their backgrounds and culture, people in the community will get the impression that we do not care. She noted that this is an educational opportunity to show the Trustees do care about the community, are willing to educate themselves, and that diversity is an important factor for organizations in San Francisco.

Following discussion, on motion of Trustee Wilsey, seconded by Trustee Gatti, the following resolution was adopted by roll call vote:

Ayes: Horn, Lui, Fisher, Gatti, Muduroglu, Pelosi, Rocco, Wilsey, and Wright

Noes: Kopp

RESOLUTION NO. 22-21

RESOLVED, By the Board of Trustees of the War Memorial of San Francisco, that the establishment of the Racial Equity and Cultural Awareness Committee as a permanent standing committee of the Board, is hereby approved.

GOOD AND WELFARE

There being no good and welfare, President Horn closed good and welfare.

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.

Coutney Ellington inquired about whether it was possible to upgrade the kitchen appliances for the two kitchens on the second floor of the Veterans Building, if the veterans do their own fundraising. Director Caldon responded that yes that would be possible.

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

ADJOURNMENT

There being no further business to come before the Board, President Horn adjourned the meeting at 2:54 p.m.

Rob Levin
Executive Secretary

**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.