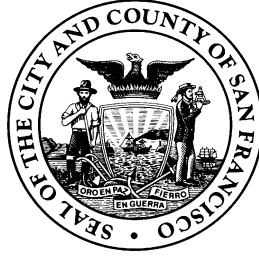


BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102-4689
Tel. No. (415) 554-5184
Fax No. (415) 554-5163
TDD/TTY No. (415) 554-5227

MEMORANDUM

TO: Thomas Paulino, Liaison to the Board of Supervisors, Office of the Mayor

FROM: Monique Crayton, Assistant Clerk, Government Audit and Oversight Committee, Board of Supervisors

DATE: April 29, 2024

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Government Audit and Oversight Committee has received the following proposed legislation, introduced by Mayor Breed on April 23, 2024:

File No. 240415

Resolution authorizing the Office of the Mayor, Recreation and Park Department, Office of Economic and Workforce Development, San Francisco International Airport, Office of the City Administrator, and the Chief of Protocol to solicit donations from various private entities and organizations to support San Francisco in hosting Panda Bears from the People's Republic of China, notwithstanding the Behested Payment Ordinance.

If you have any additional comments or reports to be included with the file, please forward them to the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 or by email at: monique.crayton@sfgov.org.

1 [Hosting Panda Bears at the San Francisco Zoo - Behested Payment Waiver]

2
3 **Resolution authorizing the Office of the Mayor, Recreation and Park Department, Office**
4 **of Economic and Workforce Development, San Francisco International Airport, Office**
5 **of the City Administrator, and the Chief of Protocol to solicit donations from various**
6 **private entities and organizations to support San Francisco in hosting Panda Bears**
7 **from the People's Republic of China, notwithstanding the Behested Payment**
8 **Ordinance.**
9

10 WHEREAS, San Francisco hosted the 30th Asia-Pacific Economic Cooperation
11 ("APEC") Leaders' Summit, in November, 2023, attended by President Biden and various
12 heads of state from the Pacific Rim; and

13 WHEREAS, APEC showcased San Francisco as a global leader in trade, innovation
14 and culture, highlighted San Francisco's position as a gateway to Asia, and celebrated San
15 Francisco's deep ties to the region, particularly through its Chinese community, as reflected in
16 San Francisco's Chinatown, one of the world's largest and the first in North America; and

17 WHEREAS, APEC was the largest international summit held in San Francisco since
18 the signing of the United Nations Charter in 1945 and provided a forum for President Biden to
19 hold a historic bilateral meeting with President Xi Jinping of the People's Republic of China
20 where they had a constructive discussion on a range of global issues including cooperating on
21 trade, combating drug trafficking and tackling climate change; and

22 WHEREAS, Right after that meeting President Xi publicly discussed reviving the
23 tradition of "Panda Diplomacy" by sending new Giant Pandas to the United States, particularly
24 California, calling them "envoys of friendship between the Chinese and American peoples"
25 and stating "[w]e are ready to continue our cooperation with the United States on panda

1 conservation, and do our best to meet the wishes of the Californians so as to deepen the
2 friendly ties between our two peoples;" and

3 WHEREAS, The following day President Xi said in a speech to leaders of San
4 Francisco's business community, "[t]he hope of the China-U.S. relationship lies in the people,
5 its foundation is in our societies, its future depends on the youth, and its vitality comes from
6 exchanges at subnational levels ... I also hope that California and San Francisco will continue
7 to take the lead on the journey of growing China-U.S. friendship;" and

8 WHEREAS, Mayor London Breed wished President Xi farewell at SFO before he
9 departed APEC and proposed a partnership in which the San Francisco Zoo would host Giant
10 Pandas from China; and

11 WHEREAS, Mayor Breed sent letters to President Xi following up on this proposal,
12 including a letter co-signed by over 70 San Francisco Chinese American and API leaders,
13 including City Administrator Carmen Chu and City Attorney David Chiu, stating "we stand
14 ready to welcome pandas to our San Francisco Zoo" and received a letter from Chinese
15 Ambassador Xie Feng, stating "Let's keep in close contact in this regard ... and hopefully we
16 will see an early arrival of giant pandas in San Francisco;" and

17 WHEREAS, Mayor Breed traveled to China on April 13 with a delegation of San
18 Francisco API business and community leaders and officials, including Administrator Chu and
19 President of the Airport Commission Malcolm Yeung, and embarked on a multi-city tour
20 meeting with various Chinese government officials and business leaders to strengthen
21 economic and cultural ties, expand tourism between the nations, increase Chinese airline
22 routes to San Francisco, build academic partnerships and celebrate the 45th anniversary of
23 the San Francisco-Shanghai Sister City relationship; and

24 WHEREAS, On April 19, the China National Forestry and Grassland Administration
25 (NFGA) and the China Wildlife Conservation Association (CWCA) met with Mayor Breed in

1 Beijing to announce that the San Francisco Zoo had been selected to receive Giant Pandas
2 as part of China's Panda Diplomacy Program; and

3 WHEREAS, Mayor Breed and the CWCA signed a memorandum of understanding
4 (MOU) setting forth that the CWCA and the San Francisco Zoo agreed to cooperate on the
5 international conservation of Giant Pandas and jointly promote the preparations for this
6 project, the zoo agreed to prepare a panda facility building, food supply, the technical
7 expertise and the personnel capability necessary to host the pandas and the CWCA agreed to
8 provide guidance to the zoo in these efforts; and

9 WHEREAS, The MOU sets forth that once the zoo completes these preparations and
10 the parties execute a final cooperation agreement, the CWCA will send a pair of Giant Pandas
11 to the zoo in 2025; and

12 WHEREAS, San Francisco has a rich history with pandas, with the very first pandas in
13 the United States having stopped in San Francisco in 1936 as part of an expedition led by
14 explorer Ruth Harkness; and

15 WHEREAS, In 1984, two pandas named Yun Yun and Ying Xin visited the San
16 Francisco Zoo for three months, drawing more than 260,000 visitors, roughly four times the
17 average attendance at that time and the busiest months the zoo has ever experienced, and
18 the pandas visited the zoo again in 1985; and

19 WHEREAS, The City and County owns the San Francisco Zoo and contracts with the
20 nonprofit San Francisco Zoological Society (SFZS) to operate the zoo, which is home to over
21 2,000 exotic, endangered and rescued animals, representing more than 250 species; and

22 WHEREAS, In October 2013, the Shanghai Zoological Park and SFZS signed a
23 Memorandum of Understanding to establish a "sister zoo relationship" to promote "bilateral
24 cooperation in global biodiversity conservation, regional wildlife protection techniques, and
25 conservation education" and in July 2014, SFZS Executive Director, Tanya Peterson, visited

1 Chengdu, China and its Giant Panda Breeding Research Foundation to support its breeding
2 and research programs; and

3 WHEREAS, The San Francisco Zoo recently created an Asian conservation zone,
4 which was specifically designed to contain a space for a panda enclosure and which hosts
5 other species indigenous to Asia; and

6 WHEREAS, The San Francisco Zoo has begun preliminary planning for the
7 construction of a panda enclosure, representatives from the zoo and the China NFGA have
8 been discussing facilities and operations to host pandas, including during visits by engineers
9 from China to the zoo in December and April, and that the NFGA and CWCA will send a
10 delegation from Beijing to San Francisco in May to further engage on the preparations for the
11 zoo to accommodate the pandas; and

12 WHEREAS, San Francisco and China have built a special cultural and economic
13 relationship through generations of immigration from the beginning of the City's history and
14 reflected today in the over one fifth of San Franciscans with Chinese roots; and

15 WHEREAS, China is the leading country for visitor spending in San Francisco,
16 contributing \$633.4 million and furthering the City's economic recovery following the decline in
17 tourism during the COVID-19 pandemic, and, in the months since APEC, passenger flights
18 between China and San Francisco increased to nine weekly flights between Beijing and San
19 Francisco and daily flights between Shanghai and San Francisco; and

20 WHEREAS, Pandas live in the wild only in China, have historically served as a national
21 symbol of China and the provision of pandas to other nations in Asia and the West has been
22 an important marker of cultural exchange between China and such nations in the tradition
23 known as Panda Diplomacy; and

24 WHEREAS, While once considered endangered, the number of pandas has increased
25 in the wild through decades of conservation efforts, including partnerships between zoos in

1 China and zoos in other nations to host pandas and expand research and awareness of
2 panda biology, behavior, reproduction, health and habitat, resulting in pandas being upgraded
3 to the status of a conservation-reliant vulnerable species, and

4 WHEREAS, Pandas are frequently the most popular attractions at the zoos that host
5 them; and

6 WHEREAS, Hosting pandas on a long-term basis will be of significant importance to
7 San Francisco's local Chinese and API communities and will provide a major boost to San
8 Francisco's tourism attractions and offerings; and

9 WHEREAS, San Francisco is prepared to accept the honor of hosting pandas from
10 China to further strengthen the bonds between the people of San Francisco and the people of
11 China, to enhance relations between China and the United States and to partner in panda
12 conservation; and

13 WHEREAS, The San Francisco Zoo has engaged in extensive preparations to host the
14 pandas and the Office of the Mayor, Recreation and Parks Department (RPD), San Francisco
15 International Airport (SFO), Office of Economic and Workforce Development (OEWD), Office
16 of the City Administrator, and San Francisco Chief of Protocol and War Memorial Trustee
17 Maryam Muduroglu stand ready to assist in fundraising efforts to complete those preparations
18 and cover the costs of hosting the pandas; and

19 WHEREAS, These departments seek to work with RPD lessee SFZS on these efforts
20 to fundraise from philanthropists and other private entities, such as airlines, that may already
21 partner with the City on various programs; and

22 WHEREAS, The Office of the Mayor, RPD, SFO, OEWD, the Office of the City
23 Administrator, and Chief of Protocol Muduroglu seek a waiver of the City's Behested Payment
24 Ordinance (Campaign and Governmental Conduct Code, Section 3.600 et seq.) to the extent
25

1 it restricts soliciting financial support or in-kind goods or services, from persons or entities that
2 would otherwise be considered interested parties to those departments; now, therefore, be it

3 RESOLVED, That under Section 3.620(f) of the Campaign and Governmental Conduct
4 Code, the Board of Supervisors hereby waives application of the Behested Payment
5 Ordinance as to the Mayor, Chief of Protocol, City Administrator Chu, officers and employees
6 of the Office of the Mayor, officers and employees of the Office of the City Administrator,
7 officers and employees of OEWD, officers and employees of RPD, Recreation and Parks
8 Commissioners, officers and employees of SFO, and Airport Commissioners so that they may
9 solicit donations from private entities and philanthropists to support the City's efforts to host
10 pandas; and, be it

11 FURTHER RESOLVED, That granting this waiver serves the public interest by
12 promoting the relationship between San Francisco and China and boosting tourism and San
13 Francisco's continued economic recovery; and, be it

14 FURTHER RESOLVED, That granting this waiver does not create an appearance of
15 impropriety.