

AMENED IN COMMITTEE  
6/6/2024

FILE NO. 240415

RESOLUTION NO.

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

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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.**

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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 45<sup>th</sup> 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, On May 10, 2024, the San Francisco Chronicle reported that SFZS has  
20 hired a private investigator to look into allegations of mismanagement, a toxic work  
21 environment, staffing shortages, and safety concerns, including concerns about the security of  
22 proposed housing for a new jaguar; and

23 WHEREAS, On May 14, 2024, the San Francisco Chronicle reported that some have  
24 expressed concern about the conditions of several existing zoo exhibits and upgrades for  
25 exotic animals have stalled and left rare animals in temporary enclosures for extended periods

1 of time, including a pair of orangutans, a male fossa, and the zoo’s condors, with one longtime  
2 zoo donor calling facilities at the zoo “sadly dilapidated”; and

3 WHEREAS, The Board of Supervisors encourages the administration to also fundraise  
4 for improvements for existing exhibits and capital needs that will ensure safety and enjoyment  
5 for workers, animals, and visitors; and

6 WHEREAS, These departments seek to fundraise from the entities listed on Exhibit A,  
7 which may have interested party relationships with employees or officers in one or more of the  
8 departments, as well as other similar private entities and philanthropists, yet to be identified,  
9 that may have similar interested party relationships to one or more of the departments, as well  
10 as other entities willing to provide philanthropic support to this project; and

11 WHEREAS, SFZS will receive all of the funds raised by these efforts; and

12 WHEREAS, The purpose of the solicitation is for SFZS to expend such funds to cover  
13 costs relating to preparing for and hosting the pandas and may also use such funds for other  
14 general capital improvements to ensure that the Zoo meets the highest standards of animal  
15 welfare, visitor experience, safety and working conditions for years to come; and

16 WHEREAS, The Office of the Mayor, RPD, SFO, OEWD, the Office of the City  
17 Administrator, and Chief of Protocol Muduroglu seek a waiver of the City’s Behested Payment  
18 Ordinance (Campaign and Governmental Conduct Code, Section 3.600 et seq.) to the extent  
19 it restricts soliciting financial support or in-kind goods or services, from persons or entities that  
20 would otherwise be considered interested parties to those departments; now, therefore, be it

21 RESOLVED, That under Section 3.620(f) of the Campaign and Governmental Conduct  
22 Code, the Board of Supervisors hereby waives application of the Behested Payment  
23 Ordinance as to the Mayor, Chief of Protocol, City Administrator Chu, employees of the Office  
24 of the Mayor, employees of the Office of the City Administrator, employees of OEWD,  
25 employees of RPD, and officers and employees of SFO so that they may solicit donations

1 from private entities and philanthropists to be provided to SFZS to support the City's efforts to  
2 host pandas and to make other necessary capital improvements to the Zoo that ensure the  
3 safety and well-being of workers and zoo animals; and, be it

4 FURTHER RESOLVED, That the parties receiving the waiver will, to the greatest  
5 extent possible, work to ensure that City Officers or employees that have an interested  
6 relationship with a potential donor are not the parties seeking donations from those donors;  
7 and, be it

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

11 FURTHER RESOLVED, That granting this waiver does not create an appearance of  
12 impropriety.

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