Resolution approving the issuance and sale of revenue bonds by the ABAG Finance Authority for Nonprofit Corporations in an aggregate principal amount not to exceed $33,000,000 to finance educational projects owned and operated by the Schools of Sacred Heart – San Francisco.

WHEREAS, the Schools of Sacred Heart – San Francisco, a nonprofit public benefit corporation (the "Borrower"), has requested that the ABAG Finance Authority for Nonprofit Corporations, a joint exercise of powers agency established pursuant to the laws of the State of California (the "Authority") participate in the issuance of revenue bonds in an aggregate principal amount not to exceed $33,000,000 (the "Bonds") for the purpose of, among other things, financing and/or refinancing the acquisition, construction, improvement and equipping of educational projects located at the Borrower's Broadway Campus and Octavia Campus (collectively, the "Project"); and

WHEREAS, the City and County of San Francisco (the "City") is a member of the Authority; and,

WHEREAS, The issuance and delivery of the Bonds shall be subject to the approval of and execution by the Authority of all financing documents relating thereto to which the Authority is a party and subject to the sale of the Bonds by the Authority; and,

WHEREAS, The Project is located wholly within the City; and,

WHEREAS, The interest on the Bonds may qualify for tax exemption under Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") only if the Bonds are approved in accordance with Section 147(f) of the Code; and,
WHEREAS, The Board of Supervisors of the City (the "Board") is the elected legislative body of the City and is one of the applicable elected representatives required to approve the issuance of the Bonds within the meaning of Section 147(f) of the Code and the public agency approval requirements of Section 91530(f) of the Government Code of the State of California, as amended; and,

WHEREAS, The Authority has requested the Board to approve the issuance and sale of the Bonds in order to satisfy the public approval requirements of Section 147(f) of the Code and the public agency approval requirements of Section 91530(f) of the Government Code of the State of California, as amended; and,

WHEREAS, On June 12, 2007, the City caused a notice to appear in the San Francisco Examiner, which is a newspaper of general circulation in the City, stating that a public hearing with respect to the issuance of the Bonds would be held by the City's Office of Public Finance on June 26, 2007; and

WHEREAS, The Office of Public Finance held the public hearing described above on June 26, 2007, and an opportunity was provided for persons to comment on the issuance and sale of the Bonds and the plan of financing for the Project;

WHEREAS, The Office of Public Finance has satisfied the requirements of the City's Bond TEFRA Approval Policy set forth in San Francisco Administrative Code Section 43.9.5 and the Director of Public Finance recommends adoption of this Resolution; now, therefore be it

RESOLVED, That this Board hereby finds and declares the above recitals are true and correct; and, be it

SUPERVISOR SANDOVAL
BOARD OF SUPERVISORS
FURTHER RESOLVED, That this Board hereby approves the issuance and sale of the Bonds by the Authority for the purposes of financing and/or refinancing the acquisition, acquiring, construction, improvement and equipping of the Project; and, be it

FURTHER RESOLVED, That it is the purpose and intent of this Board that this Resolution constitute approval by the applicable elected representative of the governmental unit having jurisdiction over the area in which the Project is located for the purposes of and in accordance with Section 147(f) of the Code and the public agency approval requirements of Section 91530(f) of the Government Code of the State of California, as amended; and, be it

FURTHER RESOLVED, That the approval of the issuance and sale of the Bonds by the Authority is neither an approval of the underlying credit issues of the proposed Project nor an approval of the financial structure of the Bonds; and, be it

FURTHER RESOLVED, That the Bonds shall not constitute a debt or obligation of the City and the payment of the principal, prepayment premium, if any, and purchase price of and interest on the Bonds shall be solely the responsibility of the Borrower; and, be it

FURTHER RESOLVED, The adoption of this Resolution shall not obligate (i) the City to provide financing to the Borrower for the acquisition, rehabilitation and development of the Project or to issue the Bonds for purposes of such financing; or (ii) the City, or any department of the City, to approve any application or request for, or take any other action in connection with, any environmental, General Plan, zoning or any other permit or other regulatory action sought in connection with the Project; and, be it
FURTHER RESOLVED, That this Resolution shall take effect immediately upon its adoption.

APPROVED AS TO FORM:
DENNIS J. HERRERA
City Attorney

By: MICHAEL J. MARTIN
Deputy City Attorney
Resolution approving the issuance and sale of revenue bonds by the ABAG Finance Authority for Nonprofit Corporations in an aggregate principal amount not to exceed $33,000,000 to finance educational projects owned and operated by the Schools of Sacred Heart – San Francisco.

July 10, 2007 Board of Supervisors — ADOPTED
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Duffy, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

File No. 070956

I hereby certify that the foregoing Resolution was ADOPTED on July 10, 2007 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Date Approved

Mayor Gavin Newsom