[Issuance of Tax-Exempt Obligation - The Hamlin School - Not to Exceed $22,000,000]

Resolution approving, in accordance with Internal Revenue Code, Section 147(f), of the issuance of a tax-exempt revenue obligation by the California Enterprise Development Authority in an aggregate principal amount not to exceed $22,000,000 to refinance various capital facilities owned and operated by The Hamlin School.

WHEREAS, The Hamlin School, a California nonprofit public benefit corporation (the "School"), has requested that the California Enterprise Development Authority, a joint exercise of powers agency established pursuant to the laws of the State of California (the "Authority"), issue its tax-exempt revenue obligation (the "Obligation"), in an aggregate principal amount not to exceed $22,000,000, for the purpose of making a loan to the School pursuant to a plan of refinancing for various capital facilities as more fully described below; and

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

WHEREAS, The School expects to use the proceeds of the Obligation for: (1) refinancing the $20,000,000 ABAG Finance Authority for Nonprofit Corporations Revenue Bonds (The Hamlin School) Series 2007 (the "Prior Bonds"), which were used to finance or refinance the renovation and reconstruction of certain K-8 educational facilities located at 2120 Broadway, San Francisco, California 94115, and the purchase and acquisition of, and improvements to, the land located at 2124 Broadway, San Francisco, California 94115 (collectively, the "Facilities"), and (2) paying costs of issuance related to the Obligation and other related costs (collectively, the "Project"); and
WHEREAS, The owner and/or operator of all capital improvements, including equipment and other costs to be financed with proceeds of the Obligation will be the School; and

WHEREAS, The issuance of the Obligation 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,

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

WHEREAS, The interest on the Obligation may qualify for tax exemption under Section 103 of the Internal Revenue Code of 1986, as amended (the “Code”) only if the Obligation is approved by an “applicable elected representative” of the City 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 therefore an “applicable elected representative” required to approve the issue within the meaning of Section 147(f) of the Code; and

WHEREAS, The Authority has requested the Board to approve the issuance of the Obligation in order to satisfy the public approval requirements of Section 147(f) of the Code; and

WHEREAS, On August 6, 2013, the City caused a notice to appear in the San Francisco Chronicle, which is a newspaper of general circulation in the City, stating that a public hearing with respect to the issuance of the Obligation would be held by the City’s Office of Public Finance on August 21, 2013; and

WHEREAS, The City’s Office of Public Finance held the public hearing described above on August 21, 2013, and an opportunity was provided for persons to comment on the issuance of the Obligation and plan of financing the Project; and
WHEREAS, The Director of Public Finance recommends approval of the issuance of the Obligation pursuant to Chapter 43, Article 9, Section 5 of the Administrative Code; now, therefore, be it

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

FURTHER RESOLVED, That this Board hereby approves the issuance of the Obligation by the Authority; and, be it

FURTHER RESOLVED, That it is the purpose and intent of this Board that this Resolution constitutes approval of the issuance of the Obligation by the applicable elected representative of the governmental unit having jurisdiction over the area in which the Project is located, and on behalf of which the Obligation is being issued, for purposes of and in accordance with Section 147(f) of the Code; and, be it

FURTHER RESOLVED, That the approval by the City of the issuance of the Obligation by the Authority is neither an approval of the underlying credit of the School or of the proposed Project nor an approval of the financial structure of the Obligation; and neither the City, nor any department thereof, shall have any responsibility or liability whatsoever with respect to the Obligation or the Project; and, be it

FURTHER RESOLVED, That the Obligation shall not constitute a debt or obligation in any respect of the City, and the payment of the principal, prepayment premium, if any, and interest on the Obligation shall be solely the responsibility of the School; and, be it

FURTHER RESOLVED, That the adoption of this Resolution shall not obligate the City or any department of the City to (i) provide financing to the School for the repayment of the Prior Bonds or to issue the Obligation for purposes of such financing; (ii) make any contribution or advance any funds to the Authority; or (iii) 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 the Controller and the Director of the Office of Public
Finance and any other proper officers of the City are hereby authorized and directed to
execute such other agreements, documents and certificates, and to perform such other acts
as may be necessary or advisable to effect the purposes of this Resolution, 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:  
KENNETH DAVID ROUX
Deputy City Attorney
Resolution approving, in accordance with Internal Revenue Code, Section 147(f), of the issuance of a tax-exempt revenue obligation by the California Enterprise Development Authority in an aggregate principal amount not to exceed $22,000,000 to refinance various capital facilities owned and operated by The Hamlin School.

September 25, 2013 Budget and Finance Committee - RECOMMENDED

October 01, 2013 Board of Supervisors - ADOPTED

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener and Yee

I hereby certify that the foregoing Resolution was ADOPTED on 10/1/2013 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor

Date Approved

10/01/13