[Association of Bay Area Governments Revenue Bond Issuance - Presidio Knolls School - Not to Exceed $13,500,000]

Resolution approving for purposes of Internal Revenue Code, Section 147(f), the Issuance and Sale of Revenue Bonds by the Association of Bay Area Governments Finance Authority for Nonprofit Corporations in an aggregate principal amount not to exceed $13,500,000 to finance or refinance the acquisition, construction, equipping and/or furnishing of K-12 educational facilities to be owned and operated by Presidio Knolls School, a California nonprofit public benefit corporation.

WHEREAS, The Association of Bay Area Governments (ABAG) Finance Authority for Nonprofit Corporations (the “Authority”) is authorized pursuant to the provisions of California Government Code, Section 6500 et seq. and the terms of an ABAG Finance Authority for Nonprofit Corporations Joint Powers Agreement, dated as of April 1, 1990, revised as of September 18, 1990, and June 9, 1992, (as so revised, the “Agreement”), among certain public agencies throughout the State of California, to issue revenue bonds and other forms of indebtedness to assist nonprofit corporations to obtain tax-exempt financing for appropriate projects and purposes; and

WHEREAS, Presidio Knolls School (the “Borrower”), a California nonprofit public benefit corporation and an organization described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (the “Code”), has requested that the Authority issue revenue bonds in an aggregate principal amount not to exceed $13,500,000 (the “Bonds”) to: (i) finance or refinance the costs of the acquisition, construction, equipping and/or furnishing of K-12 educational facilities located at 250 10th Street, San Francisco, California 94103, to be owned and operated by the Borrower (the “Project”) and (ii) to pay certain costs of issuance of the Bonds; and
WHEREAS, The Project is located within the City and County of San Francisco (the
"City"), a member of the Authority; and

WHEREAS, Pursuant to Internal Revenue Code, Section 147(f), the issuance of the
Bonds by the Authority may qualify for tax exemption under Internal Revenue Code, Section
103 only if the Bonds are approved both by the “applicable elected representative” of the
governmental unit issuing the Bonds and by a governmental unit having jurisdiction over the
area in which the Project is located after a public hearing held following reasonable public
notice; and

WHEREAS, The issuance and delivery of the Bonds shall be subject to the approval of
and execution by the Authority; and

WHEREAS, The Authority has requested the Board of Supervisors of the City and
County of San Francisco (the “Board”) to approve the issuance and sale of the Bonds in order
to satisfy the requirements of Internal Revenue Code, Section 147(f), the Board being the
applicable elected representatives having jurisdiction over the area in which the Project is
located within the meaning of Internal Revenue Code, Section 147(f); and

WHEREAS, On November 7, 2014, 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 Office of Public
Finance on November 21, 2014; and

WHEREAS, The Office of Public Finance held the public hearing described above on
November 21, 2014, and an opportunity was provided for persons to comment on the
issuance and sale of the Bonds and the plan of financing of the Project; and

WHEREAS, The Bonds will be limited obligations of the Authority, payable solely from
and secured solely by amounts received from or on behalf of the Borrower, and will not
constitute an indebtedness or obligation, or a pledge of the faith and credit of, the City or the Authority, except to the limited extent described herein; and

WHEREAS, It is intended that this Resolution shall constitute approval of the issuance of the Bonds for purposes of Internal Revenue Code, Section 147(f); now, therefore, be it

RESOLVED, That this Board finds that all of the recitals set forth above are true and correct; and, be it

FURTHER RESOLVED, That the Board hereby approves the issuance of the Bonds by the Authority. It is the purpose and intent of the Board that this Resolution constitutes approval of the issuance of the Bonds by the applicable elected representatives of the City for purposes of Internal Revenue Code Section 147(f); and, be it

FURTHER RESOLVED, That the approval by the Board of the issuance and sale of the Bonds is neither an approval of the underlying credit issues of the Project nor an approval of the financial structure of the Bonds, and that the adoption of this Resolution shall not obligate (i) the City to provide financing to the Borrower for the acquisition, construction, equipping and/or furnishing 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 action necessary for the acquisition, construction, equipping or furnishing of the Project; and, be it
FURTHER RESOLVED, That this Resolution shall take effect from and after its adoption and approval.

APPROVED AS TO FORM:
Dennis J. Herrera,
City Attorney

By:
Mark D. Blake
Deputy City Attorney
Resolution approving for purposes of Internal Revenue Code, Section 147(f), the Issuance and Sale of Revenue Bonds by the Association of Bay Area Governments Finance Authority for Nonprofit Corporations in an aggregate principal amount not to exceed $13,500,000 to finance or refinance the acquisition, construction, equipping and/or furnishing of K-12 educational facilities to be owned and operated by Presidio Knolls School, a California nonprofit public benefit corporation.

December 10, 2014 Budget and Finance Committee - RECOMMENDED

December 16, 2014 Board of Supervisors - ADOPTED
Ayes: 9 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Tang and Wiener
Excused: 1 - Yee

I hereby certify that the foregoing Resolution was ADOPTED on 12/16/2014 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Date Approved: 12/19/2014