

File No. 141227

Committee Item No. 9
Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Budget & Finance Committee

Date December 10, 2014

Board of Supervisors Meeting

Date _____

Cmte Board

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| <input type="checkbox"/> | <input type="checkbox"/> | Motion |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Resolution |
| <input type="checkbox"/> | <input type="checkbox"/> | Ordinance |
| <input type="checkbox"/> | <input type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget and Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Youth Commission Report |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Introduction Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/> | MOU |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Information Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Subcontract Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Contract/Agreement |
| <input type="checkbox"/> | <input type="checkbox"/> | Form 126 – Ethics Commission |
| <input type="checkbox"/> | <input type="checkbox"/> | Award Letter |
| <input type="checkbox"/> | <input type="checkbox"/> | Application |
| <input type="checkbox"/> | <input type="checkbox"/> | Public Correspondence |

OTHER (Use back side if additional space is needed)

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Completed by: Linda Wong Date December 5, 2014
Completed by: _____ Date _____

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

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

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

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

1 WHEREAS, The Project is located within the City and County of San Francisco (the
2 "City"), a member of the Authority; and

3 WHEREAS, Pursuant to Internal Revenue Code, Section 147(f), the issuance of the
4 Bonds by the Authority may qualify for tax exemption under Internal Revenue Code, Section
5 103 only if the Bonds are approved both by the "applicable elected representative" of the
6 governmental unit issuing the Bonds and by a governmental unit having jurisdiction over the
7 area in which the Project is located after a public hearing held following reasonable public
8 notice; and

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

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

16 WHEREAS, On November 7, 2014, the City caused a notice to appear in the *San*
17 *Francisco Examiner*, which is a newspaper of general circulation in the City, stating that a
18 public hearing with respect to the issuance of the Bonds would be held by the Office of Public
19 Finance on November 21, 2014; and

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

23 WHEREAS, The Bonds will be limited obligations of the Authority, payable solely from
24 and secured solely by amounts received from or on behalf of the Borrower, and will not
25

1 constitute an indebtedness or obligation, or a pledge of the faith and credit of, the City or the
2 Authority, except to the limited extent described herein; and

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

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

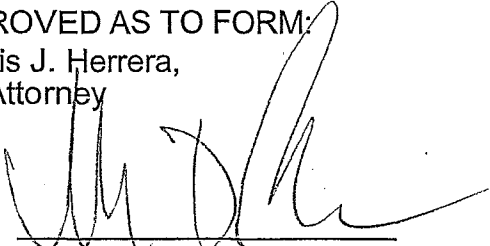
7 FURTHER RESOLVED, That the Board hereby approves the issuance of the Bonds by
8 the Authority. It is the purpose and intent of the Board that this Resolution constitutes approval
9 of the issuance of the Bonds by the applicable elected representatives of the City for purposes
10 of Internal Revenue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

11 FURTHER RESOLVED, That the approval by the Board of the issuance and sale of the
12 Bonds is neither an approval of the underlying credit issues of the Project nor an approval of
13 the financial structure of the Bonds, and that the adoption of this Resolution shall not obligate
14 (i) the City to provide financing to the Borrower for the acquisition, construction, equipping
15 and/or furnishing of the Project or to issue the Bonds for purposes of such financing or (ii) the
16 City, or any department of the City, to approve any application or request for, or take any
17 other action in connection with any environmental, General Plan, zoning or any other permit or
18 other action necessary for the acquisition, construction, equipping or furnishing of the Project;
19 and, be it

1 FURTHER RESOLVED, That this Resolution shall take effect from and after its
2 adoption and approval.

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

6 By:



7 Mark D. Blake
8 Deputy City Attorney

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Print Form

Introduction Form

By a Member of the Board of Supervisors or the Mayor

RECEIVED
 BOARD OF SUPERVISORS
 SANTA ANITA
 JUN 25 AM 10:33
 Time stamp of meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion, or Charter Amendment)
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning "Supervisor [] inquires"
- 5. City Attorney request.
- 6. Call File No. [] from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No. []
- 9. Reactivate File No. []
- 10. Question(s) submitted for Mayoral Appearance before the BOS on []

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission Youth Commission Ethics Commission
- Planning Commission Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use a Imperative Form.

Sponsor(s):

Supervisor Kim

Subject:

Resolution Approving ABAG Revenue Bond Issuance and TEFRA Hearing for Presidio Knolls School -- Not to Exceed \$13,500,000

The text is listed below or attached:

See attached.

Signature of Sponsoring Supervisor: 

For Clerk's Use Only:

141227