

1 [Issuance and Sale of Revenue Bonds – Lycee Francaise La Perouse.]

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3 **Resolution approving the issuance and sale of revenue bonds by the California**
4 **Statewide Communities Development Authority in an aggregate principal amount not to**
5 **exceed \$15,000,000 for the financing of the acquisition, construction, improvement and**
6 **equipping of facilities of Lycee Francaise La Perouse and certain other matters relating**
7 **thereto.**

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9 WHEREAS, Lycee Francaise La Perouse, a California nonprofit public benefit corporation
10 (the "Corporation"), has requested that the California Statewide Communities Development
11 Authority (the "Authority") adopt a plan of financing providing for the issuance of revenue bonds
12 in an aggregate principal amount not to exceed \$15,000,000 (the "Bonds") to finance the
13 acquisition, construction improvement and equipping of an existing facility and two adjacent
14 two-story residences located at 1201 Ortega Street (between 19th and 20th Avenues), San
15 Francisco, California, to serve as a school facility for students in grades 6 through 12, to be
16 owned and operated by the Corporation (the "Project"); and,

17 WHEREAS, The City and County of San Francisco (the "City") is a member of the
18 Authority and a party to the Authority's Amended and Restated Joint Exercise of Powers
19 Agreement, dated as of June 1, 1988 (the "Agreement"); and,

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

23 WHEREAS, The interest on the Bonds may qualify for tax exemption under Section
24 103 of the Internal Revenue Code of 1986, as amended (the "Code") only if the Bonds are

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1 approved in accordance with Section 147(f) of the Code, after a public hearing held following
2 reasonable public notice; and,

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

4 WHEREAS, The Board of Supervisors of the City (the "Board") is the elected legislative
5 body of the City and is the applicable elected representative required to approve the issue
6 within the meaning of Section 147(f) of the Code; and,

7 WHEREAS, Section 9 of the Agreement requires that any project proposed to be
8 financed with Authority bonds that is located within the jurisdiction of one of the Authority's
9 members must receive the prior approval of the governing body of such member or such
10 body's duly authorized representative, after the submission of the project sponsor's
11 application for Authority financing to such governing body; and,

12 WHEREAS, Such application for Authority financing is on file with the Clerk of the
13 Board of Supervisors in File No. _____, which is hereby declared to be a part of this
14 resolution as if set forth fully herein; and,

15 WHEREAS, The Authority has requested the Board to approve the issuance and sale
16 of the Bonds in order to satisfy the public approval requirements of Section 147(f) of the Code
17 and Section 9 of the Agreement; and,

18 WHEREAS, On July 13, 2006, the City caused a notice to appear in the *San Francisco*
19 *Examiner*, which is a newspaper of general circulation in the City, stating that a public hearing
20 with respect to the issuance of the Bonds would be held by the Mayor's Office of Public
21 Finance on July 28, 2006; and,

22 WHEREAS, The Mayor's Office of Public Finance held the public hearing described
23 above on July 28, 2006, and an opportunity was provided for persons to comment on the
24 issuance and sale of the Bonds and the plan of financing the Project; now, therefore be it
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1 RESOLVED, That this Board hereby finds and declares the above recitals are true and
2 correct; and, be it

3 FURTHER RESOLVED, That this Board hereby approves the issuance and sale of the
4 Bonds by the Authority. It is the purpose and intent of this Board that this Resolution
5 constitutes (i) approval of the Bonds by the applicable elected representative of the
6 governmental unit having jurisdiction over the area in which the Project is located in
7 accordance with Section 147(f) of the Code and (ii) approval of the Project and the issuance
8 of the Bonds therefor by the governing body of the City in accordance with Section 9 of the
9 Agreement; and, be it

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

13 FURTHER RESOLVED, That the adoption of this Resolution shall not obligate (i) the
14 City to provide financing to the Borrower for the acquisition, rehabilitation and development of
15 the Project or to issue the Bonds for purposes of such financing; or (ii) the City, or any
16 department of the City, to approve any application or request for, or take any other action in
17 connection with, any environmental, General Plan, zoning or any other permit or other action
18 necessary for the acquisition, rehabilitation, development or operation of the Project; and, be it

19 FURTHER RESOLVED, That the officers of the City are hereby authorized and
20 directed, jointly and severally, to do any and all things and to execute and deliver any and all
21 documents which they deem necessary or advisable in order to carry out, give effect to and
22 comply with the terms and intent of this resolution and the financing transaction authorized
23 hereby; and, be it

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1 FURTHER RESOLVED, That this resolution shall take effect immediately upon its
2 adoption.

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4 APPROVED AS TO FORM:

5 DENNIS J. HERRERA
6 City Attorney

7 By: _____
8 MICHAEL J. MARTIN
9 Deputy City Attorney

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