

File No. 100257

Committee Item No. 2
Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS
AGENDA PACKET CONTENTS LIST

Committee: Budget & Finance Sub-Committee Date April 6, 2016

Board of Supervisors Meeting Date _____

Cmte Board

- Motion
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- Legislative Digest
- Budget and Legislative Analyst Report
- Youth Commission Report
- Introduction Form
- Department/Agency Cover Letter and/or Report
- MOU
- Grant Information Form
- Grant Budget
- Subcontract Budget
- Contract/Agreement
- Form 126 – Ethics Commission
- Award Letter
- Application
- Public Correspondence

OTHER (Use back side if additional space is needed)

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Completed by: Linda Wong Date April 1, 2016
Completed by: Linda Wong Date _____

1 [California Enterprise Development Authority Issuance of Tax-Exempt Bonds - Brandeis
2 School of San Francisco - Not to Exceed \$10,000,000]

3 **Resolution approving in accordance with Internal Revenue Code of 1986, as amended,**
4 **Section 147(f) thereof, the issuance of tax-exempt revenue obligations by the California**
5 **Enterprise Development Authority in an aggregate principal amount not to exceed**
6 **\$10,000,000 to refinance various capital facilities owned by the Brandeis School of San**
7 **Francisco.**

8
9 WHEREAS, The Brandeis School of San Francisco (formerly Brandeis Hillel Day
10 School), a nonprofit corporation, duly organized and existing under the laws of the State of
11 California (the "Borrower") has requested that the California Enterprise Development Authority,
12 a joint exercise of powers agency established pursuant to the laws of the State of California
13 (the "Authority") issue its revenue obligations (the "Obligations") in an aggregate principal
14 amount not expected to exceed \$10,000,000, for the purpose of making a loan (the "Loan") to
15 the Borrower which will refinance various capital facilities as more fully described below; and

16 WHEREAS, Proceeds of the Obligations are to be loaned to the Borrower pursuant to a
17 loan agreement (the "Loan Agreement"); and

18 WHEREAS, The Borrower plans to use the proceeds of the Loan for the following
19 purposes: (i) to refinance the Borrower's indebtedness in the amount of approximately
20 \$9,750,000 under that certain Loan Agreement, dated as of October 1, 2010, by and among
21 the Borrower, the Issuer and First Republic Bank, as lender, which indebtedness was used to
22 refinance the cost incurred to acquire, construct, install, rehabilitate, equip and furnish
23 educational facilities located at 655 Brotherhood Way, San Francisco, California 94132
24
25

1 (collectively, the "Facilities"), and (ii) pay certain costs of issuance in connection with the
2 financing (collectively, the "Project"); and

3 WHEREAS, The City and County of San Francisco (the "City") is an associate member
4 of the Authority; and

5 WHEREAS, The issuance of the Obligations shall be subject to the approval of and
6 execution by the Authority of all financing documents relating thereto to which the Authority is
7 a party; and

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

9 WHEREAS, The interest on the Obligations may qualify for tax exemption under
10 Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") only if the
11 Obligations are approved in accordance with Section 147(f) of the Code; and

12 WHEREAS, The Board of Supervisors of the City (the "Board") is the elected legislative
13 body of the City and is the applicable elected representative required to approve the issuance
14 of the Obligations within the meaning of Section 147(f) of the Code; and

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

18 WHEREAS, On February 29, 2016, the City caused a notice to appear in *The*
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 Obligations would be held by the City's Office of Public
21 Finance on March 14, 2016; and

22 WHEREAS, The Office of Public Finance held the public hearing described above on
23 March 14, 2016, and an opportunity was provided for persons to comment on the issuance of
24 the Obligations and the plan of finance for the Project; and

1 WHEREAS, The Director of the Office of Public Finance recommends approval of the
2 issuance of the Obligations pursuant to Chapter 43, Article 9, Section 5 of the Administrative
3 Code; now, therefore, be it

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

6 FURTHER RESOLVED, That this Board hereby approves the issuance, from time to
7 time, pursuant to a plan of finance, of the Obligations by the Authority; and, be it

8 FURTHER RESOLVED, That it is the purpose and intent of this Board that this
9 Resolution constitute approval of the issuance of the Obligations by the applicable elected
10 representative of the governmental unit having jurisdiction over the area in which the Project
11 is located for the purposes of and in accordance with Section 147(f) of the Code and the Act;
12 and, be it

13 FURTHER RESOLVED, That the approval by the City of the issuance of the
14 Obligations by the Authority is neither an approval of the underlying credit issues of the
15 proposed Project nor an approval of the financial structure of the Obligations; none of the City
16 or any department thereof, shall have any responsibility or liability whatsoever with respect to
17 the Obligations or the Project, and no recourse shall be had to the taxing power, general fund
18 or other resources of the City of the repayment of the Obligations; and, be it

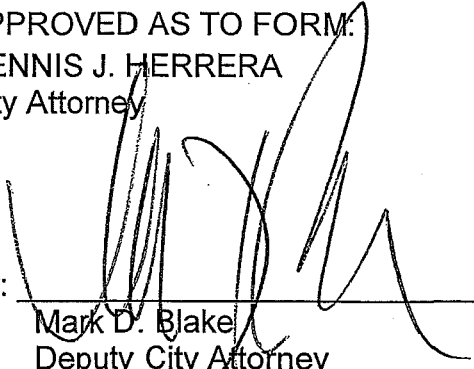
19 FURTHER RESOLVED, That the Obligations shall not constitute a debt or obligation of
20 the City and the payment of the principal, prepayment premium, if any, and purchase price of
21 and interest on the Obligations shall be solely the responsibility of the Borrower; and, be it

22 FURTHER RESOLVED, The adoption of this Resolution shall not obligate (i) the City to
23 provide financing to the Borrower for the Project or to issue the Obligations for purposes of
24 such financing; (ii) levy taxes or make any contribution or advance any funds to the Authority;
25 (iii) the City or any department of the City to approve any application or request for, or take

1 action in connection with, any environmental, General Plan, zoning or any other permit or other
2 regulatory action sought in connection with the Project; and be it

3 FURTHER RESOLVED, That this Resolution shall take effect immediately upon its
4 adoption.

5
6 APPROVED AS TO FORM:
7 DENNIS J. HERRERA
8 City Attorney

9
10 By: 
11 Mark D. Blake
12 Deputy City Attorney
13 n:\financlas2016\1300182\01089309.docx

Print Form

Introduction Form

By a Member of the Board of Supervisors or the Mayor

Time stamp
or 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):

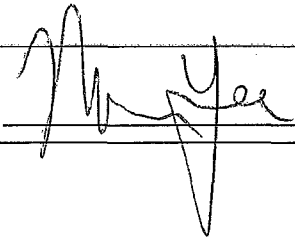
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Subject:

Resolution - Approving the issuance of tax-exempt revenue obligations by the California Enterprise Development Authority to refinance various capital facilities owned by the Brandeis School of San Francisco

The text is listed below or attached:

[]

Signature of Sponsoring Supervisor: 

For Clerk's Use Only: