

1 [Public hearing approval.]

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3 **Resolution authorizing the issuance and sale of revenue bonds by ABAG Finance**
4 **Authority for Nonprofit Corporations in an aggregate principal amount not to exceed**
5 **\$16,000,000 for Tides Inc., or an affiliate.**

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7 WHEREAS, The ABAG Finance Authority for Nonprofit Corporations, a joint exercise of
8 powers agency established pursuant to the laws of the State of California (the "Authority"),
9 has proposed to issue and sell its revenue bonds (the "Bonds") in an aggregate principal
10 amount not expected to exceed \$16,000,000 for the purpose of making a loan to Tides Inc., or
11 an affiliate, a California nonprofit public benefit corporation (the "Corporation"); and,

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

14 WHEREAS, The project to be financed with the proceeds of the Bonds includes the
15 acquisition of leasehold improvements consisting of twelve three-story buildings located on
16 Lincoln Boulevard and Torney Avenue in the Presidio of San Francisco Park, which is part of
17 the Golden Gate National Recreation Area located in the City and County of San Francisco
18 (the "Project"); and,

19 WHEREAS, The interest on the Bonds may qualify for tax exemption under Section
20 103 of the Internal Revenue Code of 1986, as amended (the "Code") only if the Bonds are
21 approved in accordance with Section 147(f) of the Code; and,

22 WHEREAS, The Authority has requested the Board of Supervisors of the City (the
23 "Board") to approve the issuance and sale of the Bonds in order to satisfy the public approval
24 requirements of Section 147(f) of the Code; and,

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1 WHEREAS, On June 28, 2003, the City caused a notice stating that a public hearing
2 with respect to the issuance of the Bonds would be held by the Mayor's Office of Public
3 Finance on July 14, 2003, to appear in *The Independent* which is a newspaper of general
4 circulation in the City; and,

5 WHEREAS, The Mayor's Office of Public Finance has held the public hearing
6 described above on July 14, 2003, and an opportunity was provided for persons to comment
7 on the issuance and sale of the Bonds and the Project; and,

8 WHEREAS, This Board is the elected legislative body of the City and is the applicable
9 elected representative required to approve the issue within the meaning of Section 147(f) of
10 the Code; now, therefore be it

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

13 FURTHER RESOLVED, That this Board hereby approves the issuance and sale of the
14 Bonds by the Authority. It is the purpose and intent of this Board that this Resolution
15 constitute approval of the bonds by the applicable elected representative of the governmental
16 unit having jurisdiction over the area in which the Project is located in accordance with Section
17 147(f) of the Code. Notwithstanding the foregoing, this Board takes no position as to whether
18 it is the appropriate governmental unit to take the actions undertaken in this Resolution
19 pursuant to Section 147(f) of the Code; and, be it

20 FURTHER RESOLVED, That the approval of the issuance and sale of the Bonds by
21 the City is neither an approval of the underlying credit issues of the proposed Project nor an
22 approval of the financial structure of the Bonds.

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1 APPROVED AS TO FORM:

2 DENNIS J. HERRERA
3 CITY ATTORNEY

4 By: _____
5 Theresa Alvarez Hackett
6 Deputy City Attorney
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