

1 [Issuance and Sale of Revenue Bonds – San Francisco University High School.]

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3 **Resolution approving the issuance and sale of revenue bonds by the ABAG Finance**
4 **Authority for Nonprofit Corporations in an aggregate principal amount not to exceed**
5 **\$20,000,000 for San Francisco University High School.**

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7 WHEREAS, San Francisco University High School, a California nonprofit corporation
8 (the "School") has requested that the ABAG Finance Authority for Nonprofit Corporations, a
9 joint exercise of powers agency established pursuant to the laws of the State of California (the
10 "Authority") issue and sell from time to time its revenue bonds (the "Bonds"), in one or more
11 series or tranches over the next three years, in an aggregate principal amount not expected to
12 exceed \$20,000,000, for the purpose of making one or more loans (collectively, the "Loan") to
13 the School, pursuant to a plan of financing for various capital facilities as more fully described
14 below; and

15 WHEREAS, the City and County of San Francisco (the "City") is a member of the
16 Authority; and

17 WHEREAS, the School plans to use the proceeds of the Loan over the next three
18 years to finance the following: (1) acquisition of real property located at 3220 Sacramento
19 Street, San Francisco, CA 94115, and the renovation, rehabilitation and improvement thereof,
20 (2) renovation, rehabilitation and improvement of real property owned by the School located at
21 3185 Washington Street, 3150 Washington Street and 3065 Jackson Street, San Francisco,
22 California 94115, (3) refinance existing indebtedness of the School consisting of a bank loan
23 in the amount of approximately \$693,000 (such bank loan refinanced the School's acquisition
24 of real property located at 314 Walnut Street, San Francisco, California 94118 and financed
25 improvements to real property owned by the School located at 314 Walnut Street, San

1 Francisco, California 94118), (4) miscellaneous construction, renovation, improvements,
2 capital maintenance, equipment acquisition and installation thereof and improvements at the
3 School's educational facilities located at any of the addresses listed above, (5) miscellaneous
4 purchases, installation and restoration of capital equipment, systems and software, (6) other
5 related acquisitions, improvements, equipment, construction, and reconstruction, and (7)
6 various costs of issuance, debt service reserve, capitalized interest and credit enhancement
7 fees (collectively, the "Projects"), all to be owned and operated by the School or an affiliated
8 entity and used for the educational purposes thereof; and

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

12 WHEREAS, the Projects are located wholly within the City and County of San
13 Francisco, California; and

14 WHEREAS, this Board is the elected legislative body of the City and is the applicable
15 elected representative required to approve the issue within the meaning of Section 147(f) of
16 the Code; and

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

20 WHEREAS, on June 3, 2005, the City caused a notice to appear in the *San Francisco*
21 *Examiner* and on June 4, 2005, the City caused a notice to appear in *The San Francisco*
22 *Independent*, which are both newspapers of general circulation in the City, stating that a
23 public hearing with respect to the issuance of the Bonds would be held by the Mayor's Office
24 of Public Finance on June 20, 2005; and

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1 WHEREAS, the Mayor's Office of Public Finance held the public hearing described
2 above on June 20, 2005, and an opportunity was provided for persons to comment on the
3 issuance and sale of the Bonds and plan of financing the Projects; 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 and sale of the
7 Bonds by the Authority. It is the purpose and intent of this Board that this Resolution
8 constitutes approval of the Bonds by the applicable elected representative of the
9 governmental unit having jurisdiction over the area in which the Projects are located in
10 accordance with Section 147(f) of the Code; and, be it

11 FURTHER RESOLVED, That the approval of the issuance and sale of the Bonds by
12 the City is neither an approval of the underlying credit issues of the proposed Projects nor an
13 approval of the financial structure of the Bonds.

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15 APPROVED AS TO FORM:

16 DENNIS J. HERRERA
17 City Attorney

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19 By: _____
20 MICHAEL J. MARTIN
21 Deputy City Attorney

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