

1 [Issuance and Sale of Revenue Obligations - California Enterprise Development Authority -  
2 Chinese American International School - Not to Exceed \$17,000,000]

3 **Resolution approving for purposes of Internal Revenue Code, Section 147(f) the**  
4 **Issuance and Sale of Revenue Obligations by the California Enterprise Development**  
5 **Authority in an aggregate principal amount not to exceed \$17,000,000 to finance the**  
6 **acquisition and renovation of educational and related facilities to be owned and**  
7 **operated by Chinese American International School, a California nonprofit public**  
8 **benefit corporation.**

9  
10 WHEREAS, The California Enterprise Development Authority (“Authority”) is authorized  
11 pursuant to the provisions of California Government Code, Section 6500 et seq. and the terms  
12 of a Joint Powers Agreement, dated as of June 1, 2006 (“Agreement”), among certain public  
13 agencies throughout the State of California, to issue revenue bonds and other forms of  
14 indebtedness to assist nonprofit corporations to obtain tax-exempt financing for appropriate  
15 projects and purposes; and

16 WHEREAS, Chinese American International School (“Borrower”), a California nonprofit  
17 public benefit corporation and an organization described in Section 501(c)(3) of the Internal  
18 Revenue Code of 1986 (“Code”), has requested that the Authority issue revenue obligations  
19 qualifying as “qualified 501(c)(3) bonds” in an aggregate principal amount not to exceed  
20 \$17,000,000 (“Obligations”) (i) to finance the costs of the Borrower’s acquisition and renovation  
21 of educational and related facilities located at 3250 19th Avenue, San Francisco, California  
22 94132 (the “Project”), all of which will be owned and operated by, and used in an integrated  
23 operation of, the Borrower (or a wholly-owned limited liability company of the Borrower), and (ii)  
24 to pay various transaction costs and related costs; and

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

3           WHEREAS, Pursuant to Section 147(f) of the Code and the Treasury Regulations  
4 promulgated thereunder, the issuance of the Obligations by the Authority may qualify for tax  
5 exemption under Section 103 of the Code only if the Obligations are approved by an “applicable  
6 elected representative” of both the governmental unit issuing the Obligations, or on behalf of  
7 which the Obligations are to be issued, and a governmental unit having jurisdiction over the  
8 geographic area in which the Project is located, after a public hearing held following reasonable  
9 public notice; and

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

12          WHEREAS, The Authority has requested that the Board of Supervisors of the City and  
13 County of San Francisco (“Board”) approve the issuance and sale of the Obligations in order to  
14 satisfy the requirements of Section 147(f) of the Code and the Treasury Regulations  
15 promulgated thereunder, the Board being an applicable elected representative of the  
16 governmental unit on behalf of which the Obligations are to be issued and having jurisdiction  
17 over the geographic area in which the Project is located within the meaning of Section 147(f) of  
18 the Code, and the Treasury Regulations promulgated thereunder; and

19          WHEREAS, On August 18, 2021, the City caused a notice to appear on its website,  
20 stating that a telephonic public hearing with respect to the issuance of the Obligations would be  
21 held by the Office of Public Finance on August 31, 2021; and

22          WHEREAS, The Office of Public Finance of the City has held the public hearing  
23 described above on August 31, 2021, and an opportunity was provided for persons to comment  
24 on the issuance and sale of the Obligations and the plan of financing of the Project; and

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1           WHEREAS, The Obligations will be limited obligations of the Authority, payable solely  
2 from and secured solely by amounts received from or on behalf of the Borrower, and will not  
3 constitute an indebtedness or obligation, or a pledge of the faith and credit of, or the taxing  
4 power, if any, of the City or the Authority, except to the limited extent described herein; and

5           WHEREAS, It is intended that this Resolution shall constitute approval of the issuance  
6 of the Obligations for purposes of Section 147(f) of the Code and the Treasury Regulations  
7 promulgated thereunder; now, therefore, be it

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

10          FURTHER RESOLVED, That the Board, as an applicable elected representative of the  
11 governmental unit on behalf of which the Obligations will be issued and having jurisdiction over  
12 the geographic area in which the Project is or will be located, hereby approves the issuance of  
13 the Obligations by the Authority. It is the purpose and intent of the Board that this Resolution  
14 constitute both “issuer” approval and “host” approval of the issuance of the Obligations by the  
15 City for purposes of Section 147(f) of the Code, and the Treasury Regulations promulgated  
16 thereunder; and, be it

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

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

3 APPROVED AS TO FORM:  
4 DENNIS J. HERRERA, City Attorney

5 By:   /s/ MARK D. BLAKE  
6       MARK D. BLAKE  
7       Deputy City Attorney  
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