

1 [Issuance of Tax-Exempt Obligation - French American International School - Not to Exceed  
2 \$6,500,000]

3 **Resolution approving, in accordance with Internal Revenue Code, Section 147(f), the**  
4 **issuance of a tax-exempt revenue obligation by the California Statewide Communities**  
5 **Development Authority in an aggregate principal amount not to exceed \$6,500,000 to**  
6 **finance various capital facilities owned or operated by the French American**  
7 **International School.**

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9 WHEREAS, French American International School, a California nonprofit public benefit  
10 corporation (the "School"), has requested that the California Statewide Communities  
11 Development Authority, a joint exercise of powers agency established pursuant to the laws of  
12 the State of California (the "Authority"), issue its tax-exempt revenue obligation (the  
13 "Obligation"), in an aggregate principal amount not to exceed \$6,500,000, for the purpose of  
14 making a loan to the School pursuant to a plan of financing for various capital facilities as  
15 more fully described below; and,

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

18 WHEREAS, The School expects to use the proceeds of the Obligation for: (1) financing  
19 the construction, improvement and equipping of certain of the School's educational facilities  
20 located at 150 Oak Street, San Francisco, California 94102, and at 1155 Page Street, San  
21 Francisco, California 94117 (collectively, the "Facilities"), and (2) paying costs of issuance  
22 related to the Obligation and other related costs (collectively, the "Project"); and,

23 WHEREAS, the owner and/or operator of all capital improvements, including  
24 equipment and other costs to be financed with proceeds of the Obligation, at 150 Oak Street,  
25 San Francisco, California 94102, will be the School; and,

1           WHEREAS, the owner of the building to be constructed with proceeds of the Loan, at  
2 1155 Page Street, San Francisco, California 94117, will be either the School or the San  
3 Francisco Unified School District, and the operator of such building will be the School; and,

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

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

8           WHEREAS, The interest on the Obligation may qualify for tax exemption under Section  
9 103 of the Internal Revenue Code of 1986, as amended (the "Code") only if the Obligation is  
10 approved by an applicable elected representative of the City in accordance with Section 147(f)  
11 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 therefore an "applicable elected representative" required to approve  
14 the issue within the meaning of Section 147(f) of the Code and Section 9 of the Amended and  
15 Restated Joint Exercise of Powers Agreement, dated as of June 1, 1988 (the "Agreement"),  
16 among the Authority and certain agencies, including the City; and,

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

20           WHEREAS, On December 24, 2012, the City caused a notice to appear in the San  
21 Francisco Chronicle, which is a newspaper of general circulation in the City, stating that a  
22 public hearing with respect to the issuance of the Obligation would be held by the City's Office  
23 of Public Finance on January 9, 2013; and,

1           WHEREAS, The City's Office of Public Finance held the public hearing described  
2 above on January 9, 2013, and an opportunity was provided for persons to comment on the  
3 issuance of the Obligation and plan of financing the Project; and,

4           WHEREAS, The Director of Public Finance recommends approval of the issuance of  
5 the Obligation pursuant to Chapter 43, Article 9, Section 5 of the Administrative Code; now,  
6 therefore be it

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

9           FURTHER RESOLVED, That this Board hereby approves the issuance of the  
10 Obligation by the Authority; and, be it

11           FURTHER RESOLVED, That it is the purpose and intent of this Board that this  
12 Resolution constitute approval of the issuance of the Obligation by the applicable elected  
13 representative of the governmental unit having jurisdiction over the area in which the Project  
14 is located, and on behalf of which the Obligation is being issued, for purposes of and in  
15 accordance with Section 147(f) of the Code and Section 9 of the Agreement; and, be it

16           FURTHER RESOLVED, That the approval by the City of the issuance of the Obligation  
17 by the Authority is neither an approval of the underlying credit of the School or of the  
18 proposed Project nor an approval of the financial structure of the Obligation; and neither the  
19 City, nor any department thereof, shall have any responsibility or liability whatsoever with  
20 respect to the Obligation or the Project; and, be it

21           FURTHER RESOLVED, That the Obligation shall not constitute a debt or obligation in  
22 any respect of the City and the payment of the principal, prepayment premium, if any, and  
23 interest on the Obligation shall be solely the responsibility of the School; and, be it

24           FURTHER RESOLVED, That the adoption of this Resolution shall not obligate the City  
25 or any department of the City to (i) provide financing to the School for the construction,

1 improvement and equipping of the Facilities or to issue the Obligation for purposes of such  
2 financing; (ii) make any contribution or advance any funds to the Authority; or (iii) approve any  
3 application or request for, or take any other action in connection with, any environmental,  
4 General Plan, zoning or any other permit or other regulatory action sought in connection with  
5 the Project; and, be it

6 FURTHER RESOLVED, That the Controller and the Director of the Office of Public  
7 Finance and any other proper officers of the City are hereby authorized and directed to  
8 execute such other agreements, documents and certificates, and to perform such other acts  
9 as may be necessary or advisable to effect the purposes of this Resolution, and, be it

10 FURTHER RESOLVED, That this Resolution shall take effect immediately upon its  
11 adoption.

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13 APPROVED AS TO FORM:

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15 DENNIS J. HERRERA  
16 CITY ATTORNEY

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18 BY: \_\_\_\_\_  
19 KENNETH DAVID ROUX  
20 Deputy City Attorney

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