

1 [Designation of a Government Representative to the Board of Directors of Lenders For
2 Community Development.]

3 **Resolution designating a Government Representative to the Board of Directors of**
4 **Lenders for Community Development to act on behalf of the City and County of San**
5 **Francisco in that capacity; and granting authority to City officials to designate**
6 **replacement Government Representatives.**
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8 WHEREAS, Lenders for Community Development, (the "Corporation") was established
9 in 1993, and is a nonprofit public benefit corporation organized under California's Nonprofit
10 Public Benefit Corporation Law for the following charitable purposes:

- 11 1. To establish and build investment funds for the purpose of making loans and
12 investments in small businesses, affordable housing projects, and community facilities in
13 Santa Clara and San Mateo Counties, and other counties as approved by the Board of
14 Directors of the Corporation (collectively, "Government Units");
- 15 2. To perform outreach activities to assess and evaluate credit needs of the
16 communities to be served by the corporation; and
- 17 3. To perform and participate in community development activities in the
18 communities to be served by the corporation; and,

19 WHEREAS, In furtherance of its charitable purposes, the Corporation finances
20 affordable housing, provides financial tools and training to low-income individuals, families
21 and communities to help them move beyond poverty toward self sufficiency; and,

22 WHEREAS, Since 1995, the Corporation has invested approximately \$75,000,000 into
23 low-income communities in Santa Clara and San Mateo Counties, directly benefiting
24 approximately 6,000 households by, among other things, (a) financing approximately 4,000
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1 new units of affordable housing; (b) providing capital and training to approximately 350 low-
2 income entrepreneurs to assist them with building small businesses, creating jobs and
3 increasing their incomes; (c) providing approximately 1,500 low-income families with money
4 management training, access to financial services, and a 401K-like matched account that
5 must be used to invest in a first home, a college education, retirement, or micro-enterprise
6 development; and (d) investing in community facilities; and,

7 WHEREAS, The Corporation's services "lessen the burdens of Government" with
8 respect to the Government Units within the meaning of Section 1.501(c)(3)-1(d)(2) of the U.S.
9 Treasury Regulations; and,

10 WHEREAS, The Corporation determined that the City and County of San Francisco
11 can benefit from the Corporation's services, and the Board of Directors of the Corporation
12 voted to expand the Corporation's target service area to include the City and County of San
13 Francisco; and,

14 WHEREAS, the Corporation's Bylaws provide that each County served by the
15 Corporation's programs shall designate one individual to serve on the Corporation's Board of
16 Directors as a government representative (the "Government Representative") to act on behalf
17 of such County to determine whether the affordable housing loans and the small business
18 loans made by the Corporation further the Corporations' charitable purpose of lessening the
19 burdens of government by (a) benefiting an economically distressed neighborhood or
20 community; or (b) promoting the social or economic benefit of a disadvantaged person or
21 population; and,

22 WHEREAS, The Corporation desires that the Board of Supervisors of the City and
23 County of San Francisco designates as a Government Representative E. Venessa Henlon, a
24 Deputy City Attorney for the City and County of San Francisco; and,

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1 WHEREAS, E. Venessa Henlon, has served as a member of the Corporation’s Board
2 of Directors since March of 2001, and is willing and able to represent the City and County of
3 San Francisco as the Government Representative on the Corporation’s Board of Directors;
4 now, therefore, be it

5 RESOLVED, That the charitable purposes of the Corporation are commendable; and
6 be it

7 FURTHER RESOLVED, That for so long as Deputy City Attorney E. Venessa Henlon is
8 and remains an active member of the Corporation's Board of Directors, subject to the
9 conditions set forth herein, the Board of Supervisors of the City and County of San Francisco
10 hereby designates Deputy City Attorney, E. Venessa Henlon as the Government
11 Representative on the Corporation’s Board of Directors, to determine whether the affordable
12 housing loans and the small business loans made by the Corporation further the Corporations'
13 charitable purpose of lessening the burdens of government by (a) benefiting an economically
14 distressed neighborhood or community; or (b) promoting the social or economic benefit of a
15 disadvantaged person or populations; and be it

16 FURTHER RESOLVED, That the Board of Supervisors hereby authorizes Deputy City
17 Attorney E. Venessa Henlon to designate another qualified person to serve as a Government
18 Representative on a temporary basis, if necessary, due to any temporary absences of E.
19 Venessa Henlon from the City Attorney's Office; and be it

20 FURTHER RESOLVED, That the Board of Supervisors hereby authorizes the Director
21 of the Mayor's Office of Housing, the Director of the Mayor's Office of Community
22 Development, or a designee of either of such Director to nominate a Government
23 Representative in the event that E. Venessa Henlon ceases to serve on the Corporation’s
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1 Board of Directors or is otherwise removed or replaced in accordance with this resolution; and
2 be it

3 FURTHER RESOLVED, That the Board of Supervisors may terminate the designation
4 and participation of a Government Representative on the Corporation's Board of Directors
5 and/or may remove or replace E. Venessa Henlon or her designee, at any time and for any
6 reason, with or without cause, as determined by the Board of Supervisors in its sole and
7 absolute discretion; and be it

8 FURTHER RESOLVED, That the City and County of San Francisco shall not have any
9 liability or responsibility for any actions or inactions of the Corporation or of the Government
10 Representative, the Corporation shall provide the City and County of San Francisco with an
11 appropriate written indemnity agreement covering to any claims against the City and County
12 of San Francisco arising out of the business of the Corporation or the participation of the
13 Government Representative on the Board of Directors of the Corporation, and the City and
14 County of San Francisco shall not be obligated to indemnify the Government Representative
15 for any claims arising out of the Government Representative's participation as a Director for
16 the Corporation.

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