

1 [Issuance and Sale of Revenue Bonds –Schools of the Sacred Heart.]

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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 **\$33,000,000 to finance educational projects owned and operated by the Schools of**  
6 **Sacred Heart – San Francisco.**

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8 WHEREAS, the Schools of Sacred Heart – San Francisco, a nonprofit public benefit  
9 corporation (the “Borrower”), has requested that the ABAG Finance Authority for Nonprofit  
10 Corporations, a joint exercise of powers agency established pursuant to the laws of the State  
11 of California (the “Authority”) participate in the issuance of revenue bonds in an aggregate  
12 principal amount not to exceed \$33,000,000 (the “Bonds”) for the purpose of, among other  
13 things, financing and/or refinancing the acquisition, construction, improvement and equipping  
14 of educational projects located at the Borrower's Broadway Campus and Octavia Campus  
15 (collectively, the “Project”); and

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

18 WHEREAS, The issuance and delivery of the Bonds shall be subject to the approval of  
19 and execution by the Authority of all financing documents relating thereto to which the  
20 Authority is a party and subject to the sale of the Bonds by the Authority; and,

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

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

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1           WHEREAS, The Board of Supervisors of the City (the "Board") is the elected legislative  
2 body of the City and is one of the applicable elected representatives required to approve the  
3 issuance of the Bonds within the meaning of Section 147(f) of the Code and the public agency  
4 approval requirements of Section 91530(f) of the Government Code of the State of California,  
5 as amended; and,

6           WHEREAS, The Authority has requested the Board to approve the issuance and sale  
7 of the Bonds in order to satisfy the public approval requirements of Section 147(f) of the Code  
8 and the public agency approval requirements of Section 91530(f) of the Government Code of  
9 the State of California, as amended; and,

10           WHEREAS, On June 12, 2007, the City caused a notice to appear in the  
11 *San Francisco Examiner*, which is a newspaper of general circulation in the City, stating that a  
12 public hearing with respect to the issuance of the Bonds would be held by the City's Office of  
13 Public Finance on June 26, 2007; and

14           WHEREAS, The Office of Public Finance held the public hearing described above on  
15 June 26, 2007, and an opportunity was provided for persons to comment on the issuance and  
16 sale of the Bonds and the plan of financing for the Project;

17           WHEREAS, The Office of Public Finance has satisfied the requirements of the City's  
18 Bond TEFRA Approval Policy set forth in San Francisco Administrative Code Section 43.9.5  
19 and the Director of Public Finance recommends adoption of this Resolution; now, therefore be  
20 it

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

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1           FURTHER RESOLVED, That this Board hereby approves the issuance and sale of the  
2 Bonds by the Authority for the purposes of financing and/or refinancing the acquisition,  
3 acquiring, construction, improvement and equipping of the Project; and, be it

4           FURTHER RESOLVED, That it is the purpose and intent of this Board that this  
5 Resolution constitute approval by the applicable elected representative of the governmental  
6 unit having jurisdiction over the area in which the Project is located for the purposes of and in  
7 accordance with Section 147(f) of the Code and the public agency approval requirements of  
8 Section 91530(f) of the Government Code of the State of California, as amended; and, be it

9           FURTHER RESOLVED, That the approval of the issuance and sale of the Bonds by  
10 the Authority is neither an approval of the underlying credit issues of the proposed Project nor  
11 an approval of the financial structure of the Bonds; and, be it

12           FURTHER RESOLVED, That the Bonds shall not constitute a debt or obligation of the  
13 City and the payment of the principal, prepayment premium, if any, and purchase price of and  
14 interest on the Bonds shall be solely the responsibility of the Borrower; and, be it

15           FURTHER RESOLVED, The adoption of this Resolution shall not obligate (i) the City to  
16 provide financing to the Borrower for the acquisition, rehabilitation and development of the  
17 Project or to issue the Bonds for purposes of such financing; or (ii) the City, or any department  
18 of the City, to approve any application or request for, or take any other action in connection  
19 with, any environmental, General Plan, zoning or any other permit or other regulatory action  
20 sought in connection with the Project; and, be it

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1           FURTHER RESOLVED, That this Resolution shall take effect immediately upon its  
2 adoption.

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4 APPROVED AS TO FORM:

5 DENNIS J. HERRERA  
6 City Attorney

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8 By: \_\_\_\_\_  
9           MICHAEL J. MARTIN  
          Deputy City Attorney

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