

1 [Issuance by the California Enterprise Development Authority of Revenue Obligations and
2 TEFRA Hearing for Chinese American International School - Not to Exceed \$20,000,000]

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 \$20,000,000 to finance the**
6 **cost of renovation, construction, installation, equipping and/or furnishing of**
7 **educational and related facilities to be owned and operated by Chinese American**
8 **International School, a California nonprofit public 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, as amended (“Code”), has requested that the Authority issue revenue
19 obligations qualifying as “qualified 501(c)(3) bonds”, in an aggregate principal amount not to
20 exceed \$20,000,000 (“Obligations”), (i) to finance the cost of renovation, construction,
21 installation, equipping and/or furnishing of the Borrower’s educational and related facilities
22 located at 3250 19th Avenue, San Francisco, California 94132 (“Project”), all of which will be
23 owned and operated by, and used in an integrated operation of, the Borrower, and (ii) to pay
24 various transaction costs and related costs; and

1 WHEREAS, The Project is located within the boundaries of the City and County of
2 San 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
6 “applicable elected representative” of both the governmental unit issuing the Obligations, or
7 on behalf of which the Obligations are to be issued, and a governmental unit having
8 jurisdiction over the geographic area in which the Project is located, after a public hearing held
9 following reasonable public notice; and

10 WHEREAS, The issuance and delivery of the Obligations shall be subject to the
11 approval 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
14 to 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)
18 of the Code and the Treasury Regulations promulgated thereunder; and

19 WHEREAS, On December 9, 2022, 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
21 be held by the Office of Public Finance on December 16, 2022; and

22 WHEREAS, The Office of Public Finance of the City has held such public hearing on
23 December 16, 2022, and an opportunity was provided for persons to comment on the
24 issuance and sale of the Obligations and the plan of financing of the Project; and
25

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 shall 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 to finance the Project for purposes of Section 147(f) of the Code and the
7 Treasury Regulations 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
12 over the geographic area in which the Project is or will be located, hereby approves the
13 issuance of the Obligations by the Authority. It is the purpose and intent of the Board that this
14 Resolution constitute both “issuer” approval and “host” approval of the issuance of the
15 Obligations by the City for purposes of Section 147(f) of the Code and the Treasury
16 Regulations promulgated 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
19 approval of the financial structure of the Obligations, and that the adoption of this Resolution
20 shall not obligate (i) the City to provide financing to the Borrower for the renovation,
21 construction, installation, equipping and/or furnishing of the Project or to issue the Obligations
22 for purposes of such financing, or (ii) the City, or any department of the City, to approve any
23 application or request for, or take any other action in connection with any environmental,
24 General Plan, zoning or any other permit or other action necessary for the renovation,
25 construction, installation, equipping and/or furnishing of the Project; and, be it

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

3 APPROVED AS TO FORM:
4 David Chiu, City Attorney

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6 By: /s/ Mark D. Blake
7 Mark D. Blake
8 Deputy City Attorney

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