



RESOLUTION NO. 2009 - 35

**RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO,
APPROVING THE ISSUANCE OF TAX-EXEMPT OBLIGATIONS IN AN
AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$25,000,000 BY
THE CALIFORNIA MUNICIPAL FINANCE AUTHORITY FOR THE
BENEFIT OF COMMUNITY HOSPITALS OF CENTRAL CALIFORNIA
AND ITS AFFILIATE FRESNO COMMUNITY HOSPITAL AND
MEDICAL CENTER**

WHEREAS, the California Municipal Finance Authority (the "Authority") is authorized pursuant to the provisions of California Government Code Section 6500 *et seq.* and the terms of a joint exercise of powers agreement, dated as of January 1, 2004 (the "Joint Powers Agreement"), among certain public agencies throughout the State of California, including the City of Fresno (the "City"), to issue bonds, notes or other evidence of indebtedness to assist nonprofit corporations to obtain tax-exempt financing for appropriate projects and purposes; and

WHEREAS, Community Hospitals of Central California ("CHCC") and its affiliate Fresno Community Hospital and Medical Center ("FCH"), each a California nonprofit public benefit corporation described in Section 501(c)(3) of the Internal Revenue Code of 1986 (the "Code"), have requested that the Authority issue tax-exempt revenue obligations (the "Obligations") in an aggregate principal amount not to exceed \$25,000,000 for the purpose of financing the construction, improvement, expansion, renovation and equipping of certain portions of the health care and related facilities owned and/or operated by FCH, including (i) the health care and related facilities known as Community Regional Medical Center, located or to be located at 2823 Fresno Street, Fresno, California and 3003 N. Mariposa Street, Fresno, California and (ii) the health care and related facilities known as Clovis Community Medical Center, located or to be located at 2755 Herndon Avenue, Clovis California; and

WHEREAS, a portion of the above-described facilities to be financed are located wholly within the City; and

WHEREAS, in order to satisfy Section 147(f) of the Code, the issuance of the Obligations by the Authority is required to be approved by an "applicable elected representative" of the City, after a public hearing held following reasonable public notice; and

WHEREAS, pursuant to Section 147(f) of the Code, the Council of the City (the "City Council") is an applicable elected representative of the City and is therefore authorized to approve the issuance of the Obligations; and

WHEREAS, on January 19, 2009, there was published in a newspaper of general circulation in the City, a notice of public hearing concerning the proposed issuance of the Obligations; and

WHEREAS, on the date hereof, this City Council held a public hearing at which interested persons were given an opportunity to express their views concerning the proposed

Adopted 2/3/09
Approved 2/6/09
Effective 2/6/09

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issuance of the Obligations and the nature and location of the above-described facilities to be financed; and

WHEREAS, in order to satisfy the public approval requirement of Section 147(f) of the Code and Section 4 of the Joint Powers Agreement, this City Council has been requested by the Authority, CHCC and FCH to approve the issuance of the Obligations; and

WHEREAS, the City will not have any obligation or liability associated with the financing described herein nor will the Obligations constitute an indebtedness or obligation of, or involve a pledge of the faith and credit of the City;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Fresno as follows:

Section 1. The above recitals are true and correct.

Section 2. Pursuant to Section 147(f) of the Code, this City Council hereby approves the issuance by the Authority of the Obligations in an aggregate principal amount not to exceed \$25,000,000, provided that the Obligations will not constitute an indebtedness or obligation of, or involve a pledge of the faith and credit of the City.

Section 3. It is intended that this Resolution, in accordance with Section 147(f) of the Code and Section 4 of the Joint Powers Agreement, constitute the approval, by an applicable elected representative of the government unit having jurisdiction over the area in which a portion of the above-described facilities are located, of the issuance by the Authority of the Obligations.

Section 4. The officers of the City are hereby authorized and directed, jointly and severally, to do any and all things and to execute and deliver any and all documents which they deem necessary or advisable in order to carry out, give effect to and comply with the terms and intent of this Resolution and the financing transaction approved hereby.

Section 5. The City Clerk of the City shall forward a certified copy of this Resolution to:

Kathleen A. Leak, Esq.
Orrick, Herrington & Sutcliffe LLP
The Orrick Building
405 Howard Street
San Francisco, California 94105

Section 6. This Resolution shall take effect upon the date of its final passage.



STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, REBECCA E. KLISCH, City Clerk of the City of Fresno, certify that the foregoing resolution was adopted by the Council of the City of Fresno, at a regular meeting held on the 3rd day of February 2009.

AYES: Borgeas, Brand, Caprioglio, Dages, Perea, Xiong, Sterling

NOES: None

ABSENT: None

ABSTAIN: None

Mayor Approval: February 6, 2009

Mayor Approval/No Return: N/A, 2009

Mayor Veto: N/A, 2009

Council Override Vote: N/A, 2009

REBECCA E. KLISCH
City Clerk

By: Rebecca Klisch
Deputy

APPROVED AS TO FORM
CITY ATTORNEY'S OFFICE

By: [Signature]
Sr. Deputy Asst. Clerk

February 3, 2009

Council Adoption: 2/3/09

Mayor Approval:

Mayor Veto:

Override Request:



TO: MAYOR ASHLEY SWEARENGIN

RECEIVED

FROM: REBECCA E. KLISCH, CMC
City Clerk

12:00 FEB -9 AM 9:02
CITY CLERK, FRESNO CA

SUBJECT: TRANSMITTAL OF COUNCIL ACTION FOR APPROVAL OR VETO

At the Council meeting of 2/3/09, Council adopted the attached Resolution No. 2009-35 entitled **Appying issuance of tax-exempt obligations by CA Municipal Finance Authority - \$25,000,000 for Community Hospital of Central California & related entities**, Item No. **10:30 A.M. - A**, by the following vote:

Ayes	:	Borgeas, Brand, Caprioglio, Dages, Perea, Xiong, Sterling
Noes	:	None
Absent	:	None
Abstain	:	None

Please indicate either your formal approval or veto by completing the following sections and executing and dating your action. Please file the completed memo with the Clerk's office on or before February 13, 2009. In computing the ten day period required by Charter, the first day has been excluded and the tenth day has been included unless the 10th day is a Saturday, Sunday, or holiday, in which case it has also been excluded. Failure to file this memo with the Clerk's office within the required time limit shall constitute approval of the ordinance, resolution or action, and it shall take effect without the Mayor's signed approval.

Thank you.

APPROVED:

VETOED for the following reasons: (Written objections are required by Charter; attach additional sheets if necessary.)

Ashley Swearengin
Ashley Swearengin, Mayor

Date: 2/6/09

COUNCIL OVERRIDE ACTION:

Date: _____

Ayes	:	
Noes	:	
Absent	:	
Abstain	:	