

1 [Authorizing extension of the Emergency Interim Towing Services Agreement.]

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3 **Resolution authorizing the Director of Transportation of the Municipal Transportation**
4 **Agency to enter into a contract amendment extending the term of the Emergency**
5 **Interim Service Agreement and Property Use License for Towing, Storage and Disposal**
6 **of Abandoned and Illegally Parked Vehicles by and Between the City and County of San**
7 **Francisco and TEGSCO, LLC, d.b.a. San Francisco AutoReturn until July 30, 2005 or**
8 **until a long-term towing services agreement is executed, whichever occurs first.**

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10 WHEREAS, To maintain public health and safety, the City is charged under the laws of
11 the State of California with the authority and duty to keep City streets clear of abandoned and
12 illegally parked vehicles; and

13 WHEREAS, More than 200 vehicles are towed from City streets every day to protect
14 health, safety and transportation within San Francisco; and

15 WHEREAS, The Municipal Transportation Agency (“MTA”), through the Department of
16 Parking and Traffic (“DPT”), is responsible for removing illegally parked and abandoned
17 vehicles from the City's streets; and

18 WHEREAS, DPT is required under San Francisco Traffic Code section 163 to contract
19 for towing, storage and disposal of abandoned and illegally parked vehicles; and,

20 WHEREAS, The San Francisco Police Department relies upon DPT's towing services
21 contractor to remove unsafe drivers, illegal vehicles and vehicles involved in crimes from the
22 streets of the City; and

23 WHEREAS, The Board of Supervisors has previously found, in San Francisco Traffic
24 Code § 230, that the accumulation and storage of abandoned, wrecked, dismantled, or
25 inoperative vehicles or parts thereof creates conditions tending to reduce the value of private

1 property, promotes blight and deterioration, invites plundering, creates fire hazards,
2 constitutes an attractive nuisance creating a hazard to the health and safety of minors,
3 creates harborage for rodents and insects and is injurious to the health, safety and general
4 welfare.

5 WHEREAS, On December 2, 2003, the MTA Board of Directors authorized the Director
6 of Transportation to negotiate a new long-term towing and storage contract with the highest
7 ranked proposer, TEGSCO, LLC, d.b.a. San Francisco AutoReturn ("AutoReturn"); and

8 WHEREAS, Contract negotiations with AutoReturn had to be suspended when the
9 City's then-current tow contractor, The City Tow, informed the City on January 23, 2004 that it
10 would cease operations under its contract as of March 21, 2004; and

11 WHEREAS, On March 16, 2004, in order to avoid an interruption of services due to the
12 abrupt departure of The City Tow, the MTA Board of Directors authorized the Director of
13 Transportation to execute an Emergency Interim Service Agreement and Property Use
14 License for Towing, Storage and Disposal of Abandoned and Illegally Parked Vehicles
15 ("Emergency Interim Agreement") with AutoReturn, on file with the Clerk of the Board of
16 Supervisors in File No. _____, which is hereby declared to be a part of this resolution as if
17 set forth fully herein, with a term from March 22, 2004 through March 22, 2005 unless sooner
18 terminated upon the City's execution of a long-term towing contract; and

19 WHEREAS, The Department of Parking and Traffic, The City Tow and AutoReturn
20 negotiated a Transition Agreement, dated March 16, 2004, on file with the Clerk of the Board
21 of Supervisors in File No. 040638, which is hereby declared to be a part of this resolution as if
22 set forth fully herein, to govern the transition between towing services contractors; and

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1 WHEREAS, The necessity of transitioning towing operations between The City Tow
2 and AutoReturn under the Emergency Interim and Transition Agreements has delayed the
3 negotiation of the long-term towing services contract; and

4 WHEREAS, The Director of Transportation of the MTA, with the concurrence of the
5 President of the MTA Board of Directors and pursuant to Administrative Code § 21.15,
6 executed a First Amendment to the Emergency Interim Agreement extending its term through
7 April 22, 2005 on file with the Clerk of the Board of Supervisors in File No. , which is
8 hereby declared to be a part of this resolution as if set forth fully herein; and

9 WHEREAS, Long-term contract negotiations are underway and the parties to the
10 negotiation anticipate that the process of finalizing contract documents and securing required
11 approvals from multiple City agencies may not be complete before the Emergency Interim
12 Agreement expires on April 22, 2005; now, therefore, be it

13 RESOLVED, That The City Tow's abrupt and unilateral termination of its contract with
14 the City to provide towing, storage and disposal of abandoned and illegally parked vehicles
15 and the resulting necessity to immediately implement the transition between towing service
16 contractors prior to awarding the long term towing services agreement in order to be able to
17 continue removing vehicles from the City's streets were unexpected occurrences, and the
18 potential expiration of the Emergency Interim Agreement for towing services would result in
19 loss of essential public services which constitute an impending threat to public health, safety
20 and welfare amounting to an actual public emergency; and, be it

21 FURTHER RESOLVED, That an extension of the Emergency Interim Agreement and
22 associated License Agreements for use of City property until July 30, 2005 or until a long-term
23 towing services agreement is awarded, whichever occurs first, are hereby approved.

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