

1 [Revenue Agreement Amendment - JC Decaux San Francisco, LLC - Extending Term to
2 October 12, 2018]

3 **Resolution retroactively approving the Fourth Amendment to the Revenue Agreement**
4 **between Public Works and JC Decaux San Francisco, LLC, for the Automatic Public**
5 **Toilet and Public Service Kiosk Program extending the contract term by 240 days,**
6 **changing the termination date from February 14, 2018, to October 12, 2018.**

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8 WHEREAS, Public Works entered into an agreement with JC Decaux San Francisco,
9 LLC for a public toilet and public service kiosk pilot program, with an effective date of August
10 2, 1994; and

11 WHEREAS, The Board of Supervisors approved a First Amended and Restated
12 Automatic Public Toilet and Public Service Kiosk Agreement (“JC Decaux Agreement”) on
13 December 7, 1998, which expanded the program beyond the trial phase with a term ending on
14 October 17, 2016; and

15 WHEREAS, On December 14, 2015, the parties executed a first amendment to the JC
16 Decaux Agreement to allow installation of temporary personal wireless services in the kiosks;
17 and

18 WHEREAS, On October 28, 2016, the Board of Supervisors approved a second
19 amendment to the JC Decaux Agreement to extend the term of the agreement to October 17,
20 2017; and

21 WHEREAS, On November 14, 2017, the Board of Supervisors approved a third
22 amendment to the JC Decaux Agreement to extend the term of the agreement to February 14,
23 2018; and

24 WHEREAS, The JC Decaux Agreement, the First Amendment to the Agreement,
25 Second Amendment to the Agreement, and Third Amendment to the Agreement are on file

1 with the Clerk of the Board of Supervisors in Files No. 981599, 161019, and 170994
2 respectively and which are hereby declared to be a part of this Resolution as if set forth fully
3 herein; and

4 WHEREAS, Public Works needs additional time to meet all City design and review
5 requirements for proposed new public toilets and public service kiosks; and

6 WHEREAS, Public Works cannot complete all of the required reviews and approvals
7 for the new toilets and kiosks before the current agreement expires; and

8 WHEREAS, Charter, Section 9.118(a) requires that amendments to contracts that
9 when entered into had anticipated revenues of \$1,000,000 or more be approved by the Board
10 of Supervisors; now, therefore, be it

11 RESOLVED, That the San Francisco Board of Supervisors approves the Fourth
12 Amendment to the JC Decaux Agreement, which extends the term of the JC Decaux
13 Agreement by 240 days to October 12, 2018; and, be it

14 FURTHER RESOLVED, That within thirty (30) days of the amendment being fully
15 executed by all parties, Public Works shall provide the final amendment to the Clerk of the
16 Board for inclusion into the official file.

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