

FILE NO. 000136

RESOLUTION NO. 157-00

1 [Grant – Private]

2
3 AUTHORIZING THE DEPARTMENT OF PUBLIC HEALTH, POPULATION HEALTH AND
4 PREVENTION, COMMUNITY HEALTH PROMOTION AND PREVENTION, TO ACCEPT
5 RETROACTIVELY AND EXPEND A GRANT IN THE AMOUNT OF \$48,649 FROM THE
6 PRESIDENT AND FELLOWS OF HARVARD COLLEGE, OFFICE FOR SPONSORED
7 RESEARCH (HARVARD), FOR THE VIOLENT INJURY RESEARCH PROJECT: SAN
8 FRANCISCO FIREARM INJURY SURVEILLANCE SYSTEM AND TO ENTER INTO AN
9 AGREEMENT WHICH INCLUDES INDEMNIFICATION, BINDING ARBITRATION, AND
10 RIGHTS IN DATA CLAUSES AND WHICH DOES NOT INCLUDE PATENT
11 INFRINGEMENT INDEMNIFICATION AND FALSE CLAIMS CLAUSES; PROVIDING
12 FOR RATIFICATION OF ACTION PREVIOUSLY TAKEN.

13 WHEREAS, The Department of Public Health, Population Health and Prevention,
14 Community Health Promotion and Prevention, has applied for and been awarded a grant from
15 the President and Fellows of Harvard College, Office for Sponsored Research (Harvard), in the
16 amount of \$48,649, for the Violent Injury Research Project: San Francisco Firearm Injury
17 Surveillance System; and,

18 WHEREAS, As a condition of receiving the grant funds, Harvard requires the City to
19 enter into an agreement (the "Agreement"), a copy of which is on file with the Clerk of the
20 Board of Supervisors in File No. 000136; and,

21 WHEREAS, Harvard has indicated that it will not agree to any modification to the form
22 of the Agreement; and,

23 WHEREAS, The Agreement contains certain provisions described below, which require
24 the approval of the Board of Supervisors; and,

25 WHEREAS, The Agreement does not contain certain provisions described below, which
are required under the Administrative Code unless waived by the Board of Supervisors; now,
therefore, be it

RESOLVED, That the Department of Public Health is hereby authorized to accept
retroactively and expend the grant funds pursuant to San Francisco Administrative Code section
10.170-1; and, be it

1 FURTHER RESOLVED, That the Director of Health is authorized to enter into the
2 Agreement on behalf of the City; and, be it

3 FURTHER RESOLVED, That the Board of Supervisors hereby approves the provision
4 in the Agreement pursuant to which the City indemnifies Harvard; and, be it

5 FURTHER RESOLVED, That the Board of Supervisors hereby approves the provision
6 in the Agreement pursuant to which the City agrees to submit all claims arising out of the
7 Agreement to binding arbitration, and, be it

8 FURTHER RESOLVED, That the Board of Supervisors hereby approves the provision
9 in the Agreement pursuant to which the City agrees to grant a royalty-free, non-exclusive and
10 irrevocable license for the use of data developed under the contract; and, be it

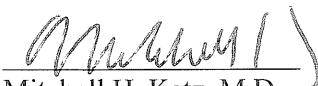
11 FURTHER RESOLVED, That the Board of Supervisors hereby waives the requirement
12 contained in Sections 6.21 and ^{21.21}~~21.19~~ of the Administrative Code that the Agreement include an
13 indemnification of the City by Harvard for the infringement of patent rights; and, be it

14 FURTHER RESOLVED, That the Board of Supervisors hereby waives the requirement
15 contained in Section ^{21.35}~~6.57~~(c) of the Administrative Code that the Agreement include a paragraph
16 reciting the false claim provisions contained in Section ^{21.35}~~6.57~~(a) of the Administrative Code; and,
17 be it

18 FURTHER RESOLVED, That the Board of Supervisors authorizes the Director of
19 Health to enter into similar agreements with Harvard if the grant recurs or is renewed, and, be it

20 FURTHER RESOLVED, The Controller should be urged to designate the position
21 created under the grant as a "G" or grant-funded position, which would terminate when the grant
22 expires.
23

24 RECOMMENDED:

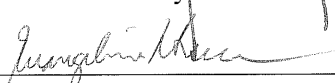
25 
Mitchell H. Katz, M.D.
Director of Health

Department of Public Health

APPROVED:


Health Commission


Office of the Mayor


Office of the Controller



City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails Resolution

File Number: 000136

Date Passed:

Resolution authorizing the Department of Public Health, Population Health and Prevention, Community Health Promotion and Prevention, to accept retroactively and expend a grant in the amount of \$48,649 from the President and Fellows of Harvard College, Office for Sponsored Research (Harvard), for the Violent Injury Research Project: San Francisco Firearm Injury Surveillance System and to enter into an agreement which includes indemnification, binding arbitration, and rights in data clauses and which does not include patent infringement indemnification and false claims clauses; providing for ratification of action previously taken.

February 22, 2000 Board of Supervisors — ADOPTED

Ayes: 10 - Ammiano, Becerril, Bierman, Brown, Kaufman, Leno, Newsom, Teng,
Yaki, Yee

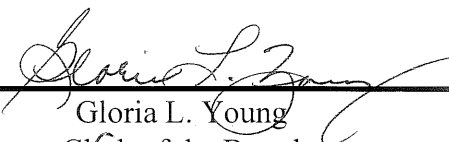
Absent: 1 - Katz

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I hereby certify that the foregoing Resolution was ADOPTED on February 22, 2000 by the Board of Supervisors of the City and County of San Francisco.

FEB 25 2000

Date Approved



Gloria L. Young
Clerk of the Board



Mayor Willie L. Brown Jr.