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(Grant - State)

AUTHORIZING THE DEPARTMENT OF PUBLIC HEALTH, POPULATION HEALTH AND PREVENTION DIVISION, EMERGENCY MEDICAL SERVICES, TO ACCEPT RETROACTIVELY AND EXPEND A GRANT IN THE AMOUNT OF \$20,000 FROM THE STATE EMS AUTHORITY TO COMPLETE THE LOCAL EMS PLAN AND TO ENTER INTO AN AGREEMENT WHICH INCLUDES A RIGHTS IN DATA CLAUSE AND WHICH DOES DOES NOT INCLUDE PATENT INFRINGEMENT INDEMNIFICATION AND FALSE CLAIMS CLAUSES.

WHEREAS, The Department of Public Health has applied for and been awarded a grant from the State EMS Authority in the amount of \$20,000 to fund completion of the local EMS Plan; and,

WHEREAS, As a condition of receiving the grant funds, the State EMS Authority requires the City to enter into an agreement (the "Agreement"), a copy of which is on file with the Clerk of the Board of Supervisors in File No. 98-1702 ; and,

WHEREAS, The State EMS Authority has indicated that it will not agree to any modification to the form of the Agreement; and,

WHEREAS, The Agreement contains a certain provision described below, which requires the approval of the Board of Supervisors; and,

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

WHEREAS, The Board of Supervisors desires to authorize the Department of Public Health, on behalf of the City, to enter into the Agreement in order to receive and expend the grant funds for this and any future years; 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 agrees to grant a royalty-free, nonexclusive and  
5 irrevocable license for the use of data developed under the contract; and, be it

6 FURTHER RESOLVED, That the Board of Supervisors hereby waives the requirement  
7 contained in Sections 6.21 and 21.19 of the Administrative Code that the Agreement include an  
8 indemnification of the City by the State EMS Authority for the infringement of patent rights;  
9 and, be it

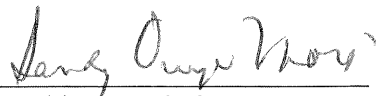

10 FURTHER RESOLVED, That the Board of Supervisors hereby waives the requirement  
11 contained in Section 6.57 (c) of the Administrative Code that the Agreement include a paragraph  
12 reciting the false claim provisions contained in Section 6.57 (a) of the Administrative Code; and,  
13 be it


14 FURTHER RESOLVED, That the Board of Supervisors authorizes the Director of  
15 Public Health to enter into similar agreements with the State EMS Authority if the grant recurs  
16 or is renewed.

17 RECOMMENDED:

18   
19 Mitchell H. Katz, M.D.  
20 Director of Health

21 APPROVED:

22   
23 Health Commission  
24   
25 Office of the Mayor

  
Office of the Controller

Department of Public Health



# City and County of San Francisco

Veterans Building  
401 Van Ness Avenue, Room 308  
San Francisco, CA 94102-4532

## Tails

### Resolution

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**File Number:** 981702

**Date Passed:**

Resolution authorizing the Department of Public Health, Population Health and Prevention Division, Emergency Medical Services, to accept retroactively and expend a grant in the amount of \$20,000 from the State EMS Authority to complete the local EMS Plan and to enter into an agreement which includes a rights in data clause and which does not include patent infringement indemnification and false claims clauses.

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November 2, 1998 Board of Supervisors — ADOPTED

Ayes: 11 - Ammiano, Bierman, Brown, Katz, Kaufman, Leno, Medina, Newsom, Teng, Yaki, Yee

File No. 981702

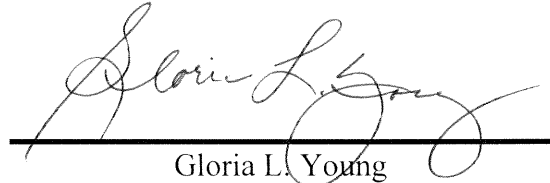
I hereby certify that the foregoing Resolution was ADOPTED on November 2, 1998 by the Board of Supervisors of the City and County of San Francisco.

NOV 13 1998

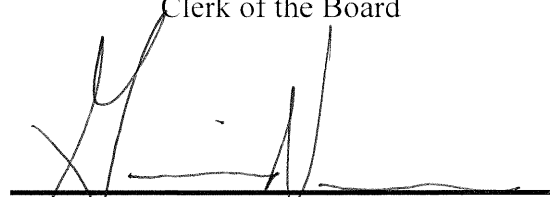
~~NOV 13 1997~~

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Date Approved



Gloria L. Young  
Clerk of the Board



Mayor Willie L. Brown Jr.