

FILE NO. 000100

RESOLUTION NO. 109-00

1 [Grant -State]

2
3 AUTHORIZING THE DEPARTMENT OF PUBLIC HEALTH, POPULATION HEALTH AND
4 , RETROACTIVELY,
5 PREVENTION DIVISION, COMMUNITY HEALTH SERVICES, TO ACCEPT/AND EXPEND GRANT
6 FUNDS OF \$158,395 FROM THE CALIFORNIA DEPARTMENT OF HEALTH SERVICES TO
7 PROVIDE THE NUTRITION NETWORK PROJECT AND TO ENTER INTO AN AGREEMENT
8 WHICH INCLUDES INDEMNIFICATION AND RIGHTS IN DATA CLAUSES AND WHICH DOES
9 NOT INCLUDE PATENT INFRINGEMENT INDEMNIFICATION AND FALSE CLAIMS CLAUSES.

10 WHEREAS, The Department of Public Health has applied for and been awarded a grant from
11 The California Department of Health Services in the amount of \$158,395 to provide the Nutrition
12 Network Project, including nutrition education and physical activity promotion services; and,

13 WHEREAS, As a condition of receiving the grant funds, The California Department of Health
14 Services requires the City to enter into an agreement (the "Agreement"), a copy of which is on file with
15 the Clerk of the Board of Supervisors in File No. 000100 ; and

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

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

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

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

Supervisor Newsom

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1 FURTHER RESOLVED, That the Board of Supervisors hereby approves the provision in the
2 Agreement pursuant to which the City indemnifies The California Department of Health Services;
3 and, be it

4 FURTHER RESOLVED, That the Board of Supervisors hereby approves the provision in the
5 Agreement pursuant to which the City agrees to grant a royalty-free, nonexclusive, and irrevocable
6 license for the use of data developed under the contract; and, be it

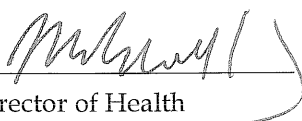
7 FURTHER RESOLVED, That the Board of Supervisors hereby waives the requirement
8 contained in Sections 6.21 and ~~21.19~~ ^{21.21} of the Administrative Code that the Agreement include an
9 indemnification of the City by The California Department of Health Services for the infringement of
10 patent rights; and, be it

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

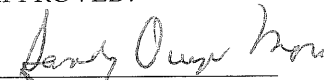


14 FURTHER RESOLVED, That the Board of Supervisors authorizes the Director of Health to
15 enter into similar agreements with The California Department of Health Services if the grant recurs or
16 is renewed; and, be it

17 FURTHER RESOLVED, That the Controller should be urged to designate the positions created
18 under the grant as "G" or grant-funded positions, which would terminate when the grant expires.

19
20 RECOMMENDED:

21 
22 Director of Health

APPROVED:

23 
24 Health Commission
25 
Office of the Mayor

Office of the Controller

Department of Public Health

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City and County of San Francisco

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

Tails

Resolution

File Number: 000100

Date Passed:

Resolution authorizing the Department of Public Health, Population Health and Prevention Division, Community Health Services, to accept, retroactively, and expend, retroactively, grant funds of \$158,395 from the California Department of Health Services to provide the Nutrition Network Project and to enter into an agreement which includes indemnification and rights in data clauses and which does not include patent infringement indemnification and false claims clauses.

February 7, 2000 Board of Supervisors — ADOPTED

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

Absent: 1 - Katz

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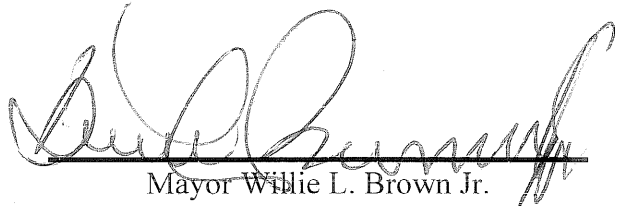
I hereby certify that the foregoing Resolution was ADOPTED on February 7, 2000 by the Board of Supervisors of the City and County of San Francisco.



Gloria L. Young
Clerk of the Board

FEB 18 2000

Date Approved



Mayor Willie L. Brown Jr.