

FILE NO. 000526

RESOLUTION NO. 351-00

[Grant-Federal]

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AUTHORIZING THE DEPARTMENT OF PUBLIC HEALTH, POPULATION HEALTH AND PREVENTION DIVISION, HIV HEALTH SERVICES, TO ACCEPT <sup>RETROACTIVELY</sup> AND EXPEND GRANT FUNDS OF \$1,099,869 FROM THE CALIFORNIA HIV EDUCATION AND PREVENTION SERVICES BRANCH, OFFICE OF AIDS, FOR A DEMONSTRATION PROJECT FOR INCARCERATED INDIVIDUALS WITHIN CORRECTIONAL SETTINGS AND THE COMMUNITY AND TO ENTER INTO AN AGREEMENT WHICH DOES NOT INCLUDE PATENT INFRINGEMENT INDEMNIFICATION AND FALSE CLAIMS CLAUSES.

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WHEREAS, The Department of Public Health has applied for and been awarded a grant from The California HIV Education and Prevention Services Branch, Office of AIDS, in the amount of \$1,099,869 for a Demonstration Project for Incarcerated Individuals Within Correctional Settings and the Community to demonstrate innovative local and statewide models of delivery of HIV prevention and care services; and,

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WHEREAS, As a condition of receiving the grant funds, The California HIV Education and Prevention Services Branch, Office of AIDS, 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. 000526 ; and

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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

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WHEREAS, The grant terms prohibit including indirect costs in the grant budget; now, therefore, be it

*Supervisor Newsom*  
BOARD OF SUPERVISORS

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

3 FURTHER RESOLVED, That the Board of Supervisors hereby waives inclusion of indirect  
4 costs in the grant budget; and, be it


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

7 FURTHER RESOLVED, That the Board of Supervisors hereby waives the requirement  
8 contained in Section 21.21 of the Administrative Code that the Agreement include an indemnification  
9 of the City by The HIV Education and Prevention Services Branch, Office of AIDS for the infringement  
10 of patent rights, copyright, trademark, and other intellectual property rights; and, be it

11 FURTHER RESOLVED, That the Board of Supervisors hereby waives the requirement that the  
12 Agreement include a paragraph reciting the false claims provisions contained in Section 21.35 of the  
13 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 HIV Education and Prevention Services Branch, Office of AIDS  
16 if the grant recurs or is renewed.  
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19 RECOMMENDED:

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21 Director of Health


APPROVED:

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23 Health Commission

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Office of the Mayor

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Office of the Controller

Department of Public Health



# City and County of San Francisco

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

## Tails

## Resolution

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**File Number:** 000526

**Date Passed:**

Resolution authorizing the Department of Public Health, Population Health and Prevention Division, HIV Health Services, to accept retroactively and expend grant funds of \$1,099,869 from the California HIV Education and Prevention Services Branch, Office of AIDS, for demonstration project for incarcerated individuals within correctional settings and the community to enter into an agreement which does not include patent infringement indemnification and false claims clauses.

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April 24, 2000 Board of Supervisors — ADOPTED

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

Absent: 1 - Katz


File No. 000526

I hereby certify that the foregoing Resolution was ADOPTED on April 24, 2000 by the Board of Supervisors of the City and County of San Francisco.

  
\_\_\_\_\_  
for Gloria L. Young  
Clerk of the Board

MAY - 5 2000

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Date Approved

  
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Mayor Willie L. Brown Jr.