

1 [Grant - State]

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AUTHORIZING THE DEPARTMENT OF PUBLIC HEALTH, POPULATION HEALTH  
AND PREVENTION , TO <sup>RETROACTIVELY ACCEPT</sup> ~~ACCEPT RETROACTIVELY~~ AND EXPEND A GRANT IN THE  
AMOUNT OF \$5,000 FROM THE SAN DIEGO STATE UNIVERSITY FOUNDATION FOR  
THE KIDS' PLATES BIKE HELMET SAFETY PROGRAM AND TO ENTER INTO AN  
AGREEMENT WHICH INCLUDES AN INDEMNIFICATION CLAUSE AND WHICH DOES  
NOT INCLUDE PATENT INFRINGEMENT INDEMNIFICATION AND FALSE CLAIMS  
CLAUSES; PROVIDING FOR RATIFICATION OF ACTION PREVIOUSLY TAKEN.

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WHEREAS, The Department of Public Health has applied for and been awarded a grant  
from the San Diego State University Foundation in the amount of \$5,000 to fund the Kids' Plates  
Bike Helmet Safety Program and,

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WHEREAS, As a condition of receiving the grant funds, the San Diego State University  
Foundation 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. 990263 ; and,

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WHEREAS, the San Diego State University Foundation has indicated that it will not  
agree to any modification to the form of the Agreement; and,

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

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

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

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FURTHER RESOLVED, That the Board of Supervisors hereby approves the provision in the Agreement pursuant to which the City indemnifies the San Diego State University Foundation; and, be it


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

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

FURTHER RESOLVED, That the Board of Supervisors authorizes the Director of Public Health to enter into similar agreements with the San Diego State University Foundation if the grant recurs or is renewed; and, be it

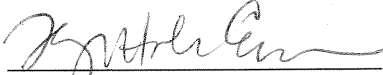
FURTHER RESOLVED, That although the City has incurred no legal obligation, the Board of Supervisors does hereby ratify the action previously taken.

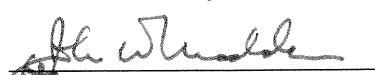
RECOMMENDED:

  
\_\_\_\_\_  
Mitchell H. Katz, M.D.  
Director of Health

APPROVED:

  
\_\_\_\_\_  
Health Commission

  
\_\_\_\_\_  
Office of the Mayor

  
\_\_\_\_\_  
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:** 990263

**Date Passed:**

Resolution authorizing the Department of Public Health, Population Health and Prevention, to retroactively accept and expend a grant in the amount of \$5,000 from the San Diego State University Foundation for the Kids' Plates Bike Helmet Safety Program and to enter into an agreement which includes an indemnification clause and which does not include patent infringement indemnification and false claims clauses; providing for ratification of action previously taken.

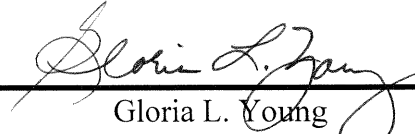
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March 22, 1999 Board of Supervisors — ADOPTED

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

File No. 990263

I hereby certify that the foregoing Resolution was ADOPTED on March 22, 1999 by the Board of Supervisors of the City and County of San Francisco.



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Gloria L. Young  
Clerk of the Board

APR - 2 1999

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Date Approved



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Mayor Willie L. Brown Jr.

File No. 990263 continued...