[Grant – State]

AUTHORIZING THE DEPARTMENT OF PUBLIC HEALTH, COMMUNITY HEALTH AND SAFETY SERVICES, TO ACCEPT RETROACTIVELY AND EXPEND A GRANT IN THE AMOUNT OF $49,826 FROM THE STATE EMERGENCY MEDICAL SERVICES AUTHORITY FOR TRAUMA SYSTEM EVALUATION AND TO ENTER INTO AN AGREEMENT WHICH INCLUDES RIGHTS IN DATA CLAUSES AND DOES NOT INCLUDE PATENT INFRINGEMENT INDEMNIFICATION AND FALSE CLAIMS CLAUSES; PROVIDING FOR RATIFICATION OF ACTION PREVIOUSLY TAKEN.

WHEREAS, The Department of Public Health, Community Health and Safety Services, Emergency Medical Services (EMS) Section, has applied for and been awarded a grant from the State Emergency Medical Services Authority in the amount of $49,826 for trauma system evaluation; 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. 992077 ; 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; 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

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

BOARD OF SUPERVISORS

FURTHER RESOLVED, That the Board of Supervisors hereby approves the provision in the Agreement pursuant to which the City agrees to grant a royalty-free, nonexclusive and irrevocable license for the use of data developed under the contract; and, be it
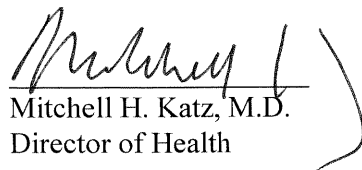
FURTHER RESOLVED, That the Board of Supervisors hereby waives the requirement contained in Sections 6.21 and 21.19 of the Administrative Code that the Agreement include an indemnification of the City by for the infringement of patent rights; and, be it

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 Health to enter into similar agreements with the State EMS Authority if the grant recurs or is renewed; and, be it

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

RECOMMENDED: APPROVED:

_____   _____
Mitchell H. Katz, M.D.   Health Commission
Director of Health

                                                _____
                                                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

File Number: 992077 **Date Passed:**

Resolution authorizing the Department of Public Health, Community Health and Safety Services, to accept retroactively and expend a grant in the amount of $49,826 from the State Emergency Medical Services Authority for trauma system evaluation and to enter into an agreement which includes rights in data clauses and does not include patent infringement indemnification and false claims clauses; providing for ratification of action previously taken.
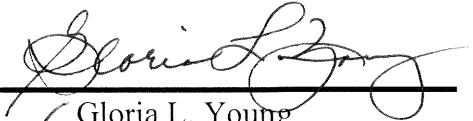
November 22, 1999 Board of Supervisors — ADOPTED

Ayes: 10 - Becerril, Bierman, Brown, Katz, Kaufman, Leno, Newsom, Teng, Yaki, Yee
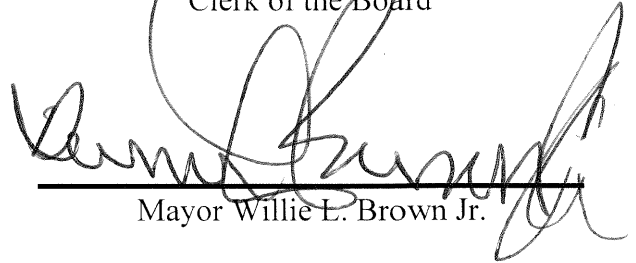
Absent: 1 - Ammiano

File No. 992077

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

_____
Gloria L. Young
Clerk of the Board

_____
DEC - 3 1999
Date Approved

_____
Mayor Willie L. Brown Jr.

File No. 992077