

1 [Grant-Private]

2  
3 AUTHORIZING THE DEPARTMENT OF PUBLIC HEALTH, POPULATION HEALTH AND  
4 PREVENTION, TO ACCEPT RETROACTIVELY AND EXPEND GRANT FUNDS OF \$93,755.60  
5 FROM THE CALIFORNIA HEALTH FOUNDATION AND TRUST TO DEVELOP TELEHEALTH  
6 CAPACITY FOR AFRICAN AMERICANS LIVING IN SAN FRANCISCO AND TO ENTER INTO AN  
7 AGREEMENT WHICH INCLUDES RIGHTS IN DATA, INDEMNIFICATION, AND BINDING  
8 ARBITRATION CLAUSES AND WHICH DOES NOT INCLUDE INTELLECTUAL PROPERTY  
9 INDEMNIFICATION AND FALSE CLAIMS CLAUSES.

10 WHEREAS, The Department of Public Health has applied for and been awarded a grant from  
11 The California Health Foundation and Trust in the amount of \$93,755.60 to develop telehealth capacity  
12 for African Americans living in San Francisco; and,

13 WHEREAS, As a condition of receiving the grant funds, The California Health Foundation  
14 and Trust requires the City to enter into an agreement (the "Agreement"), a copy of which is on file  
15 with the Clerk of the Board of Supervisors in File No. 001196 ; 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; and,

20 WHEREAS, The grant budget includes provision for indirect costs of \$8,664; now, therefore,  
21 be it

22 RESOLVED, That the Department of Public Health is hereby authorized to accept retroactively  
23 and expend 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

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

4 FURTHER RESOLVED, That the Board of Supervisors hereby approves the provision in the  
5 Agreement pursuant to which the City indemnifies the The California Health Foundation and Trust;  
6 and, be it

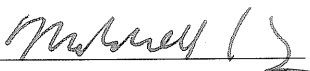
7 FURTHER RESOLVED, That the Board of Supervisors hereby approves the provision in the  
8 Agreement pursuant to which the City agrees to submit all claims arising out of the Agreement to  
9 binding arbitration; and, be it

10 FURTHER RESOLVED, That the Board of Supervisors hereby waives the requirement  
11 contained in Section 21.21 of the Administrative Code that the Agreement include an indemnification  
12 of the City by The California Health Foundation and Trust for the infringement of patent rights,  
13 copyright, trademark, and other intellectual property rights; and, be it

14 FURTHER RESOLVED, That the Board of Supervisors hereby waives the requirement that the  
15 Agreement include a paragraph reciting the false claims provisions contained in Section 21.35 of the  
16 Administrative Code: and, be it

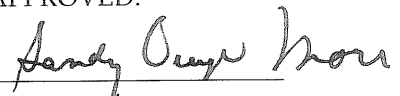
17 FURTHER RESOLVED, That the Board of Supervisors authorizes the Department of Public  
18 Health to enter into similar agreements with The California Health Foundation and Trust if the grant  
19 recurs or is renewed.


20  
21 RECOMMENDED:

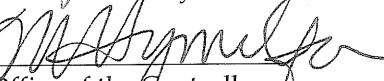
22   
23 Director of Health

Department of Public Health

APPROVED:

24   
25 Health Commission

  
Office of the Mayor

  
Office of the Controller



# 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:** 001196

**Date Passed:**

Resolution authorizing the Department of Public Health, Population Health and Prevention, to accept retroactively and expend grant funds of \$93,755.60 from the California Health Foundation and Trust to develop telehealth capacity for African Americans living in San Francisco and to enter into an agreement which includes rights in data, indemnification, and binding arbitration clauses and which does not include intellectual property indemnification and false claims clauses.

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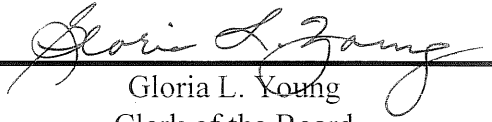
July 24, 2000 Board of Supervisors — ADOPTED

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

Absent: 1 - Katz

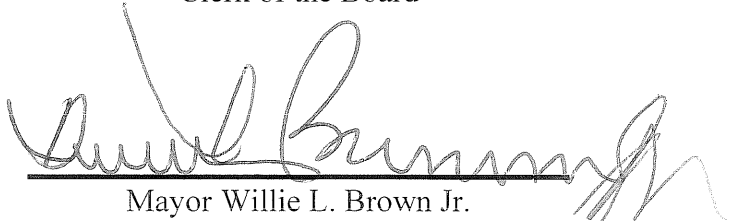
File No. 001196

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

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

AUG - 3 2000

Date Approved

  
\_\_\_\_\_  
Mayor Willie L. Brown Jr.