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**HEALTH COMMISSION
CITY AND COUNTY OF SAN
FRANCISCO**

London N. Breed Mayor
Department of Public Health



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Director of Health

Mark Morewitz, M.S.W.
Executive Secretary

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AGENDA

HEALTH COMMISSION MEETING

Tuesday, September 7, 2021 4:00 p.m.

Remote Meeting via Webex Event

1) CALL TO ORDER

RAMAYTUSH OHOLONE LAND ACKNOWLEDGEMENT

The San Francisco Health Commission acknowledges that we are on the unceded ancestral homeland of the Ramaytush (rah-my-toosh) Ohlone (O-lon-ee) who are the original inhabitants of the San Francisco Peninsula. As the Indigenous stewards of this land, and in accordance with their traditions, the Ramaytush Ohlone have never ceded, lost, nor forgotten their responsibilities as the caretakers of this place, as well as for all peoples who reside in their traditional territory. As guests, we recognize that we benefit from living and working on their traditional homeland. We wish to pay our respects by acknowledging the Ancestors, Elders, and Relatives of the Ramaytush Ohlone community and by affirming their sovereign rights as First Peoples.

2) PROPOSED ACTION: APPROVAL OF THE MINUTES OF THE HEALTH COMMISSION MEETING OF AUGUST 17, 2021.

**Minutes of the meetings of August 17, 2021.*

3) FOR DISCUSSION: DIRECTOR'S REPORT

(Grant Colfax, MD, DPH Director of Health)

- Legislation
- Programs
- Budget
- Departmental News
- Announcements

**Director's Report*

4) FOR DISCUSSION: COVID-19 UPDATE

(Grant Colfax, MD, DPH Director of Health)

THE HEALTH COMMISSION WILL HEAR AN UPDATE ON DPH COVID-19-RELATED ACTIVITIES.

5) **GENERAL PUBLIC COMMENT**

AT THIS TIME, MEMBERS OF THE PUBLIC MAY ADDRESS THE COMMISSION ON ITEMS OF INTEREST TO THE PUBLIC THAT ARE WITHIN THE SUBJECT MATTER JURISDICTION OF THE COMMISSION THAT ARE NOT ON THIS MEETING AGENDA. WITH RESPECT TO AGENDA ITEMS, YOUR OPPORTUNITY TO ADDRESS THE COMMISSION WILL BE AFFORDED WHEN THE ITEM IS REACHED IN THE MEETING. EACH MEMBER OF THE PUBLIC MAY ADDRESS THE COMMISSION FOR UP TO TWO MINUTES. THE BROWN ACT FORBIDS A COMMISSION FROM TAKING ACTION OR DISCUSSING ANY ITEM NOT APPEARING ON THE POSTED AGENDA, INCLUDING THOSE ITEMS RAISED AT PUBLIC COMMENT. PLEASE SEE PAGE 4 OF THIS AGENDA FOR INFORMATION REGARDING INSTRUCTIONS FOR MAKING PUBLIC COMMENT.

6) **FOR DISCUSSION:** **POPULATION HEALTH DIVISION UPDATE**

(Susan Philip, MD, MPH, Acting Director, and Health Officer)

THE HEALTH COMMISSION WILL BE PRESENTED WITH AN UPDATE ON THE POPULATION HEALTH DIVISION.

7) **FOR ACTION:** **RESOLUTION: HONORING THE IMPORTANCE OF THE HEALTH COMMISSION HEARING FROM DIVERSE COMMUNITY VOICES AND CODIFYING ITS COMMITMENT TO AN ANNUAL MEETING IN THE COMMUNITY**

(Mark Morewitz, Health Commission Executive Secretary)

THE HEALTH COMMISSION WILL CONSIDER A RESOLUTION NOTING THE IMPORTANCE OF DIVERSE COMMUNITY INPUT AND CODIFYING THE HEALTH COMMISSION TRADITION OF HOLDING AT LEAST ONE MEETING IN THE COMMUNITY PER YEAR IN ORDER TO FOCUS ON THE PUBLIC HEALTH ISSUES OF THE NEIGHBORHOOD. THIS ITEM WAS INTRODUCED AT THE AUGUST 17, 2021 MEETING. APPROVAL IS REQUESTED.

8) **FOR DISCUSSION AND POSSIBLE ACTION:** **PROPOSED REVISIONS TO THE HEALTH COMMISSION RULES AND REGULATIONS**

(Mark Morewitz, Health Commission Executive Secretary)

THE HEALTH COMMISSION WILL CONSIDER REVISIONS TO ITS RULES AND REGULATIONS. APPROVAL IS REQUESTED.

9) **FOR DISCUSSION:** **FINANCE AND PLANNING COMMITTEE UPDATE**

THE COMMITTEE CHAIR WILL GIVE A BRIEF UPDATE ON MATTERS DISCUSSED AND/OR RECOMMENDATIONS MADE IN THIS COMMITTEE INCLUDING CONTRACT-RELATED REQUESTS.

10) **FOR ACTION:** **CONSENT CALENDAR**

- **SEPTEMBER 2021 CONTRACTS REPORT**
- **REQUEST FOR APPROVAL OF A NEW CONTRACT WITH SPENDMEND, LLC TO PERFORM 340B DRUG PRICING PROGRAM CONSULTING SERVICES. THE TOTAL PROPOSED CONTRACT AMOUNT IS \$427,840 WHICH INCLUDES A 12% CONTINGENCY FOR THE TERM OF OCTOBER 1, 2021 THROUGH SEPTEMBER 30, 2025 (4 YEARS).**

11) **OTHER BUSINESS:**

OPPORTUNITY WHEN COMMISSIONERS, THE DIRECTOR, AND THE PUBLIC MAY BRING UP TOPICS FOR DISCUSSION, PROVIDING THAT ANY ACTION IS DELAYED UNTIL PROPER NOTICE CAN BE GRANTED.

12) **FOR DISCUSSION:** **JOINT CONFERENCE COMMITTEE AND OTHER COMMITTEE REPORTS**

THE HEALTH COMMISSION WILL HEAR A BRIEF SUMMARY OF THE AUGUST 24, 2021 ZSFG JCC MEETING.

13) CLOSED SESSION –Litigation & Personnel:

- A). Public comments on all matters pertaining to the closed session
- B). Vote on whether to hold a closed session (San Francisco Administrative Code Section 67.11) and to invoke the attorney-client privilege (San Francisco Administrative Code Section 67.10 (b)(d))
- C). **CONFERENCE WITH CITY ATTORNEY**
Convene in Closed Session - Existing Litigation - Motion that the Health Commission convene in closed session with the City Attorney for the purpose of conferring with, or receiving advice from, the City Attorney regarding the following existing lawsuit in which a proposed settlement is being considered by the Health Commission, pursuant to San Francisco Administrative Code Section 67.10(d) and California Government Code Sections 54956.9 and 54956.9(e)(3) permit this closed session. Discussion in open session concerning these matters would likely and unavoidably prejudice the position of the City in the pending lawsuit listed below.
1. Settlement of Unlitigated Claim: Covidien Sales LLC, a Medtronic Company (“Medtronic”) - City to receive \$800,000.00 per Full and Final Release in exchange for the City’s return of the ventilators at Medtronic’s cost. (Action Item)
 2. Settlement of Unlitigated Claim: Sandeep K. Lal - City to pay \$59,000.00.

Sandeep K. Lal, Charging Party, vs. City and County of San Francisco, Respondent. Filed on December 6, 2019 (State of California Public Employment Relations Board, Case No. SF-CE-1682-M); EEOC Charge No. 37A-2021-00427-C (Action Item)
 3. Settlement of Litigation: David Joslyn - City to pay \$3,250,000.00.

David Joslyn, an individual; and Iris Solano, an individual, Plaintiffs, vs. City and County of San Francisco, a government entity; Paul Hausknecht, M.D., an individual; Louis Yu, M.D., an individual; Dwayne Adams, R.N., an individual; Grace Massa, R.N., an individual; Chelsea Nash, R.N., an individual; Brian Cross, R.N., an individual; and Does 1-20, inclusive, Defendants. Filed on October 2, 2019 (San Francisco Superior Court, Case No. CGC-19-579230) (Action Item)
- D). Closed Session pursuant to California Government Code Section 54957(b) and San Francisco Administrative Code Section 67.10(b):

PUBLIC EMPLOYEE PERFORMANCE EVALUATION:
DIRECTOR OF HEALTH-GRANT COLFAX, MD (ACTION)
- E). Reconvene in Open Session: Motions and vote on whether to disclose any or all of the closed session discussions, San Francisco Administrative Code Section 67.12(a)

14) ADJOURNMENT

- * Explanatory documents are available at the Health Commission Office, 101 Grove Street, Room #309, telephone 554-2666. If any materials related to an item on this agenda have been distributed to the

Health Commission after distribution of the agenda packet, those materials are available for public inspection at the Health Commission Office at the address above during normal business hours.

Accessible Meeting Policy

American Sign Language interpreters and readers and/or language interpreters are available with advance notice of three business days. The Department of Public Health will make every effort to accommodate requests for sound enhancement systems and alternative formats for meeting minutes and agendas. Please make these requests as far in advance as possible. For all requests contact the Health Commission office at 554-2666. Late requests will be honored if possible.

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals.

Cell Phone and/or Sound Producing Electronic Device Usage at Hearings

The ringing of and use of cellular phones, pagers and similar sound producing electronic devices are prohibited during public meetings. Please be advised that the Chair/President may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phones, pagers, or other similar sound producing electronic devices (Sunshine Ordinance 67A.1).

Know Your Rights under the Sunshine Ordinance

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the sunshine ordinance or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force Administrator by mail to, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102, by phone at (415) 554-7724, by fax at (415) 554-7854 or by email at sotf@sfgov.org. Citizens may obtain a free copy of the Sunshine Ordinance by contacting the Sunshine Ordinance Task Force or by printing Chapter 67 of the San Francisco Administrative Code on the Internet, at <http://www.sfbos.org/sunshine>.

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Lobbyist Ordinance

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance (Administrative Code Section 16.520-534) to register and report lobbying activity. For more information about the Lobbyist Ordinance, contact the Ethics Commission at 25 Van Ness Avenue, Suite 220, San Francisco, CA 94102; telephone (415) 252-3100; fax (415) 252-3112 or visit its website at <http://www.sfgov.org/ethics>.

Remote Meeting Access Information

View the meeting at the links below:

<https://sfgovtv.org/DPHLiveStream>

<https://sfdph.webex.com/sfdph/onstage/g.php?MTID=e2cf0280d337c6ca5bd8af8dfb284a657>

NOTE: Depending on your broadband/WIFI connection, there may be a delay when viewing the meeting live.

PUBLIC COMMENT CALL-IN: 415-655-0003/ Access Code: 2454 374 9351

After entering the access code, press # twice to listen to the meeting
(*There is no delay when listening to the meeting using this number.*)

Information Regarding Providing Public Comment

- Each individual may comment 1 time per agenda item.
- Each individual may speak for up to 2 minutes; after which time the line is automatically silenced.
- To make public comment on a specific agenda item, dial in using the information above, when the item is called.
- Dial “*3” to be added to the public comment queue for this item.
- When it is your time to speak, you will hear “Your line has been unmuted.”
- Ensure you are in a quiet location.
- Before you speak, mute the sound of any equipment around you including televisions, radios, and computers. It is especially important that you **mute your computer** so there is no echo sound when you speak.
- When the Commission Secretary states, “Next Caller,” you are encouraged to state your name clearly. As soon as you speak, your 2 minute allotment will begin.
- After you speak, you will go back to listening mode. You may stay on the line to provide public comment on another item.