

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS
OF THE COUNTY OF SAN BERNARDINO
AND RECORD OF ACTION**

October 27, 2020

FROM

WILLIAM L. GILBERT, Director, Arrowhead Regional Medical Center

SUBJECT

Revenue Agreement with Cal State University San Bernardino Philanthropic Foundation for Tattoo Removal Services

RECOMMENDATION(S)

Approve **Revenue Agreement No. 20-1058** with the Cal State University San Bernardino Philanthropic Foundation to compensate Arrowhead Regional Medical Center for tattoo removal services at the rate of \$150 per removal session, to formerly incarcerated individuals who live in the greater San Bernardino area, for the period of October 27, 2020, through June 30, 2022. (Presenter: William L. Gilbert, Director, 580-6150)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

**Create, Maintain and Grow Jobs and Economic Value in the County.
Provide for the Safety, Health and Social Service Needs of County Residents.**

FINANCIAL IMPACT

Approval of the item will not result in the use of Discretionary General Funding (Net County Cost). Cal State University San Bernardino Philanthropic Foundation (Foundation) agrees to pay for all tattoo removal services to formerly incarcerated individuals who are referred to Arrowhead Regional Medical Center (ARMC) by the Foundation. ARMC will submit invoices directly to the Foundation for payment at the end of each month. Foundation shall pay properly submitted invoices no more than 30 days after receipt of an undisputed invoice for services rendered at the rate of \$150 per tattoo removal session.

BACKGROUND INFORMATION

The recommended approval will allow ARMC to receive referrals from Foundation staff and provide tattoo removal services at no cost to recipients for services. All costs per tattoo removal session will be recovered through direct monthly billings to the Foundation. The Foundation agrees to pay ARMC for services rendered per tattoo removal session.

The revenue agreement with the Foundation will create, maintain, and grow jobs and economic value in the County by providing tattoo removal services at no cost to rehabilitated individuals released from incarceration and increase their probability of employment opportunities.

The tattoo removal service will support the rehabilitation of previously incarcerated individuals by improving their employment opportunities and enhance their quality of life. Evidence-based research has found that individuals that secure employment are 80% less likely to re-offend, return to crime/prison and/or need social and public services.

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Laser tattoo removal is the most effective and least invasive procedure that offers minimal side effects. Depending on the size and color, a tattoo can be completely removed in less than a year.

The Revenue Agreement was negotiated by the parties and contain the following non-standard terms:

Indemnification

The County agrees to defend and indemnify the Foundation, the State of California, and Cal State University San Bernardino (collectively, "Indemnified Parties") of any claims arising out of the negligent acts or willful misconduct relating to ARMC's performance of work under the Agreement, except where the claim is due to the sole negligence or willful misconduct of the Foundation.

- The standard County contract does not contractually obligate the County from indemnifying the vendor under any circumstances.
- **Potential Impact:** By agreeing to provide indemnification, the County could be contractually waiving the protection of sovereign immunity. Claims that may otherwise be barred against the County, time limited, or expense limited could be brought against the Indemnified Parties without such limitations and the County would be responsible to defend and reimburse the Indemnified Parties for costs, expenses, and damages, which could exceed the total contract amount.

The Revenue Agreement is also lacking many of the standard County contract terms, including those relating to insurance requirements, the indemnification of the County, and termination.

ARMC recommends approval of the Agreement, including the non-standard terms, to ensure the reimbursement to ARMC for tattoo removal services provided to previously incarcerated residents of the County.

PROCUREMENT

Not applicable.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Charles Phan, Deputy County Counsel, 387-5655) on October 1, 2020; ARMC Finance (Chen Wu, Budget and Finance Officer, 580-3165) on October 5, 2020; Finance (Amanda Trussell, Principal Administrative Analyst, 387-5423) on October 5, 2020; and County Finance and Administration (Matthew Erickson, County Chief Financial Officer, 387-5423) on October 9, 2020

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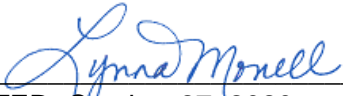
Record of Action of the Board of Supervisors
County of San Bernardino

APPROVED (CONSENT CALENDAR)

Moved: Robert A. Lovingood Seconded: Josie Gonzales

Ayes: Robert A. Lovingood, Janice Rutherford, Dawn Rowe, Curt Hagman, Josie Gonzales

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: October 27, 2020



cc: ARMC - Gilbert w/agree
Contractor - C/O ARMC w/agree
File - w/agree

CCM 11/2/2020