

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

**September 9, 2025**

**FROM**

**JOSHUA DUGAS, Director, Department of Public Health**

**SUBJECT**

Revenue Contract with the Children and Families Commission for San Bernardino County for the Count the Kicks Campaign Launch

**RECOMMENDATION(S)**

1. Approve **Revenue Contract No. 25-702**, including non-standard terms, with the Children and Families Commission for San Bernardino County, for the launch of the Count the Kicks campaign, in the amount of \$48,000, for the period of July 1, 2025 through June 30, 2028.
2. Authorize the Chair of the Board of Supervisors, Chief Executive Officer, or Director of the Department of Public Health to execute and submit any subsequent non-substantive amendments and documents, including work plans and budgets, on behalf of the County, subject to review by County Counsel.
3. Direct the Director of the Department of Public Health to transmit any subsequent non-substantive amendments to the Clerk of the Board of Supervisors within 30 days of execution.

(Presenter: Joshua Dugas, Director, 387-9146)

**COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES**

**Promote the Countywide Vision.**

**Provide for the Safety, Health and Social Service Needs of County Residents.**

**Pursue County Goals and Objectives by Working with Other Agencies and Stakeholders.**

**FINANCIAL IMPACT**

Approval of this item does not impact Discretionary General Funding (Net County Cost). The recommended Revenue Contract (Contract) for the Count the Kicks Campaign (Campaign), in the amount of \$48,000, is funded by the Children and Families Commission for San Bernardino County (Commission). Adequate appropriation and revenue have been included in the Department of Public Health's (DPH) 2025-26 budget and will be included in future recommended budgets.

**BACKGROUND INFORMATION**

The Commission was created in 1999 to promote, support and improve the early development of children from the prenatal stage to five years of age, in collaboration with community and agencies providing services to children.

The Campaign is a proven stillbirth prevention program that seeks to ensure that expectant parents in the third trimester of pregnancy are aware of the importance of monitoring baby's movements, learning standard movement patterns, and contacting their provider or urgent care

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if they detect any changes. The recommended Contract with the Commission will fund billboard advertisements to increase awareness of the importance of fetal kick monitoring and direct families to resources.

The recommended Contract with the Commission includes terms that differ from the County standard contract terms as follows:

1. The Contract requires the County to indemnify, defend (with counsel reasonably approved by the Commission) and hold harmless the Commission and its authorized officers, employees, agents and volunteers from any and all claims, actions, losses, damages, and/or liability arising out of the Contract from any cause whatsoever, including the acts, errors, omissions of any person and for any costs or expenses incurred by the Commission on account of any claim except where such indemnification is prohibited by law.
  - The County standard contract indemnification provision requires the contractor to indemnify, defend, and hold County harmless from third-party claims arising out of the acts, errors or omissions of any person.
  - Potential Impact: By agreeing to indemnify the Commission, 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 Commission without such limitations and the County could be responsible to defend and reimburse the Commission for costs, expenses, and damages, which could exceed the total Contract amount.
2. The Contract does not require the Commission to meet the County's insurance standards as required pursuant to County Policies, 11-05, 11-07 and 11-07SP.
  - County policy requires vendors to carry appropriate insurance at limits and under conditions determined by the County's Risk Management Department and as set forth in County policy and in the County standard contract.
  - Potential Impact: The County has no assurance that the Commission will be financially responsible for claims that may arise under the Contract, which could result in expenses to the County that exceed the total Contract amount.
3. The Contract imposes insurance obligations on the County.
  - The standard County contract does not include any insurance requirements for the County.
  - Potential Impact: The County must be mindful of the insurance obligations and ensure that it maintains all the necessary insurance policies or programs of self-insurance required under the Contract or risk being in breach of the Contract terms.

DPH recommends approval of the recommended Contract, including the non-standard terms, for the retroactive term of July 1, 2025, through June 30, 2028, to further support the efforts of decreasing the number of stillbirths throughout the county.

The recommended Contract was approved by the Commission on May 7, 2025. This item is being presented at this time as this is the first available date following the required operational, fiscal and legal reviews. Approval of this item will not impact DPH's services or activities.

**PROCUREMENT**

Not applicable.

**REVIEW BY OTHERS**

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This item has been reviewed by County Counsel (Daniel Pasek, Deputy County Counsel, 387-9000) on August 12, 2025; Risk Management (Gregory Ustaszewski, Staff Analyst, 386-9008) on August 11, 2025; and County Finance and Administration (Iliana Rodriguez, Administrative Analyst, 387-4205) on August 21, 2025.

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Record of Action of the Board of Supervisors  
San Bernardino County

**APPROVED (CONSENT CALENDAR)**

Moved: Joe Baca, Jr. Seconded: Curt Hagman

Ayes: Col. Paul Cook (Ret.), Jesse Armendarez, Dawn Rowe, Curt Hagman, Joe Baca, Jr.

Lynna Monell, CLERK OF THE BOARD

BY   
DATED: September 9, 2025



cc: PH - Ramos w/agree  
Contractor - c/o PH w/agree  
File - w/agree  
CCM 09/15/2025