

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

August 5, 2025

FROM

JOSHUA DUGAS, Director, Department of Public Health

SUBJECT

Award Notification Letter and Grant Agreements from Essential Access Health for the 2024 and 2025 Title X Family Planning Services Program

RECOMMENDATION(S)

1. Accept and approve the 2025-26 Title X Family Planning Services Program Award Notification letter and Grant Agreement (**Agreement No. 25-582**)(Subrecipient Agreement No. 454-5320-70209-25-26), including non-standard terms, from Essential Access Health, for the provision of women's health services, family planning programs and preventive health care, in the amount of \$120,000, for the period of April 1, 2025 through March 31, 2026.
2. Approve **Amendment No. 1 to Agreement No. 24-618** (Subrecipient Agreement No. (454-5320-2456-200-22.3-24-25), including non-standard terms, from Essential Access Health, for the provision of women's health services, family planning programs and preventive health care, increasing the amount by \$10,000, from \$120,000 to \$130,000, for the period of April 1, 2024 through March 31, 2025.
3. Authorize the Director of the Department of Public Health to electronically execute and submit the 2025-26 Title X Family Planning Services Program Award Notification letter indicating acceptance of the \$120,000 award, the Grant Agreement, and Amendment No. 1 to Agreement No. 24-618, on behalf of the County, subject to review by County Counsel.
4. Direct the Director of the Department of Public Health to transmit the executed 2025-26 Title X Family Planning Services Program Award Notification letter, the Grant Agreement, and Amendment No. 1 to Agreement No 24-618 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

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 will not result in the use of Discretionary General Funding (Net County Cost). The Title X Family Planning Services Program (Title X) grant supplement award of \$10,000 for 2024-25 and the current award in the amount of \$120,000 for 2025-26 from Essential Access Health (Essential Access) does not require a local match. Adequate appropriation and revenue have been included in the Department of Public Health's (DPH) 2024-25 and 2025-26 budgets.

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BACKGROUND INFORMATION

Essential Access is a federal grant recipient of the Department of Health and Human Services and is authorized to execute agreements with various agencies throughout California for the provision of Title X grant funding to provide women's health services, family planning programs and preventive health care. DPH has received Title X funding for over 40 years.

On June 25, 2024 (Item No. 81), the Board of Supervisors (Board) approved Agreement No. 24-618 (Agreement) with Essential Access to provide women's health services, family planning programs and preventive health care, in the not-to-exceed amount of \$120,000, for the retroactive period of April 1, 2024 through March 31, 2025.

On December 17, 2024 (Item No. 71), the Board approved the Supplemental Award Notification letter from Essential Access, indicating acceptance of a one-time supplemental award of \$10,000, for the 2024-25 Title X. Upon receipt of the signed Supplemental Award Notification, Essential Access was to send a formal amendment to the Agreement.

On March 21, 2025, DPH received Amendment No. 1 to the Agreement from Essential Access for the 2024-25 Title X, increasing the amount by \$10,000 from \$120,000 to \$130,000, with no change to the period of April 1, 2024 through March 31, 2025. Due to an administrative oversight and confusion surrounding an impending freeze on Title X funding, Amendment No. 1 to the Agreement was delayed in being presented to the Board for acceptance. Recommendation No. 2 will complete acceptance of the supplemental award. DPH staff have received additional training regarding County Policy 05-13 to prevent future oversights.

On July 11, 2025, DPH received an Award Notification letter from Essential Access of an award in the amount of \$120,000, with a grant term of April 1, 2025, to March 31, 2026. On July 31, 2025, DPH received the corresponding Grant Agreement for the 2025-26 Title X. Recommendation No. 3 seeks authorization for the DPH Director to electronically execute and submit the 2025-26 Title X Award Notification letter, Grant Agreement, and Amendment No. 1 in the Essential Access Extranet Portal.

DPH will use the Title X funds to continue to provide reproductive health care (including testing and treatment, and other preventive services such as breast and cervical cancer screenings), at six clinic sites in the cities of Ontario, Hesperia, San Bernardino, Big Bear, Barstow, and Needles. DPH serves approximately 1,100 patients a year using Title X funding.

Both the Grant Agreement and Amendment No. 1 include the same non-standard terms. The non-standard terms includes the following:

1. The Grant Agreement and Amendment No. 1 contain mutual indemnification provisions.
 - The County standard contract does not include any indemnification or defense by the County of another contracting party.
 - Potential Impact: By agreeing to indemnify Essential Access, 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 Essential Access without such limitations and the County could be responsible to defend and reimburse Essential Access for costs, expenses, and damages, which could exceed the total agreement amounts.
2. All disputes arising under the Grant Agreement and Amendment No. 1 must be settled by binding arbitration.

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- The County standard contract does not require arbitration.
- Potential Impact: Binding arbitration decisions are not appealable. In addition, disputes that might otherwise be settled in small claims court would incur arbitration costs that could exceed the costs of a small claims action, and the agreement amounts.

DPH recommends approval of the Grant Agreement, and Amendment No. 1 to the Agreement, including non-standard terms, as this will allow DPH to continue to provide reproductive health care (including testing and treatment, and other preventive services such as breast and cervical cancer screenings to residents throughout the county.

PROCUREMENT

Not applicable.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Daniel Pasek, Deputy County Counsel, 387-5455) on July 31, 2025; Risk Management (Greg Ustaszewski at 396-9008) on August 1, 2025; and County Finance and Administration (Iliana Rodriguez, Administrative Analyst, 387-4205) on July 17, 2025.

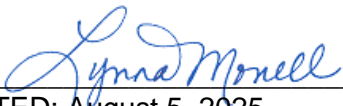
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Health for the 2024 and 2025 Title X Family Planning Services Program
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Record of Action of the Board of Supervisors
San Bernardino County

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: August 5, 2025



cc: PH - Rosales w/agree for sign
Contractor - c/o PH w/agree
File - w/agree
MBA 08/8/2025