

**COUNTY OF SAN DIEGO
BOARD OF SUPERVISORS - LAND USE
WEDNESDAY, MAY 24, 2023**

MINUTE ORDER NO. 4

**SUBJECT: APPROVE AND RATIFY FISCAL YEAR 2022-23 REVENUE AGREEMENT
WITH THE STATE WATER RESOURCES CONTROL BOARD FOR BEACH
AND BAY WATER QUALITY MONITORING PROGRAM
(DISTRICTS: 1, 3, & 5)**

OVERVIEW

State law (Health and Safety Code, Chapter 765, Sections 115875 - 115915) provides a program for beach water quality testing and public notification when test results indicate an increased risk of illness during water contact. The law establishes criteria to identify the beach locations and frequency of monitoring for water quality and the process for providing information to the public on beach water quality conditions and closing beaches for sewage impacts. The criteria identifies beaches: 1) with storm drains that discharge to the beach during dry weather and 2) that are visited by more than 50,000 people per year. Beaches that meet these criteria are mandated to be monitored at least weekly from April 1 through October 31, the “dry weather” period when beaches are most accessed for recreation, by the local health officer or director of environmental health during a fiscal year in which the Legislature has appropriated sufficient funds for local agencies to cover the costs associated with the performance of these duties. The appropriated funds are distributed through State revenue agreements. The revenue agreement with the State Water Resources Control Board (SWRCB) for Fiscal Year 2022-23 is the subject of this Board letter.

Since 1999, the Department of Environmental Health and Quality (DEHQ) has annually entered into a revenue agreement with the State to receive funds to implement the State-mandated dry weather Beach and Bay Water Quality Monitoring Program (Program). This Program collects samples and tests ocean water, conducts public education and outreach, posts signs warning of contaminated water at public beaches when samples exceed State health standards, and closes beaches impacted by sewage or chemical spills. Up-to-date beach water quality information is also made available to the public at sdbeachinfo.com so that beach users can make informed decisions as to when and where to enter the water.

In addition to the funding received through the revenue agreement with the SWRCB, the County of San Diego (County) also receives 1991 Health Realignment revenue from the State which is used to support the Program costs. The 1991 Health Realignment revenue is dedicated State funding provided to counties to cover costs associated with public health, mental health, and social services program responsibilities transferred from the State to counties.

The total cost of the Program for Fiscal Year 2022-23 is anticipated to be approximately \$796,790. The revenue agreement with the SWRCB will fund \$354,539, which consists of federal (\$189,114) and State (\$165,425) funding made available through the Public Beach Safety Grant Program. Since this revenue agreement is funded by both federal and State monies, there are two different performance periods for funding reimbursement because the agencies operate under different fiscal year cycles. The performance period for the State-funded portion will reimburse expenses incurred from July 1, 2022 to June 30, 2023, while the federally funded portion will reimburse expenses incurred from October 1, 2022 to August 15, 2023.

Additionally, DEHQ will use \$33,455 in General Fund fund balance and \$408,796 of 1991 Health Realignment revenue for the Beach and Bay Water Quality Monitoring Program. This accounts for expenditures not allowable under the revenue agreement, such as monitoring during wet weather months, from November 1 to March 30. Monitoring in wet weather months is needed as beaches in our region are used year-round. The 1991 Health Realignment revenue also funds County support costs such as overhead and facilities costs, which are capped to 20% of State funding and 10% of federal funding under the revenue agreement. A waiver of Board Policy B-29: *Fees, Grants, Revenue Contracts - Department Responsibility for Cost Recovery*, is requested in the amount of \$442,251 for program costs not covered by the revenue agreement and to implement a year-round Beach and Bay Water Quality Monitoring Program throughout the coastal shoreline. In addition, ratification is requested, as delayed receipt of the State agreement prevented DEHQ from bringing this agreement to the Board at least 60 days before the effective date of the agreement, and work began before the agreement was in place, as required by Board Policy B-29. The County received a final revenue agreement from the SWRCB on March 13, 2023.

If approved by the Board of Supervisors, these recommendations also authorize the DEHQ Director, or their designee, to execute a revenue agreement with the SWRCB in the amount of \$354,539 for the period of July 1, 2022 through August 15, 2023 to fund the Beach and Bay Water Quality Monitoring Program, and adopt a resolution authorizing DEHQ to receive the funds.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. In accordance with Section 15061(b)(3) of the State of California Environmental Quality Act (CEQA) Guidelines, find that it can be seen with certainty that there is no possibility this project may have a significant effect on the environment and that it is therefore exempt from CEQA.
2. Waive Board Policy B-29: *Fees, Grants, Revenue Contracts - Department Responsibility for Cost Recovery*, which requires full cost recovery for revenue contracts as well as docketing revenue contracts with the Board at least 60 days prior to the effective date of the contract.
3. Ratify acceptance and authorize the Director, Department of Environmental Health and Quality, or their designee, to execute a revenue agreement with the State Water Resources Control Board to fund beach and bay water quality monitoring, in the amount of \$354,539 for the period July 1, 2022 through August 15, 2023.
4. Adopt a Resolution entitled: RESOLUTION AUTHORIZING EXECUTION OF A REVENUE AGREEMENT WITH THE STATE WATER RESOURCES CONTROL BOARD FOR BEACH AND BAY WATER QUALITY MONITORING PROGRAM FOR FISCAL YEAR 2022-23
5. Authorize the Director, Department of Environmental Health and Quality, or their designee, to execute any extensions, amendments, or revisions thereof that do not materially impact or alter either the program or funding level.

EQUITY IMPACT STATEMENT

The Department of Environmental Health and Quality protects and promotes a healthy environment for the residents and visitors of the region by ensuring safe, sustainable communities, and preserving and enhancing the natural environment in which people live. The funding received through the revenue agreement with the State Water Resources Control Board for the Beach and Bay Water Quality Monitoring Program will ensure that the public is informed of potential health risks related to water contact when testing indicates that bacteria levels exceed State health standards.

Funding from the revenue agreement is provided to equitably monitor ocean water quality in all areas of the county with storm drains that discharge to the beach during dry weather and beaches that are visited by more than 50,000 people per year.

SUSTAINABILITY IMPACT STATEMENT

The Beach and Bay Water Quality Monitoring Program contributes to many of the County of San Diego's Sustainability Goals: protect health and wellbeing; engage the community; and protect ecosystems, habitats, and biodiversity. Ensuring that the public is informed of potential health risks related to water contact will allow residents and visitors to make informed decisions about whether or not to enter the water while enjoying the natural resources found in the 70 miles of coastline with the region. Safe access to beaches promotes exercise and positive physical and mental health.

Poor water quality at beaches not only threatens the health of swimmers and beachgoers but also hurts our ocean-dependent economy, such as tourism and recreation. Additionally, education and outreach efforts lead to strong connections between people and beaches. These benefits impact beach visitors of all ages, abilities and financial resources.

FISCAL IMPACT

Funds for this request are included in the Fiscal Year 2022-23 Operational Plan in the Department of Environmental Health and Quality (DEHQ). If approved, this request will result in current year program costs and revenue of \$796,790. The funding sources are a revenue agreement with the State Water Resources Control Board (\$354,539), General Fund fund balance (\$33,455) and 1991 Health Realignment revenue from the State (\$408,796). The County of San Diego receives a fixed amount of ongoing 1991 Health Realignment revenue for the costs of operating various State mandated public health officer programs, one of which is the Beach and Bay Water Quality Monitoring Program. A waiver of Board Policy B-29: *Fees, Grants, Revenue Contracts - Department Responsibility for Cost Recovery*, is requested in the amount of \$442,251 for program costs not covered by the revenue agreement, including County support costs which are capped under the State revenue agreement, and for wet weather monitoring. Subsequent year costs and revenues will be included in future year Operational Plans for DEHQ. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

Water quality testing needs to be conducted in a timely manner to ensure the protection of public health and to monitor for water quality impacts at public beaches and bays. When bacteria levels in the water at beaches and bays exceed State health standards, business, tourism and recreational activities in the county can be negatively affected due to a decline in beachgoers recreating and frequenting businesses.

ACTION:

ON MOTION of Supervisor Anderson, seconded by Supervisor Desmond, the Board of Supervisors took action as recommended, on Consent, adopting Resolution No. 23-045, entitled: RESOLUTION AUTHORIZING EXECUTION OF A REVENUE AGREEMENT WITH THE STATE WATER RESOURCES CONTROL BOARD FOR BEACH AND BAY WATER QUALITY MONITORING PROGRAM FOR FISCAL YEAR 2022-23.

AYES: Vargas, Anderson, Desmond

NOT PRESENT: Lawson-Remer

ABSENT: (District 4 Seat Vacant)

State of California)

County of San Diego) §

I hereby certify that the foregoing is a full, true and correct copy of the Original entered in the Minutes of the Board of Supervisors.

ANDREW POTTER

Clerk of the Board of Supervisors



Signed

by Andrew Potter