



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: Public Health
Department No.: 041
For Agenda Of: November 29, 2022
Placement: Administrative
Estimated Time:
Continued Item:
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Daniel L.B. Nielson, MPA, Interim Director
Director(s) Public Health Department
Contact Info: Lars Seifert, Director
Environmental Health Services (805) 681-4934
SUBJECT: Ocean Water Quality Monitoring Grant Agreement (State Water Board), July 1, 2022 through June 30, 2025

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: Yes

Recommended Actions:

That the Board of Supervisors consider the following recommendations:

- a) Adopt a Resolution Authorizing the Director of the Public Health Department, or Designee, to Execute a Public Beach Safety Grant Agreement with the State Water Resources Control Board, which approves, ratifies, and authorizes the Public Health Director, or designee, to:
 1. Enter into a Grant Agreement (No. D2214113) with the State Water Resources Control Board for a three-year period in the amount of \$372,675, not to exceed \$124,225 annually, for the County to provide ocean water quality monitoring and public notification services related to the State Water Board's Public Beach Water Safety Program for the period July 1, 2022 through June 30, 2025 (Fiscal Years 2022-2023 through 2024-2025);
 2. Execute amendments to the Grant Agreement to accept future grant funds through June 30, 2025, if State funds are made available, the additional award is within 10% of the previous annual amount, and there is no significant change in the scope of work required under the Grant Agreement, and to certify invoices as may be required by the State Water Board, subject to the Board's authority to rescind this delegation at any time;
- b) Authorize the Chair to execute the attached letter to the State Water Resources Control Board, which states that the Director position for the County of Santa Barbara Public Health Department is currently vacant and the Interim Director is covering those duties; and

- c) Determine that these activities are exempt from California Environmental Quality Act review per CEQA Guideline Section 15061(b)(3), since it can be seen with certainty that there is no possibility that the activities may have a significant effect on the environment; and CEQA Guideline Sections 15306, 15307, and 15308, because these actions are for information collection and for the protection of natural resources and the environment.

Summary Text:

This item is on the agenda to adopt a resolution approving, ratifying, and authorizing the Public Health Director to enter into a grant agreement with the State Water Resources Control Board (State Water Board) in the amount of \$372,675, not to exceed \$124,225 annually, for the County to provide ocean water quality monitoring and public notification services related to the State Water Board's Public Beach Water Safety Program for the period July 1, 2022 through June 30, 2025 (Fiscal Years 2022-2023 through 2024-2025) (Grant Agreement). The resolution is provided as Attachment A and the Grant Agreement is Attachment B to this Board Letter. This item also authorizes the Public Health Director, or designee, to execute amendments or revisions to the Grant Agreement, which do not materially impact or alter either the funding level in amounts greater than 10% of the previous annual amount or scope of work. The State Water Board requires a resolution from the Board of Supervisors authorizing the Grant Agreement and identifying the County's Authorized Representative by title. Because the Public Health Director position is currently vacant, the State Water Board also requires the Board to provide information explaining that the Interim Director is covering the Director's duties (Attachment C).

Background:

In 1997, AB 411 Beach Sanitation: Posting (Health and Safety Code Chapter 765) established criteria to identify which beaches are mandated to be monitored for water quality and at what frequency. The AB 411 criteria identify 1) beaches with storm drains that discharge to the beach during dry weather, and 2) 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 by the local health officer or environmental health agency. Beginning in 1999, State of California (State) regulations implementing AB 411 required local officials to post warning signs at beaches when bacteria levels exceed State health standards. Funding is made available by the State Water Board through its Public Beach Safety Grant Program. Each year the Public Health Department, Environmental Health Services (EHS) has entered into a grant agreement with the State to receive funds to locally implement the ocean water quality monitoring program.

This Public Beach Water Safety Program protects the health of millions of visitors and residents each year who recreate at local beaches. The Program consists of ocean water testing year-round at 16 beach locations throughout the County of Santa Barbara (including 5 county-owned and operated beaches). During the last fiscal year (FY 2021-2022), EHS collected and evaluated 922 ocean water samples. When water quality monitoring results do not meet State health standards, EHS posts beach warnings and informs the public to avoid water contact; and when necessary, issues beach closures when sewage or other contamination may impact water recreation, such as swimming and surfing.

The Grant Agreement (No. D2214113) is the mechanism by which the State Water Board reimburses the County for the cost of performing these services.

Agreement with the State Water Board:

State law mandates that the local health officer monitor beaches during the “dry weather” season from April 1- October 31 if the State Legislature has appropriated funds for that fiscal year. The State Legislature had appropriated funds for FY 2022-2023 and ocean water quality monitoring was necessary beginning July 1, 2022 even though the State Water Board did not complete the revenue agreement process to make funds available until after the start of the grant agreement year. The final grant agreement documents from the State were received by EHS on September 20, 2022. Funds from this grant agreement will reimburse work completed since July 1, 2022, prior to execution of the agreement.

Program services have been continued by EHS in anticipation of State funding based on the mandatory duty State law imposed on the local health officer and on the importance of the Program to public health.

Today’s requests to the Board of Supervisors are to ratify the acceptance of the Grant Agreement for Fiscal Year 2022-2023 and authorize the Public Health Director by Resolution to execute the Grant Agreement with the State Water Board in the amount of \$372,675, not to exceed \$124,225 annually, to provide ocean water quality monitoring services at public beaches for the period July 1, 2022 through June 30, 2025.

Risk Assessment:

The State Water Board may terminate or reduce the amount of grant funding if the Beach Safety Program receives insufficient funding to provide the grant funds in any fiscal year; or may terminate or amend the agreement if there is a change in law rendering reimbursement of grant funds to violate or conflict with state or federal law, policies, or regulations as currently written. The County must complete the Project services and cover costs in excess of available grant funds. However, funds have already been allocated for disbursement to the County by the State Water Board in the Governor’s Budget adopted for FY 2022-2023 and there is low risk to the County that it will not be reimbursed for its costs to complete Project services. Should State funding be reduced in future years, the County could reduce the scope, duration, and extent of ocean water quality monitoring to ensure the County’s costs are covered by the Grant allocation.

Fiscal and Facilities Impacts:

Budgeted: Yes

Fiscal Analysis: The Public Health Department has implemented the Public Beach Safety Grant Program (ocean water quality monitoring) since 1999. Adopting, ratifying, and authorizing the Chair to execute the attached agreement and resolution will allow the Public Health Director to enter into a Grant Agreement in the amount of \$372,675 for three years, from July 1, 2022 through June 30, 2025, with an annual amount not to exceed \$124,225.

Special Instructions:

Request the Clerk of the Board to request pick-up of one copy of the original adopted resolution, letter regarding the Interim Public Health Director, and one Minute Order to the Public Health Department at: PHDGROUPEContractsUnit@sbcphd.org.

Attachments:

- A. Resolution Authorizing the Director of the Public Health Department, or Designee, to Execute a Public Beach Safety Grant Agreement with the State Water Resources Control Board
- B. State of California Beach Monitoring Grant Agreement, No. D2214113
- C. Letter to the State Water Board regarding the Interim Director of Public Health
- D. Notice of Exemption

Authored by:

Lars Seifert, Environmental Health Services Director