

Hearing: February 23, 1995
Claim: CSM-4432
Staff: Sharlene T. Steed
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PROPOSED STATEWIDE COST ESTIMATE

Health and Safety Code Sections 427.12, Subdivision (a), and 427.13
Chapter 961, Statutes of 1992

Pacific Beach Safety: Water Quality and Closures

Executive Summary

This proposed statewide cost estimate is for Health and Safety Code sections 427.12, subdivision (a), and 427.13, as added by Chapter 961, Statutes of 1992.

Health and Safety Code sections 427.12, subdivision (a), and 427.13 were added by Chapter 961, Statutes of 1992. These sections require that when any beach fails to meet the bacteriological standards of section 7958 of Title 17 of the California Code of Regulations and when the local health officer finds that the cause of the elevated bacteriological levels constitutes a public health hazard, the local health officer shall post conspicuous warning signs on all affected beaches; and, shall submit an annual survey documenting warning postings and beach closures to the State Water Resources Control Board.

This proposed statewide cost estimate reimburses counties for costs incurred from January 1, 1993 to June 30, 1993, and incurred in fiscal years 1993-94 and 1994-95.

Staff recommends that the Commission adopt this proposed statewide cost estimate in the amount of \$150,000 for the costs associated with complying with the provisions set forth in Health and Safety Code sections 427.12, subdivision (a), and 427.13, Chapter 961, Statutes of 1992, for costs incurred from January 1, 1993 to June 30, 1993, and incurred in fiscal years 1993-94 and 1994-95.

Claimant

County of Los Angeles

Chronology

- 7/9/93 Test claim filed with the Commission on State Mandates (Commission) by County of Los Angeles.
- 11/18/93 Commission hearing; approval of the test claim.

1/20/94	Commission hearing; adoption of the statement of decision.
7/21/94	Commission hearing; parameters and guidelines continued.
10/19/94	Pre-hearing conference.
11/17/94	Commission hearing; approval of parameters and guidelines.
1/18/95	Review hearing on statewide cost estimate.

Summary of Mandate

Health and Safety Code section 427.12, subdivision (a), as added by Chapter 961/92, requires the local health officer to submit to the State Water Resources Control Board a survey of the annual beach postings and closures.

Health and Safety Code section 427.13, as added by Chapter 961/92, requires that local health officers post the public beach with conspicuous warning signs when testing indicates that bacteriological levels constitute public health hazard. The frequency of such samplings was, and continues to be, at the discretion of the local health officer. The change in program duties for the local health officer is limited to the requirement to post the beach with conspicuous warning signs.

Chapter 961/92 was approved by the Governor on September 26, 1992, and became operative on January 1, 1993.

Departmental Recommendations

The Department of Finance (DOF) has no objection to this statewide cost estimate.

The State Controller's Office (SCO) has no objection to this statewide cost estimate.

The County of Los Angeles, which supplied the data on which the estimate is based, has no objection to this statewide cost estimate.

Staff Analysis

In developing this statewide cost estimate, surveys and parameters and guidelines were mailed to 12 of the 16 counties containing oceanic beaches. These 12 counties represent 75 percent of the 16 counties; however, as noted in the State Water Resources Control Board's report, entitled, California Beach Closure Report, September 1994, (Attachment B), 67% of the beach postings last year were in San Diego County alone. Staff estimates that the results from the five counties responding, including San Diego County, represent 93% of the problem beaches (Attachment C).

The estimated costs for the preliminary planning period from January 1, 1993 through June 30, 1993, for the five counties responding is \$5,000; the reported costs were \$68,695 for the 1993-94 fiscal year; \$60,675 for the 1994-95 fiscal year, for a total program cost of \$134,370 in the five counties responding to the survey. Assuming that the percentage of statewide costs will be proportional to

the total number of problem beaches in California, and that the above figures are reported from counties containing 93% of California's problem beaches, we calculate a total of estimated statewide costs of \$150,000 through the 1994-95 fiscal year.

Chapter 961/92, authorizes the use of the State Mandates Claims Fund to reimburse this state mandated program. Government Code § 17610, subdivision (a), states in pertinent part:

"The costs arising from a statute containing a statement . . . specifying that reimbursement shall be made from the fund shall, upon certification of the estimated statewide cost by the Commission to the Controller, be paid from the fund, provided that the estimated statewide cost of the claim does not exceed one million dollars (\$1,000,000). . . ."

Based on the foregoing, the Commission should note that the estimated cost for Chapter 961/92, for January 1, 1993 through June 30, 1993, and for 1993-94 and 1994-95 fiscal years is \$150,000. Funding for this reimbursable state mandated program should be requested from the State Mandates Claims Fund.

Staff Recommendation

Staff recommends the Commission adopt this proposed statewide cost estimate (Attachment A) in the amount of \$150,000 for complying with the provisions of Health and Safety Code sections 427.12, subdivision (a), and 427.13, as added by Chapter 961/92, for the period from January 1, 1993 through June 30, 1995. Funding for this reimbursable state mandated program should be requested from the State Mandates Claims Fund. In the event that the State Mandates Claims Fund does not contain funds sufficient to pay the costs of this program, a request for additional funding will be included in the Commission's pending 1995 claims bill.