

RECOMMENDATION APPROVED;
RESOLUTION 19-9535 ADOPTED; AND
AGREEMENT 19-3264-A APPROVED;
BY THE BOARD OF HARBOR COMMISSIONERS



THE PORT
OF LOS ANGELES
Executive Director's
Report to the

Board of Harbor Commissioners

SEPTEMBER 19, 2019

AMBER M. KLESGES
Board Secretary

9/1/19/19

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DATE: SEPTEMBER 4, 2019

FROM: CARGO MARKETING

SUBJECT: RESOLUTION NO. 19-9535 - APPROVAL OF FIRST AMENDMENT OF FOREIGN-TRADE ZONE GENERAL PURPOSE OPERATING AGREEMENT NO. 14-3264 BETWEEN THE CITY OF LOS ANGELES HARBOR DEPARTMENT AND DEPENDABLE HIGHWAY EXPRESS, INC. FTZ 202, SITE 10D

SUMMARY:

Staff requests approval of a First Amendment to Foreign-Trade Zone (FTZ) Operating Agreement No. 14-3264 between the City of Los Angeles Harbor Department (Harbor Department) and Dependable Highway Express, Inc. (DHE) to continue operating its facility within FTZ 202, Site 10D, located at 22411 South Bonita Street, Carson, California 90745. The Harbor Department, as the FTZ grantee, establishes Operating Agreements with FTZ site operators to oversee their FTZ operations.

DHE's current FTZ Operating Agreement No. 14-3264 will expire on November 30, 2019. The First Amendment will extend the Operating Agreement by five years. DHE requests to continue operating its warehouse as an FTZ warehouse. The Harbor Department needs to execute the First Amendment to extend the Agreement, as required by the FTZ Board.

Site 10D consists of 94,984 square feet of warehouse and office space on four acres located approximately nine miles from the Port of Los Angeles. DHE will operate its facility under FTZ procedures as a multi-usage site. The proposed First Amendment will not require funding by the Harbor Department. If the proposed amendment is approved, the Harbor Department will receive \$7,750 annually from DHE (per FTZ Tariff No. 2).

RECOMMENDATION:

It is recommended that the Board of Harbor Commissioners (Board):

1. Find that the Director of Environmental Management has determined that the proposed action is administratively exempt from the requirements of the California Environmental Quality Act (CEQA) under Article II Section 2(f) of the Los Angeles City CEQA Guidelines;

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2. Approve the proposed First Amendment to Foreign-Trade Zone Operating Agreement No. 14-3264 between the City of Los Angeles Harbor Department and Dependable Highway Express Inc.;
3. Direct the Board Secretary to transmit the proposed First Amendment to Foreign-Trade Zone Operating Agreement No. 14-3264 to the Los Angeles City Council for approval pursuant to Section 373 of the Charter of the City of Los Angeles and Section 10.5 of the Los Angeles Administrative Code;
4. Authorize the Executive Director to execute and the Board Secretary to attest to the proposed First Amendment to Foreign-Trade Zone Operating Agreement No. 14-3264; and
5. Adopt Resolution No. 19-9535.

DISCUSSION:

Background and Context – The FTZ Act of 1934, as amended (19 U.S.C. 81a-81u), was established to support U.S. commerce and create jobs by reducing import duties or excise taxes by deferring payment of duties, thereby making it attractive for companies to perform some work on their products in the U.S. rather than offshore. The definition of an FTZ is a restricted access site located in the U.S. Customs and Border Protection territories. The importer may defer payment of duties and other fees until the merchandise is brought into the U.S. for consumption.

Need for Agreement – The proposed First Amendment (Transmittal 1) will extend the term of the Operating Agreement to November 29, 2024. DHE will continue to operate its FTZ site, owned by Watson Land Company, at 22411 South Bonita Street, Carson, California 90745, FTZ 202, Site 10D. The facility consists of warehouse and office space on four acres (Transmittal 2) and is within the FTZ 202 service area (Transmittal 3). DHE is a U.S. company with its head office located in Los Angeles, California employing one full-time employee working within the FTZ activated area.

DHE shall continue to follow the rules and procedures as outlined in the Department of Homeland Security's FTZ manual, such as providing a secured area within the FTZ.

Need for Approval – DHE is requesting approval from the Harbor Department to execute the proposed First Amendment to continue to operate Site 10D as a multi-usage FTZ facility. DHE handles the logistics, handling, storage, inventory and quality control of various products such as automobiles, electronic components and materials. Occasionally, products may be re-exported.

If DHE does not obtain approval as an operator with FTZ status from the Harbor Department, they potentially have the choice of going to another FTZ in California such as Long Beach. Since FTZ facilities exist in every state, a company can potentially shift its employees to work elsewhere as a result of seeking FTZ status in another location.

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ENVIRONMENTAL ASSESSMENT:

The proposed action is the approval of a First Amendment to FTZ Operating Agreement No. 14-3264 between the City of Los Angeles Harbor Department and DHE, which is an administrative activity. Therefore, the Director of Environmental Management has determined that the proposed action is administratively exempt from the requirements of CEQA in accordance with Article II Section 2(f) of the Los Angeles City CEQA Guidelines.

FINANCIAL IMPACT:

If the proposed First Amendment is approved, the Harbor Department will receive \$7,750 annually from DHE (per FTZ Tariff No. 2).

Approval of the First Amendment is not anticipated to result in additional, incremental FTZ-related consulting service expenses being incurred by the Harbor Department. During Fiscal Year (FY) 2019, unaudited revenues of \$349,769 were collected from Harbor Department FTZ operators relative to FY 2019 unaudited expenses of \$42,281 incurred by the Harbor Department for consulting services.

CITY ATTORNEY:

The Office of the City Attorney has prepared and approved the proposed First Amendment as to form and legality.

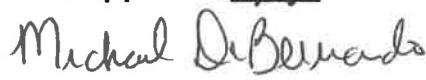
TRANSMITTALS:

1. Proposed First Amendment to FTZ Operating Agreement with Dependable Highway Express, Inc., FTZ 202, Site 10D
2. FTZ 202, Site 10D Map
3. FTZ 202, Service Area Map

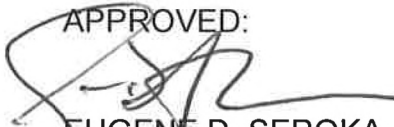

ERIC CARIS
Director of Cargo Marketing

FIS Approval: 

CA Approval: 


MICHAEL DiBERNARDO
Deputy Executive Director

APPROVED:


EUGENE D. SEROKA
Executive Director
MM:MK:NG