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Eric Garcetti Mayor, City of Los Angeles
Board of Harbor Commissioners
Eugene D. Seroka Executive Director
Ambassador Vilma S. Martinez President
David Arian Vice President
Patricia Castellanos
Anthony Pirozzi, Jr.
Edward R. Renwick

September 30, 2014

Honorable Members of the
City Council of the
City of Los Angeles

CD No. 15

Attention: Mr. Michael Espinosa, City Clerk's Office

SUBJECT: RESOLUTION NO. 14-7682 – FOREIGN-TRADE ZONE GENERAL PURPOSE OPERATING AGREEMENT BETWEEN THE CITY OF LOS ANGELES HARBOR DEPARTMENT AND DEPENDABLE HIGHWAY EXPRESS, INC., FTZ 202, SITE 10D

Pursuant to Section 373 of the City Charter and Section 10.5 of the Los Angeles Administrative Code, enclosed for your approval is proposed Foreign-Trade Zone General Purpose Operating Agreement No. 14-3264 between the City of Los Angeles Harbor Department and Dependable Highway Express, Inc. The proposed FTZ General Purpose Agreement was approved at the August 7, 2014 meeting of the Board of Harbor Commissioners. There is no impact to the General Fund.

RECOMMENDATION:

1. The City Council approve the proposed Foreign-Trade Zone General Purpose Operating Agreement between the City of Los Angeles Harbor Department and Dependable Highway Express, Inc.;
2. Adopt the determination by the Los Angeles Harbor Department that the proposed action is exempt from the requirements of the California Environmental Quality Act (CEQA) under Article III, Class 1(14) of the Los Angeles City CEQA Guidelines ; and
3. Return to the Board of Harbor Commissioners for further processing.

Respectfully Submitted,

AMBER M. KLESGES
Commission Secretary

cc: Trade, Commerce, & Tourism Committee
Councilman Buscaino
Councilman LaBonge
Councilman Bonin
Mandy Morales, Mayor's Office
Erick Martell, Harbor Legislative Analyst

Alvin Newman, CAO
Lisa Schechter, CD4
Aaron Gross, Mayor's Office
Christine Yee Hollis, CLA

RECEIVED
CITY CLERK'S OFFICE

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CITY CLERK

BY _____ DEPUTY

RECOMMENDATION APPROVED;
RESOLUTION NO. 14-7682 ADOPTED; AND
AGREEMENT NO. 14-3264 APPROVED
BY THE BOARD OF HARBOR COMMISSIONERS

AUGUST 7, 2014

AmKlesgs
BOARD SECRETARY



Executive Director's

Report to the

Board of Harbor Commissioners

7/31/14
3

DATE: JULY 30, 2014

FROM: BUSINESS AND TRADE DEVELOPMENT

SUBJECT: RESOLUTION NO. 14-7682 APPROVAL OF FOREIGN-TRADE ZONE GENERAL PURPOSE OPERATING AGREEMENT BETWEEN THE CITY OF LOS ANGELES HARBOR DEPARTMENT AND DEPENDABLE HIGHWAY EXPRESS, INC., FTZ 202, SITE 10D

SUMMARY:

The City of Los Angeles Harbor Department (Harbor Department), as the Foreign-Trade Zone (FTZ) grantee, establishes General Purpose Operating Agreements with FTZ operators to oversee their FTZ operations. The Harbor Department received a request from Dependable Highway Express, Inc., (DHE) to activate its warehouse within FTZ 202, Site 10D located at 22411 South Bonita Street, Carson, California 90745. This site is owned by Watson Land Company (Watson) and DHE is leasing from Watson. Site 10D is a 94,984 square footage building on 4 acres property. DHE will be operating its warehouse under FTZ procedures. The proposed FTZ Operating Agreement (Agreement) is for a term of five years with three, five-year renewal options.

RECOMMENDATION:

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

1. Approve the proposed Foreign-Trade Zone Operating Agreement between the City of Los Angeles Harbor Department and Dependable Highway Express, Inc.;
2. Direct the Board Secretary to transmit the proposed Foreign-Trade Zone Operating Agreement 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;
3. Upon approval by the City Council, authorize the Executive Director to execute and the Board Secretary to attest to the proposed Foreign-Trade Zone Operating Agreement; and
4. Adopt Resolution No. 14-7682.

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SUBJECT: GENERAL PURPOSE OPERATING AGREEMENT WITH DEPENDABLE HIGHWAY EXPRESS, INC., FTZ 202, SITE 10D

DISCUSSION:

Background and Context – The Foreign-Trade Zone 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 a FTZ is a restricted access site located in the Customs and Boarder Protection (CBP) territories. The importer may defer payment of duties and other fees until the merchandise is brought into U.S. Commerce for consumption.

Need for Agreement – The Harbor Department, as the grantee, is required by the FTZ Board to have an operating agreement (Transmittal 1) with FTZ site operators. DHE is a U.S. company and its head office is located in Los Angeles, California. This site is owned by Watson Land Company (Watson) and DHE is leasing from Watson. Site 10D is a 94,984 square foot building on 4 acres. DHE is a new FTZ warehouse operator at FTZ 202, Site 10D and employs approximately 16 full-time employees (Transmittal 2).

DHE, as a new operator, shall 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. DHE agrees to keep its warehouses open to support the PierPass Program and shall notify truck drivers, truck brokers, and trucking companies that the trucks serving the container terminals must confine their routes to the designated Wilmington Truck Route.

Need for Approval – DHE is requesting approval from the Harbor Department to execute the proposed Agreement to operate Site 10D as a FTZ warehouse. DHE receives, stores, manages inventory and distributes consumer products, electronics and other merchandise for sale in the national market. Occasionally, products are re-exported from the warehouse. Site 10D is located within FTZ 202 Site 10. As such, this company is not required to submit an application to the FTZ Board. However, the company does need approval from CBP to activate as a FTZ site.

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, San Diego, Palmdale, etc., or even going out of state. Since FTZ facilities exist in every state, DHE can potentially shift its employees to work elsewhere as a result of seeking FTZ status in another location.

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SUBJECT: GENERAL PURPOSE OPERATING AGREEMENT WITH DEPENDABLE HIGHWAY EXPRESS, INC., FTZ 202, SITE 10D

Harbor Department Fiscal Requirements – This proposed Agreement will not require funding by the Harbor Department. DHE paid a \$5,000 activation application fee and will pay an annual fee of \$7,750 to the Harbor Department for each year of the five-year term of the proposed Agreement for a total of \$38,750.

ENVIRONMENTAL ASSESSMENT:

The proposed action is approval of a proposed FTZ Operating Agreement with DHE to activate its site within FTZ 202, Site 10D, located in Carson, California. As an activity involving the issuance of a permit to use an existing facility involving negligible or no expansion of use, the Director of Environmental Management has determined that the proposed action is exempt from the requirements of the California Environmental Quality Act (CEQA) in accordance with Article III Class 1 (14) of the Los Angeles City CEQA Guidelines.

ECONOMIC BENEFITS:

This Board action will have no employment impact.

FINANCIAL IMPACT:

DHE paid the Harbor Department a \$5,000 activation application fee. If the proposed Agreement is approved, the Harbor Department will receive from DHE an annual fee of \$7,750 (per FTZ Tariff No. 2) for each year of the five years. Should the renewal options be exercised subsequent to the completion of the initial term of the proposed Agreement, compensation will also be \$7,750 per year. Although there is no direct cost to the Harbor Department arising from this proposed Board action, the Harbor Department does incur FTZ-related expenses. During calendar year 2013, approximately \$60,000 was spent on outside FTZ-related consulting services while \$264,000 in revenue was collected from the Harbor Department FTZ operators.

Approving the proposed Agreement with DHE creates an entity that confers among other advantages, tax and operating benefits to the operator, and provides a tool for economic development. As the Harbor Department is a designated grantee of FTZs under the State of California enabling legislation, granting FTZ status to DHE allows more efficient operations and allows DHE to remain competitive.

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SUBJECT: GENERAL PURPOSE OPERATING AGREEMENT WITH DEPENDABLE
HIGHWAY EXPRESS, INC., FTZ 202, SITE 10D

CITY ATTORNEY:

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

TRANSMITTALS:

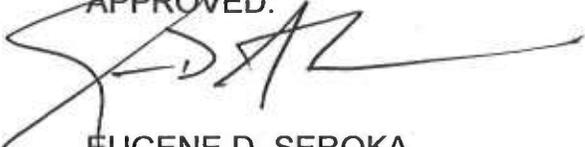
1. Proposed FTZ Operating Agreement with Dependable Highway Express, Inc., FTZ 202, Site 10D
2. DHE, FTZ 202, Site 10D Map

FIS Approval:  (initials)
CA Approval:  (initials)


MICHAEL DiBERNARDO
Director of Business Development


DAVID L. MATHEWSON
Interim Deputy Executive Director

APPROVED:



EUGENE D. SEROKA
Executive Director

M. Morimoto