

City of Culver City, California
City Council Agenda Item Report

Meeting Date: October 9, 2006		Item Number: <u>A-5</u>	
AGENDA ITEM: Approval of an Amendment to the Agreement Between the Consolidated Fire Protection District of Los Angeles County and the City of Culver City for Administration of the Unified Hazardous Waste and Materials Management Regulatory Program increasing CUPA Hazardous Materials Disclosure Program Late Penalty Fee from 25 to 40 percent.			
Contact Person/Dept.: Fire Marshal Rich Gallagher		Phone Number: 310-253-5926	
Fiscal Impact: Yes ☒ No ☐		General Fund: Yes ☒ No ☐	
Public Hearing: ☐		Action Item: ☒ Attachments: ☒	
Public Notification: Master Notification List (10/4/06)			
Department Approval: Fire Chief Jeff Eastman (9/28/06)		City Manager Approval: Jerry Fulwood (10/2/06)	
City Controller Approval: Marlee Chang (10/2/06)			
<u>RECOMMENDATION:</u> Staff recommends City Council approve the amendment to the Certified Unified Program Agency (CUPA) Hazardous Materials Disclosure Program increasing the late penalty for permit fees from 25 to 40 percent. The CUPA has increased the late payment penalty provisions, with the approval of the Board of Supervisors, beginning with Fiscal Year 2005-06, to recover the additional costs of fee collection. <u>BACKGROUND:</u> Since 1993 the Unified Hazardous Waste & Hazardous Materials Management Regulatory Program (Unified Program) has required administrative consolidation of six hazardous materials and waste programs under one agency, CUPA. The elements consolidated under CUPA are Hazardous Waste Generator and Onsite Hazardous Waste Treatment Programs; Aboveground Petroleum Storage Tank Spill Prevention Control and Countermeasure Plans; Hazardous Materials Release Response Plans and Inventory Program; California Accidental Release Prevention Program (Cal ARP); Underground Storage Tank Program; and Uniform Fire Code Plans and Inventory Requirements. Under CUPA, every business that handles more than a certain amount of hazardous materials is required to report its inventories of hazardous materials to the local fire department. Fees are assessed on the quantity of hazardous materials stored. Businesses that do not handle reportable amounts of hazardous materials are required to certify the fact. Failure to submit required forms may result in fines, penalties, and/or other administrative fees.			

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DISCUSSION:

The CUPA has increased the late payment penalty provisions, with the approval of the Board of Supervisors, beginning with Fiscal Year 2005-06, to recover the additional costs of fee collection. This increase will serve to encourage timely payment of assessed fees, and recover the increased costs of collection for delinquent accounts.

CUPA provides annual consolidated permit fee billings for all facilities falling under the Unified Program. As a participating agency under the Los Angeles County Unified Program, the current Participating Agency Agreement requires approval of the attached Amendment with the revised penalty rate. Once all of the signed Amendments are received from each of the participating agencies, the new Agreement will be sent to the Board of Supervisors for signature. An original signed Agreement will be returned to Culver City and one will be retained by the Board of Supervisors.

This Amendment to the agreement between the Consolidated Fire Protection District of Los Angeles County and the City of Culver City for administration of the Unified Hazardous Waste and Materials Management Regulatory Program will increase penalty fees from 25 to 40 percent effective upon the date the amendment is fully executed by both parties referenced above.

FISCAL ANALYSIS:

It is difficult to estimate the potential revenue increase from this fee amendment. Based on the historical trend, the increase penalty fee from 25 to 40 percent could generate approximately \$15,000.

ATTACHMENTS:

Exhibit A – Cover Letter from the County of Los Angeles dated August 23, 2006,
Re; ***Amendment to Participating Agency Agreement***

Exhibit B - Amendment; ***Amendment No. 1 to the Agreement Between the Consolidated Fire Protection District of Los Angeles County and the City of Culver City for Administration of the Unified Hazardous Waste and Materials Management Regulatory Program.***

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MOTION:

That the City Council:

1. Approve the Amendment to the Agreement Between the Consolidated Fire Protection District of Los Angeles County and the City of Culver City for Administration of the Unified Hazardous Waste and Materials Management Regulatory Program increasing late payment penalty from 25 to 40 percent; and
2. Authorize the Mayor to sign the amendment.