

MEETING DATE: 10/9/06

AGENDA ITEM: Consideration to Approve 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.

ATTACHMENTS

	<u>Pages</u>
1. County of Los Angeles letter Fire Chief Jeffrey Eastman dated 8/23/06; <i>AMENDMENT TO PARTICIPATING AGENCY AGREEMENT.</i>	1-2
2. Amendment; <i>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.</i>	3-8



COUNTY OF LOS ANGELES

FIRE DEPARTMENT

1320 NORTH EASTERN AVENUE
LOS ANGELES, CALIFORNIA 90063-3294
(323) 881-2401

C.C.F.D. REC'D BY

11 SEP 06 09 59

P. MICHAEL FREEMAN
FIRE CHIEF
FORESTER & FIRE WARDEN

August 23, 2006

Fire Chief Jeffrey Eastman
Culver City Fire Department
9770 Culver Blvd
Culver City, CA 90232

COPY

Dear Chief Eastman:

AMENDMENT TO PARTICIPATING AGENCY AGREEMENT

Commencing with Fiscal Year 2005-06, the Board of Supervisors approved an increase in the late payment penalty amounts for permit fees related to the Unified Program. The late payment penalty increased from 25% to 40% of the permit fee to further encourage timely payment and recover the increased costs of collection for delinquent accounts. The Participating Agency (PA) Agreement with your City specifies the original 25% penalty rate and will need to be amended with the revised penalty rate.

Enclosed are two copies of the PA Agreement with the appropriate amendments reflecting this change. This is the final version of the amendment for adoption by your City Council. Please submit the amendment to your City Council for signature and return the signed Agreements to Lance Ralston, Hazardous Materials Control Manager, at the following address:

Los Angeles County Fire Department
Health Hazardous Materials Division
Administration/Planning Section
5825 Rickenbacker Rd.
Commerce, CA 90040

Once all of the signed amendments have been collected from each PA, the new Agreements will be sent to the Board of Supervisors for signature. An original signed Agreement will be returned to you and one retained by the Board of Supervisors.

SERVING THE UNINCORPORATED AREAS OF LOS ANGELES COUNTY AND THE CITIES OF:

AGOURA HILLS
ARTESIA
AZUSA
BALDWIN PARK
BELL
BELL GARDENS
BELLFLOWER
BRADBURY

CALABASAS
CARSON
CERRITOS
CLAREMONT
COMMERCE
COVINA
CUDAHY

DIAMOND BAR
DUARTE
EL MONTE
GARDENA
GLENDALE
HAWAIIAN GARDENS
HAWTHORNE

HIDDEN HILLS
HUNTINGTON PARK
INDUSTRY
INGLEWOOD
IRVINDALE
LA CANADA FLINTRIDGE
LA HABRA

LA MIRADA
LA PUENTE
LAKEWOOD
LANCASTER
LAWNDALE
LOMITA
LYNWOOD

MALIBU
MAYWOOD
NORWALK
PALMDALE
PALOS VERDES ESTATES
PARAMOUNT
PICO RIVERA

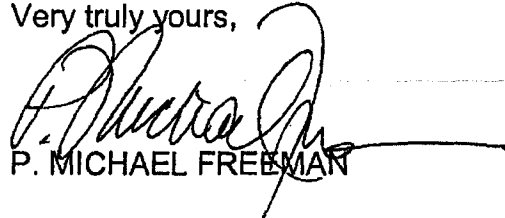
POMONA
RANCHO PALOS VERDES
ROLLING HILLS
ROLLING HILLS ESTATES
ROSEMEAD
SAN DIMAS
SANTA CLARITA

SIGNAL HILL
SOUTH EL MONTE
SOUTH GATE
TEMPLE CITY
WALNUT
WEST HOLLYWOOD
WESTLAKE VILLAGE
WHITTIER

Fire Chief Jeffrey Eastman
August 23, 2006
Page 2

If you have any questions, please contact William Jones, Chief, Health Hazardous Materials Division, at (323) 890-4042.

Very truly yours,



P. MICHAEL FREEMAN

PMF:yh

Enclosure

c: Christine Parra, Culver City Fire Department

COPY

**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**

This Amendment No. 1 to the December 17, 1996 Agreement for the
administration of the Unified Hazardous Waste and Materials Management Regulatory
Program (hereinafter "Amendment") by and between the Consolidated Fire Protection
District of Los Angeles County (hereinafter "County") and the City of Culver City
(hereinafter "City"), shall be effective upon the date it is fully executed by both parties
hereinbelow.

WITNESSETH:

WHEREAS, SB 1082, now codified into the California Health and Safety Code
(hereinafter "H&SC") at Division 20, Chapter 6.11, commencing with Section 25404,
was enacted to consolidate, coordinate and make consistent hazardous materials and
hazardous waste management programs; and

WHEREAS, H&SC, Division 20, Chapter 6.11, commencing with Section 25404,
required the Secretary of the California Environmental Protection Agency (hereinafter
"CalEPA") to develop and implement a unified hazardous waste and hazardous
materials management regulatory program (hereinafter "Unified Program"), including the
application review and certification of counties and cities, as Certified Unified Program
Agencies (hereinafter "CUPA") to implement the Unified Program; and

1 **WHEREAS**, the Los Angeles County Consolidated Fire Protection District has
2 been designated by the Board of Supervisors and certified by the CalEPA as the CUPA
3 for the County of Los Angeles (hereinafter "LACoCUPA"); and

4 **WHEREAS**, the LACoCUPA and the City have entered into an agreement to
5 administer the Unified Program; and

6 **WHEREAS**, the LACoCUPA provides annual consolidated permit fee billings for
7 all facilities falling under the Unified Program, including those program elements
8 administered by the City, under the provisions of the single fee system mandated by the
9 Unified Program; and

10 **WHEREAS**, the LACoCUPA has increased the late payment penalty provisions,
11 with the approval of the Board of Supervisors, beginning with Fiscal Year 2005-06, to
12 recover the additional costs of fee collection; and

13 **WHEREAS**, the LACoCUPA meets with the City each year to establish a
14 mutually agreeable date to accept billing information and generate annual permit fee
15 invoices for facilities falling under the program elements administered by the City.

16
17 **NOW THEREFORE THE PARTIES HERETO AGREE:**

18 1. To amend Section V, Single Fee System, by deleting the current language in its
19 entirety and inserting the following:

20 A. The LACoCUPA and City shall implement a Single Fee System in
21 accordance with H&SC Section 25404(d); Section 15210, Title 27, CCR and the
22 Implementation Plan.

23 B. The LACoCUPA shall administer the fee collection system in conjunction
24 with the City. The City shall notify the LACoCUPA of its program costs that have been
25 adopted by City resolution/ordinance by May 1st of each year, or by another date

1 mutually agreed upon by both parties, in accordance with Section VI below and the
2 guidelines established by the fee accountability program in the MOU referenced in
3 Section III above. The City shall provide to the LACoCUPA, a list of facilities and the
4 appropriate fees for each Program Element(s) being implemented by the City using
5 mutually agreeable electronic transfer protocols where appropriate. Upon request by
6 the LACoCUPA, the City shall make available for the LACoCUPA to review, all
7 applicable records regarding its fees, collections, transfers and retentions by the City.

8 C. The LACoCUPA shall bill each facility annually for each fiscal year. The
9 LACoCUPA shall include in the billing package a summary sheet itemizing costs
10 associated with each Program Element, including those costs for the City and the
11 annual State Surcharge Fee. Each facility shall pay the LACoCUPA all costs for
12 Program Elements delineated in the fee billing statement. Each facility shall pay the
13 LACoCUPA the full amount due within 30 calendar days from the date of the invoice. A
14 facility may elect to pay at least one half of the total amount due within 30 days of the
15 invoice date and the remaining balance in full no later than 60 days after the invoice
16 date. Upon receipt of full payment, a LACoCUPA consolidated permit shall be issued to
17 the facility by the LACoCUPA.

18 D. The LACoCUPA shall transmit all monies collected for the City no later
19 than the 60th day after the month the revenue is received and posted to the facility's
20 account. Each transmittal of monies to the City shall include an itemized listing of fees
21 paid and the corresponding business names and site addresses. Where feasible and
22 appropriate, the LACoCUPA shall transmit monies electronically to the City, using
23 mutually agreeable electronic transfer protocols for the wire transfer of funds.

1 E. For partial payments from facilities, the LA County Fire, Financial
2 Management Division (the "FMD") will apportion the payments to the LACoCUPA, the
3 City and the State based on the proportionate amount due to each agency.

4 F. Through a Notice of Enforcement ("NOE") issued to those facilities, the
5 LACoCUPA will impose a single 40% late payment penalty, effective beginning with the
6 Fiscal Year 2005-06, on each facility that fails to pay the appropriate fee within the
7 prescribed time. The LACoCUPA will communicate to the City a list of those facilities
8 that are issued a NOE. LACoCUPA will remit penalty amounts assessed and collected
9 on fees for Program Elements administered by the City to the City no later than the 60th
10 day after the month the revenue is received and posted to the facility's account by the
11 LACoCUPA. Each agency responsible for the specific Program Element will absorb the
12 costs associated with persons regulated under the Unified Program who do not pay the
13 required fees.

14 G. The LACoCUPA may take appropriate collection and/or legal action
15 available under State H&SC and/or under County Fee Ordinances against facilities that
16 have failed to pay the appropriate fees. Any costs incurred for such actions will be
17 shared based on the proportionate amount due each agency. If the City chooses to
18 pursue legal action against such facilities, judgments shall attempt to recover all fees
19 and penalties as authorized by law and not just City fees. The City shall notify the
20 LACoCUPA in writing in advance of all legal actions and obtain written Agreement from
21 the LACoCUPA on any decisions regarding settlements.

22 H. The LACoCUPA shall transmit to the Secretary all collected State
23 surcharge revenues within 30 days of the end of each State fiscal quarter.

24 I. The Board of Supervisors for the County of Los Angeles shall adopt the
25 City's fee schedules for Program Elements administered by the City and which have

1 been adopted through City resolution/ordinance within the restrictions of H&SC Chapter
2 6.11 and which includes the methodology that defines how the fees are calculated. The
3 Board's adoption will establish the City fee schedule within the LACoCUPA's Single Fee
4 System and will authorize the Los Angeles County Fire Chief (the "Fire Chief") to collect
5 fees for the LACoCUPA and to administratively accept the City's adjusted fee amounts
6 no more than once per year. The Fire Chief will only adjust the City's new fees if the
7 City Council has adopted the fees and if the fees comply with the LACoCUPA fee
8 accountability program in Section VI below.

9 J. The LACoCUPA will seek further approval from the Board of Supervisors
10 only if necessary for the LACoCUPA to adjust its portion of the fee or if the LACoCUPA
11 or City wishes to change their fee calculation methodology.

12 K. The City will be able to bill and collect all non-recurring fees for direct
13 deposit into its accounts. These may include such items as one time permit fees
14 associated with new businesses.

15 L. Businesses recognized as nonprofit corporations by the United States
16 Internal Revenue Service may be fee exempt.

17
18 2. All other terms of the Agreement shall remain in full force and effect unless
19 terminated by either party pursuant to the terms of the Agreement.
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1 **IN WITNESS WHEREOF**, this Amendment has been exercised by each party on
2 the day and year written below, and is effective and operative upon the date that it is
3 fully exercised by both parties, whichever date of execution by either party is later.

4
5 **CONSOLIDATED FIRE PROTECTION**
6 **DISTRICT OF LOS ANGELES COUNTY**

CITY OF CULVER CITY

7 By _____
8 Mayor, Board of Supervisors, acting
9 as the Board of Directors of the
 Consolidated Fire Protection District
 Of Los Angeles County

By _____
 Mayor

10
11 _____
 Date

Date

12
13 **ATTEST**

ATTEST

14 Sachi Hamai
15 Executive Office – Clerk of the
 Board of Supervisors

16
17 By _____
 Deputy

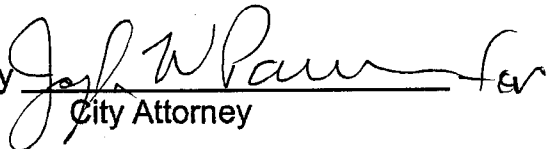
By _____
 City Clerk

18
19 **APPROVED AS TO FORM:**

APPROVED AS TO FORM:

20 **RAYMOND G. FORTNER, JR.**
21 County Counsel

22
23 By _____
 Deputy

By  _____
 City Attorney