



Meeting Date: June 24, 2008

ACTION	TYPE OF ITEM
<input type="checkbox"/> Approved Recommendation	<input type="checkbox"/> Info/Consent
<input type="checkbox"/> Ord. No(s). _____	<input type="checkbox"/> Report
<input type="checkbox"/> Res. No(s). _____	<input checked="" type="checkbox"/> Public Hearing (Info/consent)
<input type="checkbox"/> Other _____	<input type="checkbox"/> Other _____

Prepared By: Steve Mattern, CUPA Coordinator *SM* Agenda Item No. *K-2*

Reviewed By: City Manager *JSD* City Attorney *JL* Finance *AL* Other (Specify) \_\_\_\_\_

**DATE:** June 9, 2008

**TO:** City Council

**FROM:** W.J. Milligan, Fire Chief *WJM*  
Fire Department

**SUBJECT:** Establishment and Adjustment of Fees and Charges for Certified Unified Program Agency Services and Permits

**RECOMMENDATION**

That City Council:

1. Hold a public hearing to receive public testimony regarding the proposed new fees and adjustments to current fees for Certified Unified Program Agency (CUPA) services and permits.
2. Adopt a resolution establishing new fees and a two phase adjustment to current fees for services and permits, with future annual increases based on the April CPI-U (Consumer Price Index – Urban) of that year.

**DISCUSSION**

The Certified Unified Program Agency (CUPA) has the responsibility and authority to implement and enforce the requirements of the Health and Safety Code, Chapter 6.5 “Hazardous Waste Control Law”, Chapter 6.7 “Underground Storage of Hazardous Substances”, Chapter 6.67 “Aboveground Petroleum Storage Act”, and Chapter 6.95 “Hazardous Materials Release Response Plans and Inventory”. The CUPA is a special revenue fund program requiring full cost recovery for services provided. Program costs are recovered through the establishment of fees for the purpose of meeting operating expenses.

*Annual Review and adjustment of fees*

The City Council’s Resolution No. 11,595, establishing financial management policies, states that the Council will attempt to recover costs of services providing a benefit to users through the imposition of user fees and charges and that such fees and charges will be based on the direct and indirect costs of providing services.

Establishment and Adjustment of Fees and Charges for Certified Unified Program Agency Services and Permits

June 19, 2008

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The 2005-06 fee study was conducted by Revenue & Cost Specialists, LLC. Based on the study, it is recommended that the CUPA program adjust the current permit fees to achieve full cost recovery for the implementation of the CUPA program. The Oxnard Fire CUPA has not increased fees since 2003. This proposed fee adjustment incorporates inflationary increases since the study was completed. It is recommended that the fee adjustment be implemented in two phases, phase 1 beginning with fiscal year 2008-09 and phase 2 in 2009-10. In addition it is recommended that annual increases beyond the second phase, be made based on the April CPI-U for that year.

The Fire Department is requesting a two-phase implementation of the fee study findings, in part, through the adjustment of the CUPA hourly rate and increases in CUPA permit fees to cover program permits and services. The details and effect of an adjustment to an individual fee are shown on the attached proposed fee schedule.

### **FINANCIAL IMPACT**

The proposed fee adjustment will increase annual revenues by approximately of \$150,000 in each phase. The funds will be applied to account number 370-2205-521-7112.

Attachment #1- Resolution setting fees and charges

**000114**

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO. \_\_\_\_\_

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD SETTING FEES AND CHARGES FOR THE CERTIFIED UNIFIED PROGRAM AGENCY SERVICES AND PERMITS

WHEREAS, the Certified Unified Program Agency ("CUPA") has the responsibility and authority to implement and enforce the requirements of Chapters 6.5, 6.7, 6.67 and 6.95 of the California Health and Safety Code; and

WHEREAS, from time to time the City Council examines the costs associated with such enforcement and sets fees and charges for CUPA services and permits.

NOW, THEREFORE, the City Council of the City of Oxnard resolves that the fees and charges set forth in Exhibit A, attached hereto and made a part hereof, are adopted as the fees and charges for CUPA services and permits as of the effective date of this resolution.

NOW, THEREFORE, BE IT FURTHER RESOLVED by the City Council of the City of Oxnard that the fees and charges set forth in Exhibit B, attached hereto and made a part hereof, are adopted as the fees and charges for CUPA services and permits as of July 1, 2009.

PASSED and ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2008, by the following vote:

AYES:

NOES:

ABSENT:

\_\_\_\_\_  
Dr. Thomas E. Holden, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Daniel Martinez, City Clerk

*Gary L. Gillig*  
\_\_\_\_\_  
Gary L. Gillig, City Attorney.

000115

DOCUMENT NO. 1  
OF 7

**EXHIBIT A**  
**FY 2008-2009**  
**Phase 1 CUPA Fee Adjustments**

**FIRE/ CERTIFIED UNIFIED PROGRAM AGENCY (CUPA)**

*Hazardous Materials Permits to store, handle or use hazardous materials or install, close, or operate a hazardous materials facility.*

**Full cost Recovery Rate: \$177.33 per hour**

Type of Service		Current Fee	Full Cost Fee	Phase I Fee	Phase 1 Increase
Fee Basis	Average Units				
<b>Annual Fees per Tank</b>					
Above Ground Tank					
Fire Environmental Specialist	1.50 hours	\$124.00	\$266.00	\$195.00	\$71
CalARP					
Fire Environmental Specialist	2.25 hours	\$166.00	\$399.00	\$283.00	\$117
Underground Tank					
Fire Environmental Specialist	1.75 hours	\$166.00	\$310.00	\$238.00	\$72
<b>Hazardous Materials</b>					
Quantity range 1: 200-1500 CF of Compressed Gases					
Fire Environmental Specialist	3.00 hours	\$423.00	\$532.00	\$478.00	\$55
Quantity range 1: 500-5000 Lbs of Solids					
Fire Environmental Specialist	3.00 hours	\$423.00	\$532.00	\$478.00	\$55
Quantity range 1: 55-550 Gals of Liquids					
Fire Environmental Specialist	3.00 hours	\$423.00	\$532.00	\$478.00	\$55
Quantity range 2: 5001-25000 Lbs of Solids					
Fire Environmental Specialist	5.00 hours	\$738.00	\$887.00	\$813.00	\$75
Quantity range 2: 551-2750 Gals of Liquids					
Fire Environmental Specialist	5.00 hours	\$738.00	\$887.00	\$813.00	\$75
Quantity range 2: 1501 -10000 CF of Compressed Gases					
Fire Environmental Specialist	5.00 hours	\$738	\$887.00	\$813.00	\$75
Quantity range 3: 10001-20000 CF of Compressed Gases					
Fire Environmental Specialist	6.25 hours	\$937	\$1,108.00	\$1,023.00	\$86
Quantity range 3: 25001 -50000 Lbs of Solids					
Fire Environmental Specialist	6.25 hours	\$937	\$1,108.00	\$1,023.00	\$86
Quantity range 3: 2751-5500 Gals of Compressed Gases					
Fire Environmental Specialist	6.25 hours	\$937	\$1,108.00	\$1,023.00	\$86
Quantity range 4: Above 20000 CF of Compressed Gases					
Fire Environmental Specialist	8.25 hours	\$1,245	\$1,463.00	\$1,354.00	\$109
Quantity range 4: Above 50000 Lbs of Solids					
Fire Environmental Specialist	8.25 hours	\$1,245	\$1,463.00	\$1,354.00	\$109
Quantity range 4: Above 5500 Gals of Solids					
Fire Environmental Specialist	8.25 hours	\$1,245	\$1,463.00	\$1,354.00	\$109

**EXHIBIT A**  
**FY 2008-2009**  
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Type of Service	Current Fee	Full Cost Fee	Phase I Fee	Phase 1 Increase	
Fee Basis	Average Units				
<b>Site Closure Plan Review and Inspection</b>					
Fire Environmental Specialist	1.00 hours	\$83	\$177.00	\$130.00	\$47
<b>Hazardous Waste</b>					
Conditionally Exempt Small Quantity (CESQG)					
Fire Environmental Specialist	2.50 hours	\$124	\$443.00	\$284.00	\$160
Generators (CESQG & "Silver Only")					
Fire Environmental Specialist	1.75 hours	\$124	\$310.00	\$217.00	\$93
Range #1 < 5 Tons					
Fire Environmental Specialist	2.00 hours	\$104	\$355.00	\$229.00	\$126
Range #2 5-50 Tons					
Fire Environmental Specialist	2.50 hours	\$166.00	\$443.00	\$305.00	\$139
Range #3 >50 Tons					
Fire Environmental Specialist	3.50 hours	\$228.00	\$621.00	\$425.00	\$197
<b>Permanent Closure Permit</b>					
01-Tank Site Permit					
Fire Environmental Specialist	5.50 hours	\$456	\$975.00	\$716.00	\$260
02 -Tank Site Permit					
Fire Environmental Specialist	7.00 hours	\$498	\$1,241.00	\$870.00	\$372
03 -Tank Site Permit					
Fire Environmental Specialist	8.50 hours	\$539	\$1,507.00	\$1,023.00	\$484
04- Tank Site Permit					
Fire Environmental Specialist	10.00 hours	\$581	\$1,773.00	\$1,177.00	\$596
Reinspection Fee, per hour					
Fire Environmental Specialist	1.00 hours	\$83	\$177.00	\$130.00	\$47
<b>Tiered Annual Permitting Fees</b>					
Conditional Authorization Permit by Rule - First					
Fire Environmental Specialist	5.50 hours	\$456	\$975.00	\$716.00	\$260
Conditional Authorization Permit by Rule - Second and Each Additional					
Fire Environmental Specialist	1.25 hours	\$152	\$222.00	\$187.00	\$35
Conditionally Exempt - First					
Fire Environmental Specialist	1.85 hours	\$152	\$328.00	\$240.00	\$88
Conditionally Exempt - Second and Each Additional					
Fire Environmental Specialist	1.00 hours	\$80	\$177.00	\$129.00	\$49

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**FY 2008-2009**  
**Phase 1 CUPA Fee Adjustments**

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Type of Service		Current Fee	Full Cost Fee	Phase I Fee	Phase 1 Increase
Fee Basis	Average Units				
<b>Underground Storage Tank Installation</b>					
01- Tank Site Permit Fire Environmental Specialist	12.50 hours	\$1,037	\$2,217.00	\$1,627.00	\$590
02- Tank Site Permit Fire Environmental Specialist	14.00 hours	\$1,162	\$2,483.00	\$1,823.00	\$661
03- Tank Site Permit Fire Environmental Specialist	15.50 hours	\$1,286	\$2,749.00	\$2,018.00	\$732
04- Tank Site Permit Fire Environmental Specialist	17.00 hours	\$1,411	\$3,015.00	\$2,213.00	\$802
05- Tank Site Permit Fire Environmental Specialist	18.50 hours	\$1,535	\$3,281.00	\$2,408.00	\$873
Followup/ Re-inspection Fee Fire Environmental Specialist	1.00 hours	\$83	\$177.00	\$130.00	\$47
<b>Permit to modify or Repair - Minor</b>					
Fire Environmental Specialist	6.00 hours	\$705	\$1,064.00	\$885.00	\$180
<b>Surcharges</b>					
CalARP per site		\$270	\$270.00	\$270.00	\$0
State General Oversight per site		\$24	\$24.00	\$24.00	\$0
State Underground Tank per tank		\$15	\$15.00	\$15.00	\$0

**EXHIBIT B  
FY 2009-2010  
Phase 2 CUPA Fee Adjustments**

**FIRE/ CERTIFIED UNIFIED PROGRAM AGENCY (CUPA)**

*Hazardous Materials Permits to store, handle or use hazardous materials or install, close, or operate a hazardous materials facility.*

**Full cost Recovery Rate: \$177.33 per hour**

Type of Service	Phase I Fee	Phase 2 Fee	Phase 2 Increase
Fee Basis	Average Units		
<b>Annual Fees per Tank</b>			
Above Ground Tank			
Fire Enviromental Specialist	1.50 hours	\$195.00	\$266.00
CalARP			\$71
Fire Enviromental Specialist	2.25 hours	\$283.00	\$399.00
			\$116
Underground Tank			
Fire Enviromental Specialist	1.75 hours	\$238.00	\$310.00
			\$72
<b>Hazardous Materials</b>			
Quantity range 1: 200-1500 CF of Compressed Gases			
Fire Enviromental Specialist	3.00 hours	\$478.00	\$532.00
			\$54
Quantity range 1: 500-5000 Lbs of Solids			
Fire Enviromental Specialist	3.00 hours	\$478.00	\$532.00
			\$54
Quantity range 1: 55-550 Gals of Liquids			
Fire Enviromental Specialist	3.00 hours	\$478.00	\$532.00
			\$54
Quantity range 2: 5001-25000 Lbs of Solids			
Fire Enviromental Specialist	5.00 hours	\$813.00	\$887.00
			\$74
Quantity range 2: 551-2750 Gals of Liquids			
Fire Enviromental Specialist	5.00 hours	\$813.00	\$887.00
			\$74
Quantity range 2: 1501 -10000 CF of Compressed Gases			
Fire Enviromental Specialist	5.00 hours	\$813	\$887.00
			\$74
Quantity range 3: 10001-20000 CF of Compressed Gases			
Fire Enviromental Specialist	6.25 hours	\$1,023	\$1,108.00
			\$85
Quantity range 3: 25001 -50000 Lbs of Solids			
Fire Enviromental Specialist	6.25 hours	\$1,023	\$1,108.00
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**FY 2009-2010**  
**Phase 2 CUPA Fee Adjustments**

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Fire Environmental Specialist	1.25 hours	\$187	\$222.00	\$35
Conditionally Exempt - First				
Fire Environmental Specialist	1.85 hours	\$240	\$328.00	\$88
Conditionally Exempt - Second and Each Additional				
Fire Environmental Specialist	1.00 hours	\$129	\$177.00	\$48

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**FY 2009-2010**  
**Phase 2 CUPA Fee Adjustments**

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03- Tank Site Permit Fire Environmental Specialist	15.50 hours	\$2,018	\$2,749.00	\$731
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