



Meeting Date: 06 / 02 /2009

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

Prepared By: Miguel Trujillo, CUPA Coordinator *MT* Agenda Item No. I-5

Reviewed By: City Manager *[Signature]* City Attorney *[Signature]* Finance *[Signature]* Other (Specify) _____

DATE: May 7, 2009

TO: City Council

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

SUBJECT: Adjustment of the State General Oversight Surcharge Fee for the Certified Unified Program Agency (CUPA) Services and Permits

RECOMMENDATION

That City Council:

1. Adopt a resolution to adjust the existing State General Oversight Surcharge fee for Certified Unified Program Agency services and permits.

DISCUSSION

The Certified Unified Program Agency (CUPA) has the responsibility and authority to implement and enforce the requirements of Chapter 6.5, "Hazardous Waste Control", of Division 20 of the California Health and Safety Code (HSC). The CUPA program operates as a special revenue fund requiring full cost recovery for services provided. Program costs and operating expenses are recovered through establishment of fees which includes the collection of the State General Oversight Surcharge fee pursuant to HSC section 25404.5(b)(1). Additionally, Chapter 6.11 of Division 20 of the HSC establishes electronic reporting requirements.

Per Assembly Bill 2286, which went into effect January 1, 2009, all CUPAs are required to increase their general oversight surcharge fee by an amount not to exceed \$25.00 per year for the next three years. The General Oversight Surcharge fee is currently \$24.00. The required increase to this amount will raise the fee to \$49.00 per year.

All collected General Oversight Surcharge fees must be remitted to the California Environmental Protection Agency (CalEPA) as part of the administration of the CUPA program. CalEPA will use all additionally collected surcharge fees for electronic reporting system development, outreach and training, and technical support. Surcharge fees will also be used to provide local CUPA programs with grants from CalEPA to assist in implementing a local electronic reporting program that will meet AB

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2286 requirements and to provide all regulated businesses and all regulated local government agencies (CUPA) the ability to use the internet to file required program information which is now being filed in paper form.

FINANCIAL IMPACT

The amount collected in General Oversight Surcharge fees will increase by approximately \$21,075.00 per year. All fees will be remitted to CalEPA. The collected funds will be applied to account number 370-2205-581-7528.

Attachment #1 - Resolution adjusting State Oversight Surcharge fees

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD
ADJUSTING THE STATE GENERAL OVERSIGHT SURCHARGE FEE FOR THE
CERTIFIED UNIFIED PROGRAM AGENCY SERVICES AND PERMITS

WHEREAS, the Certified Unified Program Agency ("CUPA") has the responsibility and authority to administer the requirements of Chapter 6.5 of Division 20 of the California Health and Safety Code; and

WHEREAS, the CUPA has the responsibility and authority to implement and enforce the requirements of Assembly Bill 2286; and

WHEREAS, pursuant to Assembly Bill 2286, the CUPA is required to increase the General Oversight Surcharge fee by an amount not to exceed \$25.00 per year for the next three years; and

WHEREAS, the City Council examines the costs associated with administration and enforcement of Chapter 6.5 of Division 20 of the California Health and Safety Code and sets surcharge fees for CUPA services and permits.

WHEREAS, pursuant to Assembly Bill 2286, the general oversight surcharge will serve to establish an electronic information data collection and exchange system.

NOW, THEREFORE, the City Council of the City of Oxnard resolves that the surcharge fees set forth in Exhibit A, attached hereto and made a part hereof, are adopted as the fees for CUPA services and permits as of July 1, 2009.

PASSED AND ADOPTED this ____ day of _____, 2009, by the following vote:

AYES:

NOES:

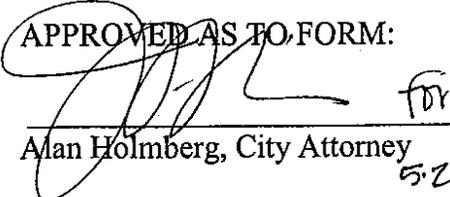
ABSENT:

Dr. Thomas E. Holden Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:



Alan Holmberg, City Attorney

Attachment #1
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EXHIBIT A
FY 2009-2012
CUPA General Oversight Surcharge Fee Adjustment

FIRE/CERTIFIED UNIFIED PROGRAM AGENCY (CUPA)

Annual general oversight surcharge fee adjustment for all regulated hazardous materials storage facilities.

| Type of service | Current Fee | Additional fee | Adjusted fee |
|----------------------------------|-------------|----------------|--------------|
| Surcharges | | | |
| State General Oversight/per site | \$24.00 | \$25.00 | \$49.00 |