DATE: January 8, 2019

TO: City Council

FROM: Darwin Base
      Fire Chief

SUBJECT: Funding of Equipment and Supplies from CUPA Capital Equipment Fund.

CONTACT: Darwin Base, Fire Chief
          Darwin.Base@oxnard.org, (805) 385-7700

RECOMMENDATION:

That City Council approve the use of $5,634 in previously appropriated unspent capital within the CUPA Capital Equipment Fund 373 for the replacement of personal protective equipment and resupply of chemical reagents.

BACKGROUND

Californians are protected from hazardous waste and materials by a Unified Program that ensures consistency throughout the state in regard to administrative requirements, permits, inspections, and enforcement. CalEPA oversees the program as a whole, and certifies 83 local government agencies known as Certified Unified Program Agencies (CUPA) to implement the hazardous waste and materials standards set by five different state agencies. The Oxnard Fire Department is the local administrator for the CUPA program that conducts inspections and provides oversight for businesses that store hazardous materials and generates hazardous waste.

Through the administration of requirements, permits, inspections and enforcement processes, revenue is generated from penalties, fines or from legal action. These funds are regulated by the State of California and can be spent on equipment and training for program activities.

The division maintains a 24/7 emergency response capability to mitigate hazardous materials incidents and investigate environmental crimes, with one inspector on standby after hours and on weekends on a rotating basis. Personal protective equipment (PPE) is necessary for incident response, and PPE issued to existing CUPA staff is now past its ten year service life. The cost to
replace five helmets and five response jackets is $2,637.

During hazardous materials incidents and investigations, division staff perform field chemistry tests to identify unknown materials. Each test performed for field analysis or training consumes a small amount of several chemical reagents, and resupply of the kits carried by HM-67 and the CUPA response vehicle is now required. The cost to resupply the field chemistry kits is $2,997.

Appropriate PPE and field supplies are necessary to maintain division operations. The use of the CUPA funds for the purchase of the vehicle is an allowable expense per California Health and Safety Code 25404.1.1(i):

*All administrative penalties collected from actions brought by a UPA pursuant to this section shall be paid to the UPA that imposed the penalty, and shall be deposited into a special account that shall be expended to fund the activities of the UPA in enforcing this chapter.*

On September 10, 2018, the City Council appropriated $37,539 for the purchase of a CUPA inspector vehicle. A used vehicle was purchased instead of new, resulting in cost savings (and therefore an unspent balance).

Per the City’s new Capital Asset Policy and Procedures, which went into effect July 1, 2018, City Council approval is required to repurpose funds previously appropriated for capital asset purchase. The recommendation of this staff report is to request that City Council approve the use of existing, previously appropriated funds for this purchase.

**STRATEGIC PRIORITIES**

This agenda item is a routine operational item or does not relate to the four strategic plans adopted by City Council on May 17, 2016.

**FINANCIAL IMPACT**

Funding in the amount of $5,634 is available from previously appropriated unspent capital within the CUPA Capital Equipment Fund 373 for the replacement of personal protective equipment and resupply of chemical reagents. There would be no general fund impact as the result of the purchase.

Prepared by Nathan West, CUPA Manager.

**ATTACHMENTS:**

Attach 1 Budget Adjustment
Attach 2 Oxnard Fire Policy
REQUEST FOR BUDGET APPROPRIATION

Date: December 4, 2018

Department: Fire / CUPA
Project/Program
Manager: Nathan West
Phone: 385-7720

Reason for Appropriation:
For purchase of 5 replacement helmets & response jackets; and resupply of two field chemistry kits

<table>
<thead>
<tr>
<th>Accounts and Descriptions</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fund: CUPA Capital Equipment Fund (373)</td>
<td></td>
</tr>
<tr>
<td>Expenditures/Transfers Out</td>
<td></td>
</tr>
<tr>
<td>CUPA PROGRAM (2205)</td>
<td></td>
</tr>
<tr>
<td>373-2205-871.81-35 MATERIALS AND SUPPLIES / MINOR EQP- SHOP/FIELD 5,634</td>
<td></td>
</tr>
<tr>
<td>373-2205-871-8606 CAPITAL OUTLAY / MACHINERY AND EQUIP NEW (5,634)</td>
<td></td>
</tr>
</tbody>
</table>

Sub-total Expenditures 0

Net Change to Fund Balance 0

Approvals
Department Director
Chief Financial Officer
City Manager

REQUIRES CITY COUNCIL AUTHORIZATION
“The Fund serves to foster and assist the City of Oxnard Fire Department Certified Unified Program Agency (CUPA) in program development, training, and other program functions”.

1. PURPOSE OF GUIDELINES

1.1. Creation of Trust Account. The Oxnard Fire Certified Unified Program Agency (CUPA) (OFD) hereby establishes the Enforcement Trust Account to be administered by the OFD.

1.2. Purpose of Guidelines. These Fund Guidelines govern management of the Enforcement Trust Account Fund for expenditures outlines below.

1.3. Authority. Administrative Enforcement Order (AEO) Authority and issuance of administrative penalties and establishment of a special account. California Health & Safety code, Section 25404.1.1 (i) and 25187 (a) and (k).

2. OBJECTIVES AND PURPOSES

2.1. General and Specific Purposes. This Trust Account has been organized solely and exclusively for the purpose of CUPA program development and specific program functions.
3. **TRUST FUND**

3.1 **Definition.** The Fund is established to disburse and manage monies obtained from AEO case settlements and other state-wide enforcement cases.

3.2 **Fund.** The Fund shall be held exclusively by an account established by the OFD CUPA and managed by the CUPA Coordinator. The Fund shall also include all interest derived from monies in the Fund.

4. **EXPENDITURES FROM THE TRUST FUND** Proposed expenditures shall be authorized and approved by the CUPA Coordinator. The following is a list of examples of qualified expenditures:

<table>
<thead>
<tr>
<th>Qualified Expenditure</th>
<th>Examples</th>
</tr>
</thead>
<tbody>
<tr>
<td>Enhancement in data management hardware, contract services, and/or enforcement capabilities</td>
<td>Laptop, field tablets, scanners, software, and contract services to convert from paper to electronic (scanning and data entry), purchase of applicable software for electronic data management.</td>
</tr>
<tr>
<td>Specific database applications</td>
<td>Statewide training database</td>
</tr>
<tr>
<td>Field instrument for hazardous materials applications, hazardous materials applications, investigations, and enforcement</td>
<td>IR’s, CGI’s, PID’s, gas meters, TLV’s or other equipment that will assist inspectors/emergency responders in evaluating field situations.</td>
</tr>
<tr>
<td>Training</td>
<td>Travel and other related expenses for staff training.</td>
</tr>
<tr>
<td>Enforcement investigations/case development</td>
<td>Case specific such as sample collection, and laboratory analysis</td>
</tr>
<tr>
<td>Other equipment to support the CUPA program</td>
<td>Vehicles, PPE, and others</td>
</tr>
<tr>
<td>Training assistance, projects or efforts with other Division/departments to enhance interagency cooperation</td>
<td>Travel and other related expenses for Fire Prevention and other departments such as wastewater and environmental services (assist in obtaining scholarships).</td>
</tr>
<tr>
<td>Consultants</td>
<td>Develop program related projects</td>
</tr>
</tbody>
</table>
5. **MISCELLANEOUS**

   5.1 **Expenses of Administration** All expenses incurred in the administration of the Fund shall be paid from the Fund.

6. **RECORDS AND FILES** The CUPA Coordinator shall maintain a copy of all expenditure records, receipts, correspondence, and any other records and files related to the Fund. All records shall be maintained indefinitely.