

#12
4.27.23

RECOMMENDATION APPROVED;
RESOLUTION 23-10173 ADOPTED AND;
AGREEMENT 23-3563-A APPROVED
BY THE BOARD OF HARBOR COMMISSIONERS

April 27, 2023
AM KLESGES
AMBER M. KLESGES
Board Secretary



DATE: APRIL 19, 2023

FROM: CARGO MARKETING

SUBJECT: RESOLUTION NO. 23-10173 - APPROVAL OF FIRST AMENDMENT TO FOREIGN-TRADE ZONE (FTZ) OPERATING AGREEMENT NO. 18-3563, BETWEEN THE CITY OF LOS ANGELES HARBOR DEPARTMENT AND FEDEX TRADE TRANSPORT AND BROKERAGE, INC., FTZ 202, SITE 52

SUMMARY:

Staff requests approval of a First Amendment to Foreign-Trade Zone (FTZ) Operating Agreement No. 18-3563 between the City of Los Angeles Harbor Department (Harbor Department) and FedEx Trade Transportation and Brokerage, Inc. (FedEx) to continue operating its facility within FTZ 202, Site 52, located at 17120 South Main Street, Gardena, CA 90248. The Harbor Department, as the FTZ Grantee, establishes Operating Agreements with FTZ site operators to oversee their FTZ operations.

FTZ Operating Agreement No. 18-3563 is currently scheduled to expire on April 30, 2023. The First Amendment will extend the term of the Operating Agreement by five years. FedEx requests to continue operating its warehouse as an FTZ warehouse. The Harbor Department must execute the First Amendment to extend the Agreement, as required by the FTZ Board.

Site 52 consists of a 7.35-acre site that includes a warehouse and office space located 10 miles from the Port of Los Angeles. FedEx will operate its facility under FTZ procedures as a multi-usage site. If the proposed amendment is approved, the Harbor Department will receive \$7,750 annually from FedEx (per FTZ Tariff No. 2).

RECOMMENDATION:

It is recommended that the Board of Harbor Commissioners (Board):

1. Find that the Director of Environmental Management has determined that the proposed action is administratively exempt from the requirements of the California Environmental Quality Act (CEQA) under Article II Section 2(f) of the Los Angeles City CEQA Guidelines;
2. Approve the proposed First Amendment to Foreign-Trade Zone Operating Agreement No. 18-3563 between the City of Los Angeles Harbor Department and FedEx Trade Transportation and Brokerage, Inc.;

SUBJECT: FIRST AMENDMENT TO FTZ OPERATING AGREEMENT WITH FEDEX
TRADE TRANSPORTION AND BROKERAGE, INC, FTZ 202, SITE 52

3. Direct the Board Secretary to transmit the proposed First Amendment to Foreign-Trade Zone Operating Agreement No. 18-3563 to the Los Angeles City Council for approval pursuant to Section 373 of the Charter of the City of Los Angeles and Section 10.5 of the Los Angeles Administrative Code;
4. Authorize the Executive Director to execute and the Board Secretary to attest to the proposed First Amendment to Foreign-Trade Zone Operating Agreement No. 18-3563; and
5. Adopt Resolution No. 23-10173.

DISCUSSION:

Background and Context – The FTZ Act of 1934, as amended (19 U.S.C. 81a-81u), was established to support U.S. commerce and create jobs by reducing import duties or excise taxes by deferring payment of duties, thereby making it attractive for companies to perform some work on their products in the U.S. rather than offshore. The definition of an FTZ is a restricted access site located in the U.S. Customs and Border Protection territories. The importer may defer payment of duties and other fees until the merchandise is brought into the U.S. for consumption.

Need for Agreement – The proposed First Amendment (Transmittal 1) will extend the term of the Operating Agreement by five years to April 30, 2028. FedEx is an American multinational company with its head office located in Memphis, TN, and employs 190 full-time employees at this FTZ site. This 7.35-acre property includes a warehouse and office (Transmittal 2) and is within the FTZ 202 service area (Transmittal 3).

FedEx shall continue to follow the rules and procedures as outlined in the Department of Homeland Security's FTZ manual, such as providing a secured area within the FTZ.

Need for Approval – FedEx is requesting approval from the Harbor Department to execute the proposed First Amendment to continue to operate Site 52 as a multi-usage FTZ facility. FedEx handles the logistics, handling, storage, inventory, and quality of small packages and e-commerce. FedEx also provides containerized ocean freight forwarding and transportation.

If FedEx does not obtain approval as an operator with FTZ status from the Harbor Department, they potentially have the choice of going to another FTZ in California such as Long Beach. Since FTZ facilities exist in every state, a company can potentially shift its employees to work elsewhere as a result of seeking FTZ status in another location.

DATE: APRIL 19, 2023

PAGE 3 OF 3

SUBJECT: FIRST AMENDMENT TO FTZ OPERATING AGREEMENT WITH FEDEX
TRADE TRANSPORTION AND BROKERAGE, INC, FTZ 202, SITE 52

ENVIRONMENTAL ASSESSMENT:

The proposed action is the approval of a First Amendment to FTZ Operating Agreement No. 18-3563 between the City of Los Angeles Harbor Department and FedEx, which is an administrative activity. Therefore, the Director of Environmental Management has determined that the proposed action is administratively exempt from the requirements of CEQA in accordance with Article II Section 2(f) of the Los Angeles City CEQA Guidelines.

FINANCIAL IMPACT:

If the proposed First Amendment is approved, the Harbor Department will receive \$7,750 annually from FedEx (per FTZ Tariff No. 2).

Approval of the FTZ Operating Agreement is not anticipated to result in additional, incremental FTZ-related consulting service expenses being incurred by the Harbor Department. During Fiscal Year (FY) 2022, revenues of \$289,336 were collected from Harbor Department FTZ operators relative to FY 2022 expenses of \$30,594 incurred by the Harbor Department for consulting services.

CITY ATTORNEY:

The Office of the City Attorney has prepared and approved the proposed First Amendment as to form and legality.

TRANSMITTALS:

1. Proposed First Amendment to FTZ Operating Agreement with FedEx, Inc, FTZ 202, Site 52
2. FTZ 202, Site 52 Map
3. FTZ 202, Service Area Map


ERIC CARIS
Director of Cargo Marketing

FIS Approval: 
CA Approval: 


MICHAEL DiBERNARDO
Deputy Executive Director

APPROVED:

 For
EUGENE D. SEROKA
Executive Director

MV: AA