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RECOMMENDATION APPROVED;  
RESOLUTION NO. 20-9739 ADOPTED AND;  
AGREEMENT NO. 20-3353-A APPROVED  
BY THE BOARD OF HARBOR COMMISSIONERS



**THE PORT  
OF LOS ANGELES**  
Executive Director's  
Report to the

Board of Harbor Commissioners

December 17, 2020

*Amber M. Klesges*  
AMBER M. KLESGES  
Board Secretary

**DATE: DECEMBER 3, 2020**

**FROM: CARGO MARKETING**

**SUBJECT: RESOLUTION NO. 20-9739 - APPROVAL OF FIRST AMENDMENT OF FOREIGN-TRADE ZONE GENERAL PURPOSE OPERATING AGREEMENT NO. 15-3353 BETWEEN THE CITY OF LOS ANGELES HARBOR DEPARTMENT AND PROSPECT ENTERPRISE DBA KANSAS MARINE CO. FTZ 202, SITE 45**

**SUMMARY:**

Staff requests approval of a First Amendment to Foreign-Trade Zone (FTZ) Operating Agreement No. 15-3353 between the City of Los Angeles Harbor Department (Harbor Department) and Prospect Enterprise dba Kansas Marine Co. (Kansas), to continue operating its facility within FTZ No. 202, Site 45, located at 625 Kohler Street, Los Angeles, California 90021. The Harbor Department, as the FTZ Grantee, establishes Operating Agreements with FTZ site operators to oversee their FTZ operations.

Kansas' current FTZ Operating Agreement No. 15-3353 will expire on January 31, 2021. The First Amendment will extend the Operating Agreement by five years. Kansas requests to continue operating its warehouse as an FTZ warehouse. The Harbor Department needs to execute the First Amendment to extend the Agreement, as required by the FTZ Board.

Site 45 consists on three-acre site including three buildings with a total square footage of approximately 88,500 square feet of warehousing and office space located approximately 25 miles from the Port of Los Angeles. Kansas will operate its facility under FTZ procedures as a multi-usage site. The proposed First Amendment will not require funding by the Harbor Department. If the proposed amendment is approved, the Harbor Department will receive \$7,750 annually from Kansas (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;

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2. Approve the proposed First Amendment to Foreign-Trade Zone Operating Agreement No. 15-3353 between the City of Los Angeles Harbor Department and Prospect Enterprise dba Kansas Marine Co.;
3. Direct the Board Secretary to transmit the proposed First Amendment to Foreign-Trade Zone Operating Agreement No. 15-3353 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. 15-3353; and
5. Adopt Resolution No. 20 9739.

**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 to January 31, 2026. Kansas will continue to operate its FTZ site, owned by Kansas. The facility located on a three-acre site, includes three buildings with a total square footage of approximately 88,500 square feet of warehousing and office space (Transmittal 2) and is within the FTZ 202 service area (Transmittal 3). Kansas is a U.S. company that receives, stores, re-labels, re-packages, manages inventory and distributes imported food items to for ship supplies. Some products are also re-exported from this warehouse. The head office for Kansas is located in Los Angeles, CA employing 16 full-time employees working within the FTZ activated area.

Kansas 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 – Kansas is requesting approval from the Harbor Department to execute the proposed First Amendment to continue to operate Site 45 as a multi-usage FTZ facility. Kansas handles the logistics, handling, storage, inventory and quality control of various products such as automobiles, electronic components and materials. Occasionally, products may be re-exported.

If Kansas 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

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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.

**ENVIRONMENTAL ASSESSMENT:**

The proposed action is the approval of a First Amendment to FTZ Operating Agreement No. 15-3353 between the City of Los Angeles Harbor Department and Kansas, 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 Kansas (per FTZ Tariff No. 2).

Approval of the First Amendment is not anticipated to result in additional, incremental FTZ-related consulting service expenses being incurred by the Harbor Department. During Fiscal Year (FY) 2020, unaudited revenues of \$361,536 were collected from Harbor Department FTZ operators relative to FY 2020 unaudited expenses of \$30,181 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 Prospect Enterprise dba Kansas Marine Co., FTZ 202, Site 45
- 2. FTZ 202, Site 45 Map
- 3. FTZ 202, Service Area Map



ERIC CARIS  
Director of Cargo Marketing

FIS Approval: 

CA Approval: 

  
MICHAEL DIBERNARDO  
Deputy Executive Director

APPROVED:



EUGENE D. SEROKA  
Executive Director