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4.28.22

RECOMMENDATION APPROVED;
RESOLUTION 22-9992 ADOPTED AND;
AGREEMENT 22-9858 APPROVED
BY THE BOARD OF HARBOR COMMISSIONERS

April 28, 2022


AMBER M. KLESGES
Board Secretary



Executive Director's
Report to the
Board of Harbor Commissioners

DATE: APRIL 20, 2022

FROM: CARGO MARKETING

SUBJECT: RESOLUTION NO. 22-9992 - APPROVAL OF THE FOREIGN-TRADE ZONE OPERATING AGREEMENT BETWEEN THE CITY OF LOS ANGELES HARBOR DEPARTMENT AND INTERPORT LOGISTICS, LLC, FTZ 202, SITE 66

SUMMARY:

Staff requests approval of the Foreign-Trade Zone (FTZ) Operating Agreement between the City of Los Angeles Harbor Department (Harbor Department) and Interport Logistics, LLC (Interport), to operate its facility within FTZ No. 202, Site 66, located at 5560 61st Street, Commerce, CA 90040. The 1.1 acre property includes a warehouse and office space, approximately 21 miles north of the Port of Los Angeles.

The FTZ Operating Agreement with Interport was previously presented and approved by the Board of Harbor Commissioners (Board) on January 27, 2022; however, due to an administrative error, the Site number associated with the approved Operating Agreement was incorrect. We are now required to resubmit and seek approval for a new Operating Agreement for the correct Site 66.

The proposed Agreement is for a term of five years with three, five-year renewal options. If the proposed Agreement is approved, the Harbor Department will receive \$7,750 annually from Interport (per FTZ Tariff No. 2).

RECOMMENDATION:

It is recommended that the Board of Harbor Commissioners:

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 Foreign Trade-Zone Operating Agreement between the City of Los Angeles Harbor Department and Interport Logistics, LLC;
3. Direct the Board Secretary to transmit the proposed Foreign-Trade Zone Operating Agreement 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;

SUBJECT: FTZ OPERATING AGREEMENT WITH INTERPORT LOGISTICS, LLC

4. Authorize the Executive Director to execute and the Board Secretary to attest to the proposed Foreign-Trade Zone Operating Agreement; and
5. Adopt Resolution No. 22-992.

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. The Harbor Department, as the grantee, is required by the FTZ Board to have a Developer Agreement with FTZ site owners.

Need for Agreement – The Harbor Department, as the grantee, is required by the FTZ Board to have an Operating Agreement with FTZ site operators. The term of this proposed FTZ Operating Agreement is five years with three, five-year extensions (Transmittal 1). Interport is a U.S. company with its headquarter office located in Miami, Florida, employing approximately 15 full-time and part-time employees working within the proposed FTZ warehouse area. Interport will operate its FTZ Site 66 at 5560 E. 61st Street, Commerce, CA 90040. The facility consists of a warehouse and office space on 1.1 acres (Transmittals 2 and 3).

Interport shall 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. Interport shall notify truck drivers, truck brokers, and trucking companies that the trucks serving the Port of Los Angeles confine their routes to the designated Wilmington Truck Route.

Need for Approval – Interport is requesting approval from the Harbor Department to execute the proposed FTZ Operating Agreement to operate Site 66 as a multi-usage FTZ facility. Interport handles the logistics, handling, storage, inventory and quality control of consumer products. Products may be re-exported.

The FTZ Operating Agreement with Interport was previously presented and approved by the Board of Harbor Commissioners (Board) on January 27, 2022; however, due to an administrative error, the Site number associated with the approved Operating Agreement was incorrect. We are now required to resubmit and seek approval for a new Operating Agreement for the correct Site 66.

If Interport 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.

SUBJECT: FTZ OPERATING AGREEMENT WITH INTERPORT LOGISTICS, LLC

ENVIRONMENTAL ASSESSMENT:

The proposed action is the approval of a FTZ Operating Agreement with Interport, 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 Agreement is approved, the Harbor Department will receive \$7,750 annually from Interport (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) 2021, revenues of \$300,630 were collected from Harbor Department FTZ operators relative to FY 2021 expenses of \$17,531 incurred by the Harbor Department for consulting services.

CITY ATTORNEY:

The City Attorney's Office has prepared and approved the proposed Operating Agreement as to form and legality.

TRANSMITTALS:

- 1. Proposed FTZ Operating Agreement, FTZ 202, Site 66 - 22-9858
- 2. FTZ 202, Site 66 Site Map
- 3. FTZ 202 Service Area Map

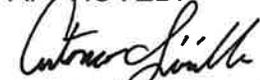
FIS Approval: JAS
CA Approval: SO

Michael DiBernardo

MICHAEL DiBERNARDO
Deputy Executive Director

ERIC CARIS
Director of Cargo Marketing

APPROVED:



for EUGENE D. SEROKA
Executive Director

EC:MVD:MK:ng