

18. Approve Certification of Financial Responsibility for Petroleum Underground Storage tanks, and take related actions ()



County of Santa Cruz Board of Supervisors

Agenda Item Submittal

From: Auditor-Controller-Treasurer-Tax-Collector

Subject: Certification of Financial Responsibility for Petroleum Underground Storage Tanks

Meeting Date: February 11, 2025

Formal Title: Approve Certification of Financial Responsibility for Petroleum Underground Storage tanks, and take related actions

Recommended Action

Approve Certification of Financial Responsibility for Petroleum Underground Storage tanks, and authorize the County Administrative Officer to sign.

Executive Summary

Each year, the Board must approve the submission of a Certification of Financial Responsibility for Petroleum Underground Storage Tanks as required by Federal Environmental Protection Agency (EPA) and State Water Resources Control Board (SWRCB) regulations. There are a variety of mechanisms that can be used, which are addressed in the regulations, one of which is a State Fund set up for this purpose.

Discussion

To use the State Fund, the County must certify financial responsibility for the first \$10,000 per occurrence and aggregate, exclusive of the Fund. This certification can be accomplished through any one of several means specified by the EPA and promulgated by the SWRCB. The mechanism known as the “worksheet test” has been used in prior years because it was the least restrictive option and clearly demonstrated financial responsibility for the current reporting period.

The formulas and calculations that comprise the test are specifically set forth in the EPA regulations. The attached worksheet and supporting letter have been prepared in accordance with EPA regulations and signed by the Auditor-Controller/Treasurer-Tax Collector, who is the Chief Financial Officer of the County of Santa Cruz.

Financial Impact

There is no financial impact.

Strategic Initiatives

Operational Plan - Operational Excellence

Submitted By:

Edith Driscoll

Recommended By:

Carlos J. Palacios, County Administrative Officer

Artificial Intelligence Acknowledgment:

Artificial Intelligence (AI) did not significantly contribute to the development of this agenda item.



COUNTY OF SANTA CRUZ

EDITH DRISCOLL
AUDITOR-CONTROLLER-TREASURER-TAX COLLECTOR
701 OCEAN STREET, SUITE 100, SANTA CRUZ, CA 95060-4073
(831) 454-2500 FAX (831) 454-2660

Laura Bowers, Chief Deputy Auditor-Controller

To whom it may concern:

I am the chief financial officer for the County of Santa Cruz, 701 Ocean Street, Santa Cruz, CA 95060. This letter is in support of the use of the local government financial test to demonstrate financial responsibility for taking corrective action and compensating third parties for bodily injury and property damage caused by sudden accidental releases, or non-sudden accidental releases in the amount of at least \$10,000 per occurrence and \$10,000 annual aggregate arising from operating underground storage tanks.

Underground storage tanks at the following facilities are assured by this financial test:

		<u>Number of Tanks</u>
General Services	701 Ocean Street Santa Cruz, CA 95060	1
GSD Fleet Operations	691 Ocean Street Santa Cruz, CA 95060	1
DPW Maintenance Yard	201 Hihn Street Felton, CA 95018	2
DPW Maintenance Yard	2700 Brommer Street Santa Cruz, CA 95062	2

This owner or operator has not received an adverse opinion, or a disclaimer of opinion from an independent auditor on its financial statements for the latest completed fiscal year. Any outstanding issues of general obligation or revenue bonds, if rated, have a Moody's rating of Aaa, Aa, A or Baa or a Standard and Poor's rating of AAA, AA, A, or BBB; if rated by both firms, the bonds have a Moody's rating of Aaa, Aa, A, or Baa and a Standard and Poor's rating of AAA, AA, A, or BBB.

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Auditor-Controller-Treasurer-Tax Collector

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Unless you tell us otherwise in accordance with the procedures described herein, we will provide electronically to you through the DocuSign system all required notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you during the course of our relationship with you. To reduce the chance of you inadvertently not receiving any notice or disclosure, we prefer to provide all of the required notices and disclosures to you by the same method and to the same address that you have given us. Thus, you can receive all the disclosures and notices electronically or in paper format through the paper mail delivery system. If you do not agree with this process, please let us know as described below. Please also see the paragraph immediately above that describes the consequences of your electing not to receive delivery of the notices and disclosures electronically from us.

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**Worksheet for Municipal Financial Test
County of Santa Cruz (Excluding Sanitation)**

Source: June 30, 2024 ACFR

Part 1: Basic Information

1. Total Revenue	
a. Revenues (dollars)	1,163,907,474
Value of revenues excludes liquidation of investments and issuance of debt. Value includes all general fund operating and non-operating revenues, as well as all revenues from all other governmental funds including enterprise, debt service, capital projects and special revenues, but excluding revenues to funds held in a trust or agency capacity.	
b. Subtract interfund transfers (dollars)	102,315,538
c. Total Revenues (dollars)	1,061,591,936
2. Total Expenditures	
a. Expenditures (dollars)	1,150,939,672
Value consists of the sum of general fund operating and non-operating expenditures including interest payments on debt, payments for retirement of debt principal, and other total expenditures from all other governmental funds including enterprise, debt service, capital projects, and special revenues.	
b. Subtract interfund transfers (dollars)	102,315,538
c. Total Expenditures (dollars)	1,048,624,134
3. Local Revenues	
a. Total revenues (from 1c) (dollars)	1,061,591,936
b. Subtract total intergovernmental transfers (dollars)	542,395,373
c. Local Revenues (dollars)	519,196,563
4. Debt Service	
a. Interest and fiscal charges (dollars)	10,935,208
b. Add debt retirement (dollars)	24,867,112
c. Total Debt Service (dollars)	35,802,320
5. Total Funds (dollars)	400,975,591
(Sum of amounts held as cash and investment securities from all funds, excluding amounts held for employee retirement funds, agency funds, and trust funds.)	

6. Population (persons)	263,000
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Part II: Application of Test

7. Total revenue to population	
a. Total revenues (from 1c)	1,061,591,936
b. Population (from 6)	263,000
c. Divide 7a by 7b	4,036
d. Subtract 417	3,619
e. Divide by 5212	0.6944
f. Multiply by 4.095	2.8436

8. Total Expenses to population	
a. Total Expenses (from 2c)	1,048,624,134
b. Population (from 6)	263,000
c. Divide 8a by 8b	3,987
d. Subtract 524	3,463
e. Divide by 5401	0.6412
f. Multiply by 4.095	2.6257

9. Local Revenues to Total Revenues	
a. Local Revenues (from 3c)	519,196,563
b. Total revenues (from 1c)	1,061,591,936
c. Divide 9a by 9b	0.4891
d. Subtract 0.695	(0.2059)
e. Divide by 0.205	(1.0044)
f. Multiply by 2.84	(2.8525)

10. Debt Service to Population	
a. Debt Service (from 4c)	35,802,320
b. Population (from 6)	263,000
c. Divide 10a by 10b	136.1305
d. Subtract 51	85.1305
e. Divide by 1038	0.0820
f. Multiply by -1.866	(0.1530)

11. Debt Service to Total Revenues	
a. Debt Service (from 4c)	35,802,320
b. Total revenues (from 1c)	1,061,591,936
c. Divide 11a by 11b	0.0337
d. Subtract 0.068	(0.0343)
e. Divide by 0.259	(0.1324)
f. Multiply by -3.533	0.4678

12. Total Revenues to Total Expenses

a. Total revenues (from 1c)	1,061,591,936
b. Total Expenses (from 2c)	1,048,624,134
c. Divide 12a by 12b	1.0124
d. Subtract 0.91	0.1024
e. Divide by 0.899	0.1139
f. Multiply by 3.458	0.3939

13. Funds Balance to Total Revenues

a. Total funds (from 5)	400,975,591
b. Total revenues (from 1c)	1,061,591,936
c. Divide 13a by 13b	0.3777
d. Subtract 0.891	(0.5133)
e. Divide by 9.156	(0.0561)
f. Multiply by 3.27	(0.1834)

14. Funds Balance to Total Expenses

a. Total funds (from 5)	400,975,591
b. Total Expenses (from 2c)	1,048,624,134
c. Divide 14a by 14b	0.3824
d. Subtract 0.866	(0.4836)
e. Divide by 6.409	(0.0755)
f. Multiply by 3.27	(0.2469)

15. Total Funds to Population

a. Total funds (from 5)	400,975,591
b. Population (from 6)	263,000
c. Divide 15a by 15b	1,525
d. Subtract 270	1,255
e. Divide by 4548	0.2759
f. Multiply by 1.866	0.5148

16. Add 7f + 8f + 9f + 10f + 11f + 12f + 13f + 14f + 15f + 4.937


8.3470

I hereby certify that the financial index shown on line 16 of the worksheet is greater than zero and that the wording of this letter is identical to the wording specified in 40 CFR Part 280.105© as such regulations were constituted on the date shown immediately below.

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State of California
State Water Resources Control Board
Division of Financial Assistance
P.O. Box 944212
Sacramento, CA 94244-2121

(Instructions on reverse side)

For State Use Only

CERTIFICATION OF FINANCIAL RESPONSIBILITY FOR UNDERGROUND STORAGE TANKS CONTAINING PETROLEUM

A. I am required to demonstrate Financial Responsibility in the required amounts as specified in California Code of Regulations (CCR), Title 23, Division 3, Chapter 18, Section 2807,

☐

500,000 dollars per occurrence

☒

1 million dollars annual aggregate

or

AND

or

☒

1 million dollars per occurrence

☐

2 million dollars annual aggregate

B. County of Santa Cruz hereby certifies that it is in compliance with the requirements of Section 2807,
(Name of Tank Owner or Operator)

California Code of Regulations, Title 23, Division 3, Chapter 18, Article 3, Section 2807.

The mechanisms used to demonstrate financial responsibility as required by Section 2807 are as follows:

C. Mechanism Type	Name and Address of Issuer	Mechanism Number	Coverage Amount	Coverage Period	Corrective Action	Third Party Comp
State UST Fund	State UST Cleanup Fund PO Box 944212 Sacramento, CA 94244	N/A for UST Cleanup Fund	\$990,000 per Occurrence and Annual Aggregate	Continuou s	Yes	Yes
Chief Financial Officer Letter - Fund Worksheet	County of Santa Cruz 701 Ocean Street Santa Cruz, CA 95060	N/A for this Mechanism	\$10,000 per Occurrence and Annual Aggregate	Annual	Yes	Yes

Note:

Note: If you are using the State Fund as any part of your demonstration of financial responsibility, your execution and submission of this certification also certifies that you are in compliance and shall maintain compliance with all conditions for participation in the Fund. See instructions.

D. Facility Name	Facility Address
See Chief Financial Officer Letter for list of Facility Names	See Chief Financial Officer Letter for list of Facility Addresses
Facility Name	Facility Address
Facility Name	Facility Address
E. Signature of Tank Owner or Operator	Name and Title of Tank Owner or Operator
Date	Carlos J. Palacios - County Administrative Officer
Signature of Witness or Notary	Name of Witness or Notary
Date	Danita Gonzales - Executive Secretary, CAO