

**RESOLUTION CC 2019-21**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GLENDORA, CALIFORNIA, ADOPTING PERMIT FEES, AND AMENDING THE CITY'S MASTER PERMIT FEE SCHEDULE, AS APPLICABLE TO WIRELESS TELECOMMUNICATIONS FACILITIES PERMITS APPLYING TO THE CITY PURSUANT TO CHAPTER 13.20, "WIRELESS TELECOMMUNICATIONS FACILITIES IN THE PUBLIC RIGHT-OF-WAY."**

**THE CITY COUNCIL  
City of Glendora, California**

**THE CITY COUNCIL OF THE CITY OF GLENDORA, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:**

**WHEREAS**, The California Government Code requires that fees for services charged by municipalities not exceed the cost of providing the service for which the fee is levied and that no fee or service charge or increase in an existing fee or charge may be levied without the public having an opportunity to make oral or written public comment at a regularly scheduled City Council meeting; and

**WHEREAS**, The City Council of the City of Glendora (City) established a Master Schedule of Fees for Services by the adoption of Resolution No. 2018-034 on July 10, 2018; and

**WHEREAS**, With respect to the costs of processing applications for wireless telecommunications facilities, California law has established the following additional limits upon those permit fees and charges for services that may be recovered by municipalities, as follows:

Cal. Gov. Code § 50030. Any permit fee imposed by a city, including a chartered city, a county, or a city and county, for the placement, installation, repair, or upgrading of telecommunications facilities such as lines, poles, or antennas by a telephone corporation that has obtained all required authorizations to provide telecommunications services from the Public Utilities Commission and the Federal Communications Commission, shall not exceed the reasonable costs of providing the service for which the fee is charged and shall not be levied for general revenue purposes.

**WHEREAS**, On September 27, 2019, the Federal Communications Commission ("FCC") issued a new order and regulations (the "FCC Order"), which, in part, sets fee limits upon municipal service charges and permit fees for the processing of applications to deploy wireless telecommunications facilities. The FCC Order concluded that City fees, and fees for the use of government property in the public-right-of-way ("PROW") violate Sections 253 or 332(c)(7) of the Federal Telecommunications Act unless these conditions are met: (1) the fees are a reasonable approximation of the local government's costs, (2) only objectively reasonable costs are factored into those fees, and (3) the fees are no higher than the fees charged to similarly-situated competitors in similar situations; and

**WHEREAS**, On March 26, 2019, the City Council adopted Chapter 13.20 into the Glendora Municipal Code for the regulation of “Wireless Telecommunications Facilities in the Public-Right-Of Way.” In order to ensure that permit fees for these wireless telecommunications facilities will be reasonable and cost-based in accordance with both the FCC Order and Government Code § 50030, City staff has conducted an analysis of the City’s anticipated costs of providing the services and regulatory activities for such fees; and

**WHEREAS**, City staff has prepared the cost evaluation, justification and fee schedule attached hereto as Exhibit A, and incorporated herein by reference, to be added to the City’s Master Fee Schedule for purposes of establishing permit fees and charges directly related to the processing of wireless telecommunications facilities permits under Glendora Municipal Code Chapter 13.20; and

**WHEREAS**, the City Council conducted a duly noticed public hearing on April 23, 2019 concerning the proposed fees contemplated by this Resolution; and

**WHEREAS**, based upon oral and written presentations by City staff and members of the public, including but not limited to staff reports, exhibits, attachments, the fee analysis, the City Council now desires to adopt certain permit fees for the processing of wireless telecommunications facilities and to incorporate said fees into the Master Fee Schedule.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GLENDORA, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:**

**SECTION 1.** The recitals set forth above are incorporated herein as findings by the City Council.

**SECTION 2.** That the City Council hereby establishes and adopts the new and renewal application processing, administration and implementation fees as provided in Exhibit A of this Resolution. The permit fee amounts established in Exhibit A shall be added to that Master Schedule of Fees for Services (Engineering Section) adopted by Resolution No. 2018-034 on July 10, 2018; nothing in this Resolution amends or repeals other fees or charges for services currently established in the Master Schedule of Fees for Services. The City Council hereby authorizes the City Manager and his/her designee to prepare regulations for the administration of permit fees for the processing of wireless telecommunications facilities in accordance with the terms of this Resolution.

**SECTION 3.** The adoption of fees pursuant to this Resolution does not constitute a project under the California Environmental Quality Act (“CEQA”), pursuant to CEQA Guidelines §15378(b)(4), because the fees contemplated by this Resolution are for the purpose of defraying the costs borne by the City in providing certain services and conducting regulatory activities pursuant to the City’s wireless telecommunications regulatory program, and therefore are for the creation of government funding mechanisms or other government fiscal activities, which do not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment. Furthermore, even if the adoption of fees

pursuant to this Resolution does constitute a project under CEQA, the City Council finds and determines that said action is exempt from CEQA under CEQA Guidelines Sections 15061(b)(3), in that there is no possibility that the activity in question may have a significant effect on the environment, because the adoption of these fees relates only to the creation of government funding mechanisms or other government fiscal activities which do not involve any commitment to a specific project, and which do not have the effect of permitting new uses within the City. Additionally, the adoption of fees pursuant to this Resolution is exempt from CEQA pursuant to CEQA Guidelines Sections 15061(b)(1) and 15273 because it is for the establishment of charges which the City Council finds are for the purpose of meeting City operating expenses. Finally, none of the exceptions to Categorical Exemptions set forth in the CEQA Guidelines Section 15300.2 apply to the adoption of fees pursuant to this Resolution.

**SECTION 4.** The City Clerk shall certify to the passage and adoption of this resolution and shall enter the same in the Book of Original Resolutions.

**SECTION 5.** The City Clerk is hereby directed to forward a copy of this resolution to the Glendora Finance Director for inclusion in the Master Fee Schedule.

**APPROVED** and **PASSED** this 23<sup>rd</sup> day of April, 2019.

City Council of Glendora, CA

BY:   
Judy M. Nelson, Mayor

APPROVED AS TO FORM:  
Aleshire & Wynder, LLP

  
WILLIAM W. WYNDER, City Attorney

**CERTIFICATION**

I, Kathleen R. Sessman, City Clerk of the City of Glendora, do hereby certify that the foregoing Resolution was duly adopted by the City Council of the City of Glendora at a regular meeting held on the 23<sup>rd</sup> day of April, 2019, by the following vote:

AYES:	COUNCIL MEMBERS:	Boyer, Davis, Thompson, Allawos and Nelson.
NOES:	COUNCIL MEMBERS:	None.
ABSENT:	COUNCIL MEMBERS:	None.
ABSTAIN:	COUNCIL MEMBERS:	None.

Dated: April 24, 2019

  
KATHLEEN R. SESSMAN, City Clerk

**Exhibit A**

Administrative Wireless Telecommunications Facility Permit Fees (Small Wireless Facilities)	
Flat Fee for Review (Includes First and Second Submittals)	\$3,650.00
Deposit for Additional Services (Following Exhaustion of Flat Fee)	\$1,650.00
Additional Cost (Following exhaustion of Deposit)	See Note 3

Administrative Wireless Telecommunications Facility Permit Fees (Eligible Facilities Request)	
Flat fee for review	\$450
Additional Cost (Following exhaustion of Flat Fee)	See Note 3

Major Wireless Telecommunications Facility Permit Fees (Non-Administrative)	
Flat Fee for Review (Includes First and Second Submittals)	\$7,950.00
Deposit for Additional Services (Following Exhaustion of Flat Fee)	\$1,650.00
Additional Cost (Following exhaustion of Deposit)	See Note 3

Notes:

- 1) Fee breakdown available upon request
- 2) Deposit fees used for additional costs not included in flat fee, including review fees (starting with 2<sup>nd</sup> resubmittal), meetings, and travel expenses.
- 3) Prior to permits being issued, final costs will be calculated and charged to the Applicant if they exceed deposit fees.
- 4) Additional costs include consultant fees and staff services covered by deposit fee in excess of the collected deposit fee. Additional costs will be collected prior to issuing permits.
- 5) 10% surcharge for file maintenance will be applied to all permits (generally applicable as to all applicable permitting fees as set forth in the Adopted Master Fee Schedule)
- 6) Double fee charged for work without a permit