

RESOLUTION NO. 6066

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MAYWOOD
ESTABLISHING RECURRING AND NON-RECURRING
ADMINISTRATIVE FEES APPLICABLE TO SMALL WIRELESS
FACILITY PERMITS**

WHEREAS, the City Council adopted an Ordinance on September 11, 2019 related to small wireless facilities in the City rights of way;

WHEREAS, the City Council adopted a Resolution Adopting Policies, Procedures, Standards and Limitations for Submittal and Review of Small Wireless Facilities on September 11, 2019, which provides that the City Council shall establish fees for the processing of small cell permit applications;

WHEREAS, The Declaratory Ruling and Third Report and Order adopted by the Federal Communications Commission on September 27, 2018, effective January 14, 2019 ("FCC Order"), establishes fee amounts that are deemed to be presumptively fair and reasonable recurring and non-recurring compensation to be paid by small wireless facility applicants and permittees with respect to small wireless facilities, including those attached to City infrastructure, located in the City rights-of-way;

WHEREAS, the City Council desires to adopt the presumptive fees set forth in the FCC Order;

WHEREAS, a properly noticed public hearing concerning the adoption of this Resolution and the fees herein was conducted on September 25, 2019

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MAYWOOD HEREBY DETERMINES, FINDS AND RESOLVES AS FOLLOWS:

Section 1. The recitals set forth above are true and correct and incorporated as if set forth in full.

Section 2. The City Council hereby establishes small wireless facility ("SWF") administrative fees in the following amounts per site/application:

Review Wireless Application	\$300
Plan Check Improvement Plans	\$600
Traffic Control Plan Review	\$300
Permit Processing	\$300
Pre-Construction Meeting	\$125
Daily Inspection	\$500
Permit Close-out	\$250
Total	\$2,375

Section 3. Nothing in this Resolution shall be deemed to limit the amount of recurring and/or non-recurring fees that the City and any wireless provider may agree shall be paid to the City in the event the City agrees to the wireless provider's replacement of a City pole or other City-owned infrastructure with a pole or other infrastructure designed to accommodate one or more SWFs.

Section 4. Nothing in this Resolution shall affect fees paid to the City for use of its rights-of-way by providers of other kinds of electronic based services not subject to the FCC Order.

Section 5. The establishment of the foregoing SWF fees does not in any way affect the right of the City to (a) conduct a further fee study and determine that any of the fees adopted in Section 2 above, are insufficient to compensate the City for its reasonable costs related to the permitting and administration of SWFs in limited circumstances; or (b) enter into an agreement with any wireless provider with respect to the deployment of SWFs, which provides for the payment of fees that exceed the amounts established in Section 2, above; (c) or adopt an entirely different fee structure, including a market-based fee structure, in the event the FCC Order referenced in the Recitals is invalidated or modified in any way with respect to fees related to SWFs.

Section 6. Nothing in this Resolution shall affect or limit fees charged by the City of Maywood to process and administer encroachment permit applications and permits, for other types of encroachments into the City rights-of-way, not otherwise addressed herein.

Section 7. The City Council hereby finds that the fees established in Section 2 above, do not exceed the reasonably estimated costs to the City in providing the services to which the fees apply.

Section 8. The City Clerk shall certify to the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED this 25th day of September 2019, by the following vote:

AYES: DeLaRiva, Lara, Marquez, Medina, and Alvarez

NOES:

ABSENT:

ABSTAIN:



EDUARDO DE LA RIVA, MAYOR

ATTEST:



GERARDO MAYAGOITIA, CITY CLERK

APPROVED AS TO FORM:



ROXANNE DIAZ, CITY ATTORNEY