

RESOLUTION NO. 9904

A RESOLUTION OF THE CITY COUNCIL OF EL MONTE, CALIFORNIA ADOPTING COST-RECOVERY REGULATORY FEES PERTAINING TO THE IMPLEMENTATION OF ITS WIRELESS ORDINANCE, INCLUDING EL MONTE MUNICIPAL CODE CHAPTERS 17.82 AND 17.83, AND VARIOUS MISCELLANEOUS PLANNING FEES

WHEREAS, on August 7, 2018, the City Council of the City of El Monte (the "City Council" of the "City") adopted Ordinance No. 2931 (Code Amendment No. 759) to update the City's wireless regulations through the amendment to El Monte Municipal Code Chapter 17.82 and creation of new Chapter 17.83 (collectively, the "Wireless Ordinance") in light of evolving federal and state laws and the City's desire to protect the City's visual character from potential adverse impacts or visual blight created or exacerbated by telecommunications infrastructure; and

WHEREAS, the City exercises its police power through the imposition of regulatory fees, which are fees imposed to fund regulatory activities/recover regulatory costs; and

WHEREAS, the California Supreme Court in *Sinclair Paint Co. v. State Board of Equalization* (1997) 15 Cal 4th 866 expanded the scope of permissible fees under Propositions 13 and 218 by ruling that fees imposed on businesses for regulatory purposes are not taxes; and

WHEREAS, the City seeks to adopt regulatory fees to fund its regulatory activities required under the Wireless Ordinance and miscellaneous Planning fees; and

WHEREAS, a notice of public hearing regarding consideration of this Resolution was published in a newspaper of general circulation on August 23, 2018.

BASED UPON THE ABOVE RECITALS, THE CITY COUNCIL OF THE CITY OF EL MONTE, CALIFORNIA, DOES HEREBY FIND, DETERMINE AND RESOLVE AS FOLLOWS:

SECTION 1. The facts set forth in the recitals above are true and correct and are incorporated herein by this reference.

SECTION 2. The City Council hereby adopts, establishes, and approves the regulatory cost-recovery fees set forth in **Exhibit "A"** to this Resolution and such fees shall be included in the City's Master Fee Schedule as set forth in City Council Resolutions Nos. 8863, 8679, and 9293. Accordingly, such fees shall be subject to the technology and General Plan fees set forth therein. Further, such fees shall also be subject to the increase set forth in City Council Resolution No. 8863, which increases fees by a factor based on changes to the Employee Cost Index for State and Local Government Employees, Total Compensation, as published by the U.S. Bureau of Labor Statistics.

SECTION 3. The fees adopted pursuant to Section 2 are cost recovery regulatory fees and shall be commensurate with actual City costs incurred. Consequently, actual City costs incurred in excess of the amounts set forth in Section 2 shall be reimbursed to the City by the applicable applicant and the City shall reimburse the applicable applicant for City costs incurred below the amounts set forth in Section 2.

SECTION 4. This Resolution shall supersede and take the place of all provisions of all existing Resolutions or orders of the City Council pertaining to the subject matter hereof, all of which, to the extent that they conflict with the Resolution, are hereby repealed.


SECTION 5. This Resolution shall take effect immediately upon its adoption by the City Council and the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

PASSED, APPROVED AND ADOPTED by the City Council of the City of El Monte at the regular meeting of this 4th day of September 2018.



Andre Quintero, Mayor
City of El Monte

ATTEST:



Jonathan Hawes, City Clerk
City of El Monte

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES)
CITY OF EL MONTE) SS:

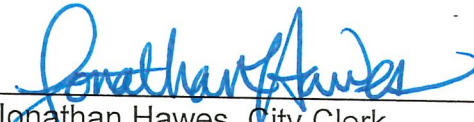
I, Jonathan Hawes, City Clerk of the City of EL Monte, hereby certify that the foregoing Resolution No. 9904 was passed and adopted by the City Council of the City of El Monte, signed by the Mayor and attested by the City Clerk at a regular meeting of said Council held on the 4th day of September 2018 and that said Resolution was adopted by the following vote, to-wit:

AYES: Mayor Quintero, Mayor Pro Tem Gomez, Councilmembers Martinez and Velasco

NOES: None

ABSTAIN: None

ABSENT: Councilmember Macias



Jonathan Hawes, City Clerk
City of El Monte

**EXHIBIT "A" TO RESOLUTION
FEE SCHEDULES***

WIRELESS APPLICATION FEE / NON-6409 / NON PUBLIC RIGHT-OF-WAY:

- Planner four (4) hours of review time: \$416.00
- Subject to application of consultant review fee at rate of \$2,350.00 per application, as needed
- Subject to application of City Attorney hourly rate of \$200.00 per hour, as needed

BASE FEE: \$416.00

WIRELESS APPLICATION FEE / NON-6409 / PUBLIC RIGHT-OF-WAY

- Planner four (4) hours of review time: \$416.00
- Public Works/Engineering staff three (3) hours of review time: \$315.00
- Subject to application of consultant review fee at rate of \$2,350.00 per application, as needed
- Subject to application of City Attorney hourly rate of \$200.00 per hour, as needed

BASE FEE: \$731.00

WIRELESS APPLICATION FEE / 6409 / NON PUBLIC RIGHT-OF-WAY

- Planner three (3) hours of review time: \$312.00
- Subject to application of consultant review fee at hourly rates of \$300.00 for partner, \$260.00 for associate, and \$160.00 for paralegal, as needed
- Subject to application of City Attorney hourly rate of \$200.00 per hour, as needed

BASE FEE: \$312.00

WIRELESS APPLICATION FEE / 6409 / PUBLIC RIGHT-OF-WAY

- Planner three (3) hours of review time: \$312.00
- Public Works/Engineering staff two (2) hours of review time: \$210.00
- Subject to application of consultant review fee at hourly rates of \$300.00 for partner, \$260.00 for associate, and \$160.00 for paralegal, as needed
- Subject to application of City Attorney hourly rate of \$200.00 per hour, as needed

BASE FEE: \$522.00

SITE LICENSE APPLICATION FEE:

- Planner four (4) hours of review time: \$416.00
- Public Works/Engineering staff three (3) hours of review time: \$315.00

- Subject to application of consultant review fee at hourly rates of \$300.00 for partner, \$260.00 for associate, and \$160.00 for paralegal, as needed
- Subject to application of City Attorney hourly rate of \$200.00 per hour, as needed

BASE FEE: \$731.00

MASTER LICENSE APPLICATION FEE:

- Planner one (1) hour of review time: \$104.00
- City Attorney one (1) hour of review time: \$200.00

BASE FEE: \$304.00

DIRECTOR LEVEL DESIGN REVIEW:

- Planning 13 hours of review time: \$1,352.00

BASE FEE: \$1,352.00

COLLECTION CONTAINERS PERMIT – INITIAL PERMIT:

- Planning 3.25 hours of review time: \$338.00

BASE FEE: \$338.00

COLLECTION CONTAINERS PERMIT – ANNUAL RENEWAL PERMIT:

- Planning 1.75 hours of review time: \$182.00

BASE FEE: \$182.00

DEVELOPMENT AGREEMENT:

- Planning 33 hours of review time: \$3,432.00
- City Manager's Office 10 hours of review time: \$1,040.00
- Public Works/Engineering 8 hours of review time: \$840.00
- Subject to application of City Attorney hourly rate of \$200.00 per hour, as needed

BASE FEE: \$5,312.00

CANNABIS-RELATED APPLICATIONS:

- Adopted pursuant to Resolution No. 9821, dated December 5, 2017.

*** ALL FEES SUBJECT TO TECHNOLOGY AND GENERAL PLAN FEES PURSUANT TO MASTER FEE SCHEDULE AND CHANGES TO THE EMPLOYEE COST INDEX FOR STATE AND LOCAL GOVERNMENT EMPLOYEES, TOTAL COMPENSATION, AS PUBLISHED BY THE U.S. BUREAU OF LABOR STATISTICS.**