

HAYWARD CITY COUNCIL

RESOLUTION NO. 19-

Introduced by Council Member _____

RESOLUTION AMENDING THE CITY OF HAYWARD FISCAL YEAR 2019 MASTER FEE SCHEDULE ASSOCIATED WITH AMENDMENTS TO CHAPTER 7 THE CITY OF HAYWARD MUNICIPAL CODE ADDING ARTICLE 4 ESTABLISHING REGULATIONS FOR WIRELESS COMMUNICATION FACILITIES IN THE PUBLIC RIGHT OF WAY

WHEREAS, Section 15273 of the California Environmental Quality Act (CEQA) Guidelines states that CEQA does not apply to the establishment, modification, structuring, restructuring, or approval of rates, tolls, fares, and other charges by public agencies which the public agency finds are for the purposes of:

1. Meeting operating expenses, including employee wage rates and fringe benefits;
2. Purchasing or leasing supplies, equipment, or materials;
3. Meeting financial reserve needs and requirements;
4. Obtaining funds necessary for capital projects necessary to maintain service within existing services areas; or
5. Obtaining funds necessary to maintain intra-city transfers as are authorized by city Charter; and

WHEREAS, The City Council finds and determines that this action is exempt from CEQA based on the foregoing provisions; and

WHEREAS, In November 2010, California voters approved Proposition 26, which amended Article XIII C of the State constitution regarding the adoption of fees and taxes. Proposition 26 seeks to assure that taxes, which much be approved by the voters, are not disguised as fees, which can be approved by legislative bodies, such as a city council. The proposed amendment to the Master Fee Schedule (MFS) is compliant.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward hereby adopts certain changes in the Master Fee Schedule relating to fees and charges for the Public Works: Engineering and Transportation Department, as reflected in Exhibit A.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2019

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
 MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
 City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

Exhibit A

Engineering and Transportation

D. Section 7-4 Wireless Communication Facilities

1. Wireless Communication Facilities in Public Right of Way (WCF PROW)
 - a. WCF PROW Permit Application Fee \$2,000 (Deposit –T&M)
 - b. Renewal Fee 100% of Application Fee
 - c. Appeal Fee \$400
 - d. Application Pre-Submittal Review Fee No Charge
2. Small Cell Master License Agreement (MLA)
 - a. MLA Processing \$4,000 (Deposit –T&M)
 - b. Pole License Administrative Fee \$2,500 (Deposit –T&M)