

**Sierra County
Board of Supervisors'
Agenda Transmittal &
Record of Proceedings**

MEETING DATE: November 19, 2019	TYPE OF AGENDA ITEM: <input checked="" type="checkbox"/> Regular <input type="checkbox"/> Timed <input type="checkbox"/> Consent
DEPARTMENT: Planning Department	
APPROVING PARTY: Tim H. Beals	
PHONE NUMBER: 530-289-3251	

AGENDA ITEM: Discussion and adoption of resolution approving Tolling Agreement with AT&T which allows for an extension of processing time for a Conditional Use Permit Application, County Planning File 1669.

SUPPORTIVE DOCUMENTS ATTACHED: Memo Resolution Agreement Other

BACKGROUND INFORMATION: Known as the FCC "Shot-Clock Deadline", federal law prescribes a time period of 150 days from the date of a filed land use application plus the number of days it to AT&T to respond to a timely notice of an incomplete application. The County will need additional time to review this particular application.

FUNDING SOURCE: APPLICANT
GENERAL FUND IMPACT: No General Fund Impact
OTHER FUND:
AMOUNT: \$ N/A

ARE ADDITIONAL PERSONNEL REQUIRED? <input type="checkbox"/> Yes, -- -- <input checked="" type="checkbox"/> No	IS THIS ITEM ALLOCATED IN THE BUDGET? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No IS A BUDGET TRANSFER REQUIRED? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
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SPACE BELOW FOR CLERK'S USE

BOARD ACTION: <input type="checkbox"/> Approved <input type="checkbox"/> Approved as amended <input type="checkbox"/> Adopted <input type="checkbox"/> Adopted as amended <input type="checkbox"/> Denied <input type="checkbox"/> Other <input type="checkbox"/> No Action Taken	<input type="checkbox"/> Set public hearing For: _____ <input type="checkbox"/> Direction to: _____ <input type="checkbox"/> Referred to: _____ <input type="checkbox"/> Continued to: _____ <input type="checkbox"/> Authorization given to: _____	Resolution 2019- _____ Agreement 2019- _____ Ordinance _____ Vote: Ayes: Noes: Abstain: Absent: <input type="checkbox"/> By Consensus
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COMMENTS:

CLERK TO THE BOARD _____ DATE _____

BOARD OF SUPERVISORS, COUNTY OF SIERRA, STATE OF CALIFORNIA

**IN THE MATTER OF APPROVING AGREEMENT
WITH AT&T FOR EXTENSION OF
FCC SHOT-CLOCK DEADLINE ON
PLANNING APPLICATION FILE NO. 1669**

RESOLUTION NO. 2019-_____

BE IT RESOLVED THAT A TOLLING AGREEMENT between AT&T and Sierra County with respect to a Conditional Use Permit Application at the site of 160 Galloway Street, APN 002-150-010, further identified as County Planning Application File 1669 is hereby approved.

BE IT FURTHER RESOLVED THAT Tim H. Beals, Director of Planning, is hereby authorized to sign the referenced agreement on behalf of Sierra County.

ADOPTED by the Board of Supervisors of the County of Sierra on the 19th day of November, 2019 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

COUNTY OF SIERRA

PAUL ROEN, CHAIRMAN
BOARD OF SUPERVISORS

ATTEST:

APPROVED AS TO FORM:

HEATHER FOSTER
CLERK OF THE BOARD

DAVID PRENTICE
COUNTY COUNSEL



MICHAEL G. GUIBORD
Director, Construction &
Engineering

AT&T Mobility Services LLC
5001 Executive Parkway
Room 4W850T
San Ramon, CA 94583

(925) 277-6300 Phone
mg8329@att.com

October 24, 2019

VIA E-MAIL ONLY

Brandon Pangman (bpangman@sierracounty.ca.gov)
Assistant Director
Sierra County Planning Department
101 Courthouse Square PO Box 530
Downieville, CA 95936

Re: Extension of FCC Shot-Clock Deadline on AT&T Site – 160 Galloway Street
AT&T Site No. CVL02130 – APN: 002-150-010 – Conditional Use Permit
Application, File No. 1669

Dear Mr. Pangman:

With respect to the above-referenced application, federal law prescribes that a time period of 150 days from the date AT&T filed the application, plus the number of days it took AT&T to respond to a timely notice of incomplete application, if any, is considered a reasonable period of time for the County to act on the application, unless the time period to act is extended by mutual agreement between the County and AT&T. *See* 47 C.F.R. § 1.6003. AT&T submitted this application on May 9, 2019. The County issued an incomplete notice on May 31, 2019. AT&T since responded to the County's incomplete notice and the timeframe for the County's review is running.

AT&T understands that additional time may be needed for the County to review the application. In an effort to work cooperatively with the County, AT&T and the County agree to toll the applicable reasonable period of time for the County to act on the application as set forth in this letter. When countersigned, this letter will confirm agreement between the County and AT&T to toll the applicable time for review under the Federal Telecommunications Act to and including January 16, 2020, which we understand is the date of the first Planning Commission meeting for the 2020 calendar year. AT&T and the County further agree that if an appeal is timely taken, final action will take place by February 18, 2020 at the Board of Supervisors meeting. The parties further agree that no limitations period for any claim related to the timing of the County's processing the application shall commence to run before January 16, 2020, or February 18, 2020 in the case of an appeal.

To confirm the County's agreement, please countersign below and return this letter to me. Thank you.

Sincerely,

Michael G. Guibord

Agreed:

Sierra County, California

By: _____