

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

<b>MEETING DATE:</b> April 7, 2020	<b>TYPE OF AGENDA ITEM:</b> <input type="checkbox"/> Regular <input type="checkbox"/> Timed <input checked="" type="checkbox"/> Consent
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<b>DEPARTMENT:</b> Planning Department
<b>APPROVING PARTY:</b> Tim H. Beals, Director
<b>PHONE NUMBER:</b> 530-289-3251

**AGENDA ITEM:** Resolution approving Tolling Agreement with AT&T which allows for an extension of processing time for a Conditional Use Permit Application, Sierra County Planning Department File no. 1669.

**SUPPORTIVE DOCUMENTS ATTACHED:**  Memo  Resolution  Agreement  Other

**BACKGROUND INFORMATION:** If approved, the attached agreement would further extend the mutually-agreed deadline by which the county must complete its processing of an entitlement application and have the Planning Commission render its decision, from January 16, 2020 to June 30, 2020. The former Tolling Agreement (no. 2019-137) was approved by the Board of Supervisors on November 19, 2019. Known as the FCC "Shot-Clock Deadline," for proposed cell towers federal law prescribes a time period of 150 days from the date of a filed land use application plus the number of days for the applicant to respond to a timely notice of an incomplete application. Because of statutory, regulatory, and common law requirements pursuant to the California Environmental Quality Act (CEQA), the Planning Department 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?**

Yes, -- --  
 No

**IS THIS ITEM ALLOCATED IN THE BUDGET?**  Yes  No

**IS A BUDGET TRANSFER REQUIRED?**  Yes  No

**SPACE BELOW FOR CLERK'S USE**

<p><b>BOARD ACTION:</b></p> <p><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</p>	<p><input type="checkbox"/> Set public hearing  For: _____</p> <p><input type="checkbox"/> Direction to: _____</p> <p><input type="checkbox"/> Referred to: _____</p> <p><input type="checkbox"/> Continued to: _____</p> <p><input type="checkbox"/> Authorization given to:  _____</p>	<p>Resolution 2020- _____  Agreement 2020- _____  Ordinance _____</p> <p>Vote:  Ayes:  Noes:  Abstain:  Absent:  <input type="checkbox"/> By Consensus</p>
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**COMMENTS:**

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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. 2020-\_\_\_\_\_**

**WHEREAS**, a tolling agreement with AT&T, identified as Sierra County Agreement 2019-137, was approved on November 19, 2019 with specific regard to Planning Application File No. 1669 for a new Cingular Wireless PCS, LLC dba ATT Wireless in the Downieville area; and,

**WHEREAS**, an extension of the FCC Shot-Clock Deadline of from January 16, 2020 to June 30, 2020 is needed in order complete the application processing.

**NOW THEREFORE BE IT RESOLVED THAT** a Tolling Agreement with AT&T which allows for an extension of processing time for a Conditional Use Permit Application, Sierra County Planning Department File no. 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 7th day of April, 2020 by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

COUNTY OF SIERRA

\_\_\_\_\_  
JAMES BEARD, 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

March 30, 2020

**VIA E-MAIL ONLY**

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

Re: Tolling Agreement on AT&T Application – 160 Galloway Street  
AT&T Site No. CVL02130 – APN: 002-150-010 – Conditional Use Permit  
Application, File No. 1669

Dear Mr. Pangman:

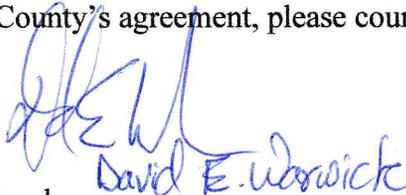
With respect to the above-referenced application (“Application”), the federal Telecommunications Act of 1996, 47 U.S.C. § 332(c)(7)(B)(ii), requires the County to take action “within a reasonable period of time.” Under the orders issued by the Federal Communications Commission interpreting and implementing this timing requirement, the reasonable period of time to act may be extended by mutual agreement between the County and AT&T Mobility (“AT&T”).

AT&T understands that additional time may be needed for the County to complete analysis of certain studies related to the Application and to conduct a hearing on 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 review and take final action 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 reasonable period of time under the Federal Telecommunications Act to and including June 30, 2020.

If the County has not taken final action on the Application by the deadline hereunder, this agreement shall not be construed as an admission by the County that such failure to act is unreasonable or unlawful, nor shall it be construed to waive or otherwise impair the rights of AT&T with respect to any such claim, including AT&T’s right to file an “unreasonable delay” claim under 47 U.S.C. § 332(c)(7)(B) within 30 days following the deadline hereunder.

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

Sincerely,



David E. Warwick

for Michael G. Guibord

**Agreed:**

Sierra County, California

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By: \_\_\_\_\_