

County of Nevada
Board of Supervisors Minutes

County Executive Officer: Richard Haffey

45. Resolution authorizing execution of contract with Conflict Resolution Services of Nevada County pertaining to dispute resolution services, in the amount of \$40,000, for the period July 1, 2010 through June 30, 2011. (Resolution 10-295 adopted. Supervisor Spencer absent.)

Clerk of the Board: Cathy Thompson

46. Acceptance of resignation by Ms. Patricia Sweetser from the Nevada County Mental Health Advisory Board, effective June 30, 2010. (Accepted. Supervisor Spencer absent.)
47. Acceptance of Board of Supervisors minutes for June 8, 2010. (Pulled from the agenda by Deputy Clerk to the Board.)

ACTION TAKEN: Supervisor Owens requested Agenda Item 30 from the consent calendar. Ms. Donna Landi, Deputy Clerk to the Board, noted that Agenda Item 47 has been pulled from the agenda.

MOTION: Motion made by Supervisor Owens, seconded by Supervisor Scofield, to approve the consent calendar, less Agenda Items 30 and 47. On a roll call vote, the motion passed unanimously. Supervisor Spencer absent.

ITEMS PULLED FROM THE CONSENT CALENDAR:

County Librarian: Mary Ann Trygg

30. Resolution authorizing the Nevada County Library to receive up to \$35,000 in Fiscal Year 2009/10 revenue from the Department of Social Services through the State of California CalWORKS Single Allocation resources to enhance the Library's services to assist low-income residents of Nevada County in overcoming barriers to employment.

ACTION TAKEN: Chairman Owens asked if the Governor were successful with the budget he proposed in the May Revise and CalWORKS was done away with, would the County be overextended and unable to obtain the funding through CalWORKS if the Board adopts this resolution?

Ms. Mary Ann Trygg, County Librarian, replied that the funding is currently here.

MOTION: Motion made by Supervisor Owens, seconded by Supervisor Scofield, to adopt Resolution 10-296. On a roll call vote, the motion passed unanimously. Supervisor Spencer absent.

DEPARTMENT HEAD MATTERS: (Continued)

Clerk of the Board: Cathy Thompson

48. Consider acceptance of appeal from Mr. Robert P. White, representing Blue Lead Gold Mining, LLC, (Blue Lead) from the May 27, 2010 decision of the Nevada County Planning Commission to deny Blue Lead's vested right to mine. (Dist. V)

ACTION TAKEN: Ms. Donna Landi, Deputy Clerk to the Board, stated that the Board office received an appeal from Blue Lead Mine on June 7, 2010, and it was on the agenda today to accept or deny the appeal. If the Board accepts the appeal, it can be set for hearing.

Chairman Beason informed the public that the Board will not be discussing the merits of whether the appeal of Blue Lead should be upheld or denied today. The Board is discussing the merits of whether the appeal should be heard and to set the appeal hearing date.

County of Nevada
Board of Supervisors Minutes

Mr. Michael Jamison, County Counsel, concurred with Chairman Beason's statement. There is a very limited scope to this agenda item. This is not a full hearing on the merits of this application or the appeal. It is simply a decision whether to set the matter for a hearing, and in making that decision, the Board is guided by the Land Use and Development Code which allows a rejection of the appeal only for technically insufficient grounds and if it could be determined, based on the information currently before the Board, that it is unmeritorious, which would have to be a determination made by the Board unanimously. Given the limited nature of the information before the Board, it would be very difficult to support a finding at this point that it is unmeritorious.

Mr. Jamison stated there has been communication between County Counsel's office and the Attorney for the Appellant, Mr. Braiden Chadwick, who is present at today's meeting. Normally under the code, absent a waiver, the hearing would have to be set within 30 days of receipt of the appeal, but he believed by mutual agreement, that could be set for another date, and the proposed date would be August 10, 2010, if the Board chooses to set the matter for hearing.

Chairman Beason opened the meeting up for public comment on the decision to hear the appeal. No public member commented.

MOTION: Motion made by Supervisor Owens, to accept the appeal and set the hearing for August 10, 2010, at 1:30 p.m. Chairman Beason believed this appeal needed to be moved forward for good legal reasons and seconded the motion. On a roll call vote, the motion passed unanimously. Supervisor Spencer absent.

Chairman pointed out that the vote to hear this appeal in no way indicates any preference this Board might have one way or the other on the substance of it.

County Executive Officer: Richard Haffey

49. (Introduction/Waive Further Reading) An Ordinance amending Sections A-II 1.7 in Article I and A-II 33.2 in Article 33 of Chapter II of the Administrative Code of the County of Nevada pertaining to changes in County operating practices. (Approving closure of offices not provided with a full-time assistant or employee from 12:00 p.m. to 1:00 p.m., and updating the duties and responsibilities of the Information and General Services Department.)

ACTION TAKEN: Mr. Richard Haffey, County Executive Officer, introduced the agenda item and reviewed the staff report.

The first amendment provides for administrative authority to change the hours of operations for County facilities and programs more quickly than is done now. The second change is related to the duties and responsibilities of the Information and General Services Department. It adds references to video equipment, IT staffing, and establishing, implementing and enforcing County information security policies. He recommended the Board introduce and waive the title of the ordinance amending the code.

Chairman Beason read the title of the ordinance into the record.

MOTION: Motion made by Supervisor Owens, seconded by Supervisor Weston, to waive further reading of the entire ordinance. On a roll call vote, the motion passed unanimously. Supervisor Spencer absent.

RECEIVED

JUL 28 2010

NEVADA COUNTY
BOARD SUPERVISORS

cc: Planning
Counsel
BOS

July 27, 2010

Donna Landi
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Re: Blue Lead Gold Mining, LLC Withdrawal Of Appeal

Dear Ms. Landi:

After meetings with County Counsel and the Planning Director, Blue Lead Gold Mining, LLC wishes to notify the Nevada County Board of Supervisors that it will not pursue the pending appeal, and will instead continue working cooperatively with County Planning Staff to accomplish Blue Lead's goals for its property. As such, please accept this letter as Blue Lead's notice to the Board of Supervisors that it is officially withdrawing its appeal, and will instead continue pursuing the permitting process with the County.

Blue Lead believes that continuing with the permitting process will allow Blue Lead to clear up what appear to be misunderstandings as to the Project itself, as well as address any remaining concerns the County or the public may have. We are confident that it will become increasingly clear how beneficial our small project will be for the County.

Please do not hesitate to call me directly with any questions.

Best regards,

BLUE LEAD GOLD MINING, LLC



Bob White