

NORTH COAST RAILROAD AUTHORITY (NCRA) BOARD OF DIRECTORS REGULAR BOARD MEETING

Wednesday, August 13, 2008 ~ **10:00**
Humboldt County Board of Supervisors Chambers
825 5th Street
Eureka
Humboldt County

DRAFT AGENDA

AGENDA NOTE

All items appearing on the agenda are subject to action by the Board of Directors. Staff recommendations are subject to action by the Board of Directors. Staff recommendations are subject to change by the Board.

- A. CALL TO ORDER**
- B. ROLL CALL**
- C. AGENDA APPROVAL**
- D. PUBLIC COMMENT**

Comments will be limited to three minutes per person and not more than ten minutes per subject, so that everyone can be heard. "Public comment" time is limited to matters under the jurisdiction of the Authority that may not have been considered by the Authority previously and are not on the agenda. No action will be taken. Members of the public may also comment during specific agenda items when recognized by the Chair.

G. CONDUCT OF BUSINESS

- 1. Consideration and Possible Action Regarding NCRA Trail Guidelines.**
- 2. Consideration and Possible Action Regarding Resolution No. 2008-10 to Railbank the Annie & Mary Railroad Line.**
- 3. Consideration and Possible approval of City of Eureka Request to Convert 4 Crossings to Exempt Status.**
- 4. Consideration and Possible Approval of an Amendment to the NCRA Policy Manual Relating to Public At-Grade Crossings Section 801.4(2).**
- 5. Consideration and Possible Approval of a Support Letter to the Coastal Conservancy Regarding Arcata Trail.**

H. CONSENT CALENDAR

- a.** Approval of Minutes - Regular Board Meeting – July 9, 2008
- b.** Acceptance of Fiscal Year 07-08 Year End Financial Statements
- c.** Acceptance of Financial Statements – July 2008
- d.** Approval of Warrants Issued Agency 787010 – July 2008
- e.** Approval of Warrants Issued TCRP 787101 – July 2008

e. Approval of CalCard Statement – July 2008

I. STAFF REPORTS

1. Executive Director – Mitch Stogner
2. Project Manager – Dave Anderson
3. Legal Counsel - Chris Neary

J. OPERATOR REPORT

1. NWP Co. – John Williams

K. MATTERS FROM THE BOARD

L. CLOSED SESSION

1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (3 cases)

Government Code 54656.9(a)

- (1) NWPY vs. NCRA, Arbitration Matter
- (2) City of Novato vs. NCRA; Superior Court of California, County of Marin; case # CV074645
- (3) Humboldt Baykeeper vs. Union Pacific, NCRA Case # 06-02560

2. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION (one case)

Government Code 54956.9 (c)

Based on existing facts and circumstances the governing board of the agency is meeting to decide whether or not to initiate litigation. Identification of the litigation to be discussed would jeopardize the agency's ability to conclude existing and scheduled negotiations to its advantage

M. ANNOUNCEMENT OUT OF CLOSED SESSION

N. ANNOUNCEMENT OF NEXT MEETING

September 10, 2008 – 10:00 a.m.
Mendocino County
Ukiah Valley Conference Center
200 S. School Street

O. ADJOURNMENT

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AMERICAN WITH DISABILITIES ACT (ADA) REQUESTS

To request disability-related modifications or accommodations for accessible locations or meeting materials in alternative formats (as allowed under Section 12132 of the ADA) please contact the NCRA office at 707 463-3280, at least 72 hours before the meeting.

ADDITIONS TO AGENDA

The Brown Act, Section 54954.2, states that the Board may take action on off-agenda items when: a) a majority vote determines that an "emergency situation" exists as defined in Section 54956.5, or b) a two-thirds vote of the body, or a unanimous vote of those present, determines

that there is a need to take immediate action and the need for action arose after the agenda was legally posted, or c) the item was continued from a prior, legally posted meeting not more than five calendar days before this meeting.

CLOSED SESSION

If agendaized, NCRA may adjourn to a closed session to consider litigation or personnel matters. Discussion of litigation or pending litigation may be held in closed session by authority of Government Code Section 54956.9; discussion of personnel matters by authority of Government Code Section 54957; to confer with their negotiator regarding real property by authority of Government Code Section 54956.8.