



North Coast Railroad Authority
419 Talmage Road, Suite M
Ukiah, Ca 95482

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

Wednesday, April 8, 2009~ **10:30**
Hamilton Community Center
West Wing Auditorium
503 "B" South Palm Drive
Novato
Marin 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.

E. CONDUCT OF BUSINESS

- 1. Report by Executive Director on Railroad Reconstruction: Lombard to Windsor (Phase 1) Repair Project, Emergency Repairs Project, and Fish & Game Levee Repairs and Habitat Restoration Project**
- 2. Report by Executive Director on Draft Environmental Impact Report (DEIR) Schedule**
- 3. Report by Executive Director on Status of ISTEA and Stimulus Funding**

F. CONSENT CALENDAR

1. Approval of Minutes - Regular Board Meeting – March 11, 2009
2. Acceptance of Financial Statements – March 2009
3. Approval of Warrants Issued - Agency 787010 – March 2009
4. Approval of Warrants Issued - TCRP 787101 – March 2009
5. Approval of Warrants Issued – Fish & Game – 787408 - March 2009
6. Approval of CalCard Statement – March 2009

G. STAFF REPORTS

1. **Executive Director – Mitch Stogner**
 - A. SMART/NCRA Operating Agreement Meeting
 - B. Economic Stimulus Funding
2. **Project Manager – Dave Anderson**
3. **Legal Counsel - Chris Neary**

H. OPERATOR REPORT

1. **NWP Co. – John Williams**

I. MATTERS FROM THE BOARD

J. CLOSED SESSION

1. **CONFERENCE WITH LEGAL COUNSEL - Existing Litigation**
Government Code 54956.9 (a)(three cases)
 - a. NWPY v. NCRA – Arbitration Pending Before Resolution Remedies
 - b. McGarry, Lukes v. NCRA, Mendocino County Superior Court case # 52454
 - c. Conference with Legal Counsel-Existing Litigation Government Code 54956.9 (a) (c)
Hight v. NCRA, Mendocino Superior Court Case # 80240;
2. **CONFERENCE WITH LEGAL COUNSEL - Anticipated Litigation**
Initiation of Litigation pursuant to Government Code 54956 (c) (one case)
(Identity of the party at this time will jeopardize the ability of NCRA to conclude existing settlement discussions)

K. ANNOUNCEMENT OUT OF CLOSED SESSION

L. ANNOUNCEMENT OF NEXT MEETING

May 13, 2009 – 10:30 a.m.
Ukiah Valley Conference Center
200 South School Street
Ukiah
Mendocino County

M. 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.

ADDITIONAL MEETING INFORMATION FOR INTERESTED PARTIES

Written materials related to an item on this agenda submitted to the Board of Directors are available for public inspection in the NCRA office located at 419 Talmage Road, Suite M, Ukiah California. Documents maintained for public inspection are considered to be draft documents until approved by the Board of Directors. Some of these documents may also be posted on the NCRA website, but the official record is maintained for public inspection in the NCRA office

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.