



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

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

Thursday, January 22, 2009~ **10:30**  
Ukiah Valley Conference Center  
200 South School Street, Ukiah  
Mendocino 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. Consideration of Resolution No 2009-01 Setting Public Hearing to Declare Portions of the Ukiah Depot Property Surplus to the Reasonable Needs of the Railroad.**
- 2. Consideration of Demand to Cure and Correct Alleged Violation of the Brown Act Regarding the Security Agreement Approved in December 2008.**
- 3. Consideration of Security Agreement with Northwestern Pacific Railroad Company Securing Obligations related to the Marin Consent Decree.**
- 4. Approval of Promissory Note to Northwestern Pacific Railroad Company Relating to the Marin Consent Decree**

#### **F. CONSENT CALENDAR**

1. Approval of Minutes - Regular Board Meeting – December 10, 2008
2. Acceptance of Financial Statements – December 2008
3. Approval of Warrants Issued - Agency 787010 – December 2008
4. Approval of Warrants Issued - TCRP 787101 – December 2008
5. Approval of CalCard Statements – December 2008

**G. STAFF REPORTS**

1. **Executive Director – Mitch Stogner**
  - A. Draft EIR Schedule
  - B. Draft Trail Guidelines
  - C. SMART/NCRA Operating Agreement Meeting
  - D. 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-Anticipated Litigation**  
Government Code 54945.9(b); relating to demand served on NCRA on or about January 8, 2009 relating to an approval of a security agreement at the December 2008 meeting.
2. **CONFERENCE WITH LEGAL COUNSEL - Existing Litigation**  
Government Code 54956.9 (a)(two cases)
  - a. NWPY v. NCRA – Arbitration Pending Before Resolution Remedies
  - b. Humboldt Baykeeper v. Union Pacific, CUE VI, NCRA; US District Court Case # 06-02560 JSW
3. **CONFERENCE WITH LEGAL COUNSEL - Deciding Whether or Not to Initiate Litigation**  
Government Code 54956.9(c)

**K. ANNOUNCEMENT OUT OF CLOSED SESSION**

**L. ANNOUNCEMENT OF NEXT MEETING**

February 11, 2009, 10:30 a.m.  
Sonoma County  
Healdsburg City Council Chambers

## **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 agendized, 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.*