

NORTH COAST RAILROAD AUTHORITY (NCRA) OPERATOR COMMITTEE MEETING

July 1, 2008 – 4:00 p.m.

Teleconference

Various Locations

Accepted Minutes

Public Participation Location

NCRA – 419 Talmage Road, Ste M, Ukiah

Alternate Public Participation Locations:

Chairman Hemphill – Milepost 16.5 - California Western R.R

Director Simonson – 260 Haehl Creek Court, Willits

Director Kelley – 404 Aviation, Santa Rosa

Director Colfax – Redwood Ridge Road, Boonville

A. CALL TO ORDER

Chairman Hemphill called the meeting to order at 4:10 p.m.

B. ROLL CALL

Committee Members Present: Simonson, Colfax, Kelley, Hemphill

Committee Members Absent: None

Also Present: Executive Director Mitch Stogner, Legal Counsel Chris Neary, Recording Secretary Heather Lindsteadt

C. AGENDA APPROVAL

Agenda stood as presented by vote: (4-0)

D. MATTERS FROM THE COMMITTEE

No Matters

E. PUBLIC COMMENT

No Public Comment

F. CONDUCT OF BUSINESS

1. Use of ISTEA Funds

Executive Director Mitch Stogner updated the Board on the possible use of \$8.6 mil in ISTEA funds allocated to NCRA in 1996, through a Memorandum of Understanding with the Northwestern Pacific Railroad Authority (NWPRA).

Mr. Stogner said that when NCRA assumed responsibility for the Q-Fund loan from FHWA, an agreement was reached that would allow NCRA to utilize the \$8.6 for northern projects. He said that in 2005, SAFTE-LU forgave the Q-Fund Loan and reconfirmed that NCRA was the Lead Agency for the \$8.6 mil. He said that NCRA has been unable to utilize these funds because NCRA did not have a DBE program or a project deemed appropriate for the funds.

Mr. Stogner said that the NCRA has developed a preliminary plan for use of the funds, and requested that the committee authorize staff to present a project to utilize \$8.6 mil in ISTEA funds to the Full Board at its July 9, 2008 meeting. He said that, under the proposed project, the available ISTEA funds would be used to repair 42 signal crossing warning system on the NWP line between Windsor and Willits.

Upon motion by Director Kelley, seconded by Director Colfax, staff was authorized to prepare a project to utilize \$8.6 mil in ISTEA funds and present the project to the full Board on July 9, 2008. Motion carried by roll call vote (4-0).

The Committee convened into Closed Session at 4:38 p.m.

G. CLOSED SESSION

1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (2 cases)

Government Code 54656.9(a) and 54956.9 (c)

- (1) City of Novato vs. NCRA; Superior Court of California, County of Marin; case # CV074645
- (2) NCRA vs. Superior Court (City of Novato) Court of Appeal, State of California, First Appellate District, Division 3, Case # A121290

(3) Initiation of Litigation, Govt. Code 54956.9(c) (two cases)

CONFERENCE WITH LEGAL COUNSEL-Anticipated Litigation

Government Code 54956.9(b) (one case related to Novato v. NCRA).

H. ANNOUNCEMENT OUT OF CLOSED SESSION

Legal Counsel Neary reported that the Committee met with Counsel, and received information. He also reported that the Announcement out of Closed Session will be read at the beginning of the next Operator Committee meeting as well as the Regular Board meeting on July 9, 2008.

I. ADJOURNMENT

At 5:06 p.m., Chairman Hemphill adjourned the Operator Committee meeting to the next regularly scheduled Board meeting July 9, 2008 at 11:00 in Healdsburg.