

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

Wednesday, May 14, 2008 ~ **10:00**  
Humboldt County Board of Supervisors Chambers  
825 5<sup>th</sup> Street, Eureka  
Humboldt County

**Approved Minutes**  
Approved June 11, 2008

**A. CALL TO ORDER**

Chairman Hemphill called the meeting to order at 10:05 a.m.

**B. ROLL CALL**

**Directors Present:** Colfax, Kelley, Meyers, MacDonald, Woolley, Ollivier, Chairman Hemphill  
**Directors Absent:** Simonson, Ziedrich  
**Also Present:** Executive Director Mitch Stogner, Legal Counsel Christopher Neary, Recording Secretary Heather Lindsteadt

**C. AGENDA APPROVAL**

**Motion** to approve the Agenda made by Director Meyers, seconded by Director MacDonald and carried unanimously (7-0-2 Simonson, Ziedrich absent)

**D. PUBLIC COMMENT**

**Marcus Brown** – Timber Heritage Association - addressed the Board regarding a possible alternative route for the pedestrian trail on the east side of Highway 101 from Eureka to Arcata. He said that a majority of the community support an excursion train and a trail. Mr. Brown also passed out an informational document illustrating the alternate route. This document is hereby made part of these minutes by reference. He also commended the Board and said that he is supportive of its efforts.

**Kaye Strickland** – Chair, Citizens for Port Development – Mrs. Strickland reiterated her group's support for rails with trails and said that she thinks that trails can work with rails, as long as the safety standards are met.

**Pete Oringer** – Mr. Oringer said that resumption of freight service is a healthy transportation option, environmentally friendly, and also supports social needs such as jobs, commerce, and public transportation. He said that all major cities and counties have supported the return of rail and thanked the Board for its continued persistence. He also said that a majority of the community supports rails with trails. He said that he is sorry that the Board is faced with a lawsuit right now that is attempting to curtail the Board's mandate to restore rail service on the entire line.

**Jerry Tomsak – Eureka Resident** - Mr. Tomasak said that he is a supporter of rails with trails. He said that the community is in an economic crisis. He said that rail transportation provides jobs

and industries. Mr. Tomask pointed out that there are currently 56 trails in Humboldt County, and said it is time to focus on environmentally friendly, efficient transportation that provides viable jobs and industry. He said that rails are a green issue and there is nothing that moves goods more efficiently than rail.

**Mike Bitner** – Eureka Resident – He said that the Board should find ways to better inform the public of its strategic plans such as posting the NWP Co./NCRA Business Plans onto the NCRA website.

**Scott Grayson** – Environmental Protection Information Center– Mr. Grayson thanked Director MacDonald and Director Meyers for attempting to make NCRA accountable for its actions. He said that EPIC supports the lawsuit that was filed by the City of Novato. He said NCRA's attempt to restore the rail line by segmenting is impermissible under CEQA and NEPA. He said that it is impossible fiscally, and environmentally, to restore the rail line through the Eel River Canyon. He said that NCRA's attempts to restore rail service are frustrating the public's ability to use the North End as a trail. He added that trails are much superior use of the railroad right-of-way.

**Jay Waski** – Humboldt State University Student – He said that he supports rails with trails until a trail is established he is forced to ride on Hwy 101, which is very dangerous. He said a trail should be accessible now to bicyclists and hikers in the interest of safety.

**Sid Berg** – President of the Humboldt County Building and Construction Trades Council and a business representative from Plumbers and Steam Fitters Local 390- He thanked the Board for conducting a meeting in Humboldt County. He said that NCRA has a lot of support that is unfortunately silent because many people have to work, and make a living and are unable to attend the meeting. He said with the high price of gasoline the resumption of freight service is imperative to build a good manufacturing base. He said that no one wants to see the environment degraded. He said he believes that NCRA can repair the line in an environmentally friendly manner.

**Larry Labranche** – Mr. Labranche said that although he supports trails, Humboldt County already has a sufficient number of trails. He thanked the Board for its continued efforts to restore rail service.

**Roger (last name inaudible)** He asked the Board to concentrate on the South End and also the far North End from South Fork to Eureka. He said that NCRA can get engineers to create an environmentally friendly way to repair the right-of-way through the Eel River canyon, and resume rail service, after the South End is complete.

**Mel McKinney** – He said that he has lost faith in the Board. He said that the Board has not taken any action to get the funding from the government to rebuild the railroad through the Eel River Canyon. He said to bring the railroad back to Humboldt County is too expensive. He also said to dredge Humboldt Bay to become an international port will not work because of the expense involved. He requested that the Board begin a dialog with the government and come up with a viable plan to fund the infrastructure repairs necessary to restore rail service.

**Barbara Groom** – Owner, Lost Coast Brewery – She said that she supports the resumption of rail service. She said shipment by rail would reduce the cost of transporting her product out of Humboldt County as well as the cost of transporting the goods that she needs for her business.

She said that she also supports the tourist train and added that both would be good for the local economy.

**Greg Gardner** – Eureka resident – He said that he is involved with the Visitor Bureau. He said that everyone is concerned with the environment but that a barrel of oil is \$130. He said that the community needs to be concerned about the rising cost of goods movement, and that in order for Humboldt County to grow and be a vibrant community everyone needs to be concerned with the high cost of goods movement. He thanked the Board for its efforts. He said that Humboldt County is one of the most beautiful places in the world and that a tourist train in Humboldt County would also be good for the local economy and community.

## **E. PRESENTATIONS**

### **1. John Murray – Arcata and Mad River Railroad Trail**

Mr. John Murray presented to the Board an overview of his research related to the conversion of a seven mile section of rail line on the Arcata and Mad River railroad (Annie & Mary). He said that the Friends of the Annie and Mary trail would like action from the Board that affirms that they are willing to railbank the A&M line after all of the facts surrounding property ownership and the possible abandonment of the line are ascertained. He said the best option is for the NCRA to abandon and railbank the 7 mile line for a trail. Mr. Murray said that if the railline is railbanked, it would need a Manager. He said the manager should be NCRA until the county can assume the responsibility. He said that NCRA would be liable for the right-of-way during this process. He added that the NCRA does not necessarily have to be the manager, and that the Board could opt for a third party to take this responsibility.

He described the physical location of the Annie and Mary Railroad as milepost 295.57 North to Blue Lake. He said that milepost 295.57 is not included in NCRA's agreement with NWP Co., and added that the seven mile section of the Annie & Mary line has no rails, no ties and he added that everything railroad-related is gone. He said it would be good for a trail. Mr. Murray said that he used to be the Humboldt County Administrator, and a Public Works Director, and that since he is now retired he would like to invest his time to gather the facts surrounding the Annie & Mary property. He said he would be truthful and honest with the NCRA Board on his findings.

Mr. Murray presented the Board with a handout titled "NCRA Board Considerations" which is hereby made part of these minutes by reference. The document outlined three choices for Board consideration. 1.) No Action 2.) Abandonment 3.) Abandonment with railbanking.

Mr. Murray said that he has done some preliminary research surrounding the property ownership status and that property ownership would be the first hurdle to overcome. He said that there is some question about whether NCRA owns an easement along this line or whether NCRA owns the property in fee, or a combination of both. He added that there are some property owners along the right-of-way that do not want a trail, and that in his view, NCRA could avoid costly lawsuits if it railbanked the property.

Chairman Hemphill thanked Mr. Murray for his focused and informative presentation.

Director Woolley asked if Dan Hauser, former State Assemblyman and NCRA Executive Director would be able to address the Board regarding the A&M line.

Mr. Hauser said that he strongly supports the trail and the railbanking of the Annie & Mary line. He said that the rest of NCRA's railroad can not be railbanked. He said that the Annie & Mary rail line was purchased with agency money from Simpson Timber Co., and therefore the Board has more flexibility with what it does on the Annie & Mary line. Mr. Hauser said that the Board took action to support the trail in 1997.

Director Woolley thanked former Assemblyman Hauser and Mr. Murray for their research. He said that he spoke to Nancy Beiter with the STB and she said that if NCRA owns the land in fee, NCRA can do whatever it wants. Director Woolley said that since the Board has already given permission for the trail, perhaps the City of Blue Lake could help in this effort as well. He said that he does not want the burden of the management role to fall on the NCRA, and suggested that another group assume this responsibility.

Director Kelley asked Mr. Murray to clarify a statement in the City of Blue Lake letter that states that the line is already abandoned and railbanked, which he said is contradicted later in the letter. He also asked Mr. Murray to clarify if the AP numbers are associated with the easements. He said that it is confusing if NCRA has only has an easement, that there would also be an AP number associated with that easement. He asked how the easement would be determined and if there is a physical metes and bounds description of the easement.

Mr. Murray said that the deeds state that the easement is 30 feet, and the trail would be 10 feet. He added that there is no physical metes and bounds description of the easement.

Director Kelley asked if NCRA decided to abandon and rail bank the property, would there be the necessity to have a physical description of the property.

Mr. Murray said that it was his understanding that a physical description was not needed. He said he believed all that was needed was post miles and the published notices to the appropriate county officials.

Director Kelley asked if the PUC condemned the trestles, and, if so, was that action a defacto abandonment? He expressed concern about NCRA acting as manager of the project and said he believed that the role should be assigned to another group or agency. He also stated that the property ownership, as well as physical description of the property should be confirmed.

Director Meyers said that he believes that NCRA only needs to provide the mile posts to the STB, not the physical description of specific parcels.

Director Meyers said that he researched this issue with the help of the STB in Washington in March. He said that, based on his research, he is sure that the NCRA does own the ROW from Arcata to Blue Lake. He said that only the rail line from Arcata to Blue Lake is affected by this discussion. It does not affect the Main Line. He said railbanking is like putting the rail line in trust. He said it simply formally preserves the right-of-way while allowing NCRA to take it back if and when it wants to use the right-of-way for railroad operations. He said in the meantime, it allows the public to utilize the right-of-way for the trail. Director Meyers said that once the application is made, there is a 10 day period for the manager to step in. He said the amount of time necessary for NCRA to get its application together is minimal. He offered to do the first draft of the application. He said that the decision as to who should act as manager of the project should be decided.

Director Meyers made available to Mr. Murray and the Board documents titled “Overview, Abandonments and Alternatives to Abandonments” and these documents are hereby made part of these minutes by reference. He said that the Code of Federal Regulations Section 11.52 and sub 11.52.29 outlines the simple process involved in railbanking.

Legal Counsel Neary said that one of the most important issues is to specifically define NCRA’s property ownership. He said that there are several different factors that influence ownership. He said that there may be an easier way to accomplish the objective of a trail without railbanking. He said that he has looked at the deeds for the Annie & Mary line. He said they are all handwritten deeds from the 1880’s. He said it is a complicated issue and said that the deeds refer to terms such as “easement for railroad purposes”, and variations of that statement. He said that each way that the conveyance was made, has legal significance and that the intent of the deed will be key. He said that NCRA may have fee ownership for some, or perhaps a majority of the line. He said the relevant property law is California property law, rather than federal law.

He recommended that he work with Director Meyers to develop an opinion about the property ownership as well as the abandonment issue, and return to the Board with a statement of facts about each of those issues.

Chairman Hemphill said that Director Woolley and Director Meyers, along with John Murray’s help could bring back the facts within the next 60 days. He said that he would like the Operator’s input regarding conversion of this right-of-way to a trail, and if NCRA owns fee simple title, there is a value associated with the property, and he added that needs to be discussed

Chairman Colfax pointed out that the Finance Committee recently recommended that the Board consider hiring a real estate professional to manage property issues over the entire line.

Director Woolley said that, with respect to the A&M, there is a report that was compiled by the Redwood Community Action Agency in 2003 and Jen Rice, a key contributor to this report, may be a good resource.

Director MacDonald said that he is supportive of the trail. He said that it is an exceptional piece of property. He said that he is concerned with the management of the project and hopes that there is another agency that assumes that responsibility. He also said that the friend of the Annie and Mary may need a firm commitment from the NCRA Board so that they can continue their fundraising efforts. He recommended the Board formally signal its support for this effort at the appropriate time.

Chairman Hemphill said that the next step is to receive the report from Director Meyers and take action when that report, along with precise recommendations, is complete.

Sid Berg – President of the Humboldt County Building and Construction Trades Council asked the Board to make sure that railbanking does not prohibit future rail use of the line..

Sam King – McKinleyville resident – Mr. King thanked the Board for its efforts to turn the Arcata and Mad River railline into a trail, and said he would use the trail and be able to stay off of Hwy 299.

Marcus Brown said that he supports the trail, but hopes that the Board preserves the right for railroad operations at some point in the future, so that any potential shippers can be served.

NCRA Operator, John Williams, said that it was an oversight that the entire AMRR line was not included in his Operating Agreement. He said that there were enough shippers in the 1990's to justify the rehabilitation of the line. He said he supports a solution that would preserve the right-of-way for future railroad use.

The Board directed staff to work with Director Meyers to research the property ownership and other issues surrounding trail conversion of the Annie & Mary line and report back to the Board with its findings.

*The Board Convened to Break at 11:56 and reconvened Regular Open Session at 12:07.*

## **F. COMMITTEE REPORTS**

### **1. Operator Committee Report – April 18, 2008 Operator Committee Meeting Chairman Hemphill**

Chairman Hemphill updated the Board on the April 18, 2008 Operator Committee Meeting. He said the Operator Committee met by teleconference, adjourned into closed session and received information about 1 closed session item.

### **2. Finance Committee Report – April 30, 2008 Finance Committee Meeting – Director Colfax**

Director Colfax reported that the Finance committee met by teleconference to discuss the Draft Budgets for TCRP, Agency and Wingo/Camp II Draft Budgets for Fiscal year 08-09. He said that the Finance Committee directed staff to look into contracting with a real estate professional to increase the real estate revenues on a short term basis.

Executive Director Stogner said that any decision NCRA makes with respect to the Property will impact the Operator and said that he will schedule a meeting with the Operator to discuss NCRA's Options.

### **3. Willits Rail Yard Ad Hoc Committee Report – May 5, 2008 - Chairman Hemphill**

Chairman Hemphill updated the Board on the Bids that were received for sale and removal of the railcars at the Willits Yard. He said that NCRA received two bids and the matter is an action item under agenda item G.3.

## **G. CONDUCT OF BUSINESS**

**1. Discussion and Possible Approval Authorizing Staff and Operator to Proceed with Design, Safety, and Operational Functionality Guidelines for Trails on or near NCRA Right-of-Way**

Chairman Hemphill said that many different groups have requested guidance on rail-trails and this is an effort to have a uniform document that will offer guidance for the Design, Safety, and Operational Functionality of trails along NCRA right-of-way.

Executive Director Stogner said that NCRA's main concern is safety and that the CPUC oversees the safety of rail lines. He also said that the Operator has safety concerns as well.

Motion for discussion to direct staff to proceed with Design, Safety, and Operational Functionality Guidelines for trails on or near NCRA right of way made by Director Woolley, seconded by Director Kelley.

Director Ollivier asked about the maintenance of the trails. He wanted to be sure that the guidelines discussed the construction and maintenance responsibilities of the parties involved.

Director MacDonald asked about SMART's role in preparing the guidelines and whether they would be consulted in the process. He asked if NCRA would have separate guidelines.

Executive Director Stogner said that SMART would have an opportunity to review the guidelines and offer comments once a draft is completed.

Motion to amend original motion to include Operator collaboration made by Director Meyers seconded by Director Woolley, carried unanimously (7-0)

**2. Consideration and Possible Approval of Petaluma/NCRA Memorandum of Understanding (MOU)**

Executive Director Stogner updated the Board on the proposed MOU between the NCRA and the City of Petaluma.

Dave Anderson, American Rail Consultants, said that the City and NCRA have been working on this concept for a year, and the proposed safety improvements have the support of the PUC, City of Petaluma, SMART, and John Williams. He said the city is investing \$1.3 million as its share for the improvements under the MOU.

Director Meyers asked if SMART should be a party to the agreement.

Mr. Anderson said that SMART are not involved in the financial arrangement and therefore does not need to be a party to the MOU. He said, however, that SMART has been consulted throughout this process and agrees with the MOU.

Director Meyers suggested that the MOU state that the NCRA is only responsible for \$150,000.00 toward the improvements. He also said that on page 4 item 5 should discuss the time limit of resolution, that it should be clearly stated that NCRA's contribution is capped at \$150,000.00

Angel Lucero, American Rail Consultants said that wording could be added to address Director Meyers' concerns

Director Meyers asked who would be responsible for maintenance.

Mr. Anderson said that normal maintenance of the crossing is the responsibility of NCRA .

Director Myers asked if NCRA needs to be concerned that SMART may not be able to contribute to the improvements.

Mr. Anderson said SMART is not contributing financially to the crossing. And all SMART will do is approve the signal plans and issue a permit, which SMART has already done.

Director Meyers asked Ms. Lucero for clarification on the contingency items on Attachment 1.

Ms. Lucero said that there are 2 construction items that do not show contingency amounts. She said both of those construction items will be completed by the City and NCRA will not be seeking reimbursement for those items.

Director Meyers said that page 4 paragraph C. should be reworded in the interest of clarity.

Motion to adopt the Interagency Agreement between the Petaluma Community Development Commission and the North Coast Railroad Authority regarding crossing relocation from Hopper Street to Caulfield Lane, and give the Executive Director the authority to make administrative changes with the approval of legal counsel in the event changes are requested at the City of Petaluma City Council Meeting made by Director Meyers, seconded by Director Kelley. Motion to amend motion made by Director Meyers to include his requested changes and clarifications as long as the changes are approved by the City or city staff, seconded by Director Kelley, carried unanimously (7-0)

Director Meyers, on behalf of NCRA, thanked the City of Petaluma for its efforts, and cooperation in the development of the MOU.

### **3. Consideration and Possible Approval of Bid for Sale and Removal of Railcars**

Executive Director Stogner summarized the bids received for the sale and removal of the railcars located in the Willits yard.

Chairman Hemphill said that he has directed staff to seek approval from Caltrans and the CTC to retain the funds realized from the sale of the railcars that were purchased with Prop 116 funds to invest in another piece of equipment rather than return those funds to the State.

Motion to approve Alco Iron & Metal's bid of \$22,250.00 for the purchase and removal of 5 rail cars from the Willits Yard made by Director Kelley, seconded by Director Meyers.

Director MacDonald asked for clarification on bid item 511 – Stanislaus Daylight Car. He said he noticed that Jon Clark submitted a bid amount that was higher than Alco Iron & Metal's bid for that car and asked if that car should be awarded to Mr. Clark.

Chairman Hemphill said that staff discussed the issue with Alco Iron & Metal and they wanted to keep their bid for all 5 cars.

Motion carried unanimously (7-0).

**4. Consideration and Possible Approval of Resolution 2008-04 Adopting Agency, TCRP, and Wingo/Camp II Draft Budgets for Fiscal Year 2008-2009**

Executive Director Stogner said that the Finance Committee met on April 30. He said there was an extensive discussion about all 3 NCRA draft budgets. He summarized revenues and expenses for the draft 08-09 budgets for TCRP, Agency, and Wingo/Camp II Budgets.

Director Meyers asked staff to ask Caltrans if there is anything that can be done to minimize the time of submittal of invoices, and subsequent Caltrans reimbursement of TCRP invoices. He also asked whether NCRA could support the Harbor District portion of the Prop 1B application.

Chairman Hemphill said that NCRA has always supported the Harbor District.

Executive Director Stogner said that the harbor District has not given up on its Prop 1B application.

Director Ollivier observed that it has always been understood that the Port and Railroad need each other. He said that closely aligned public agencies line NCRA and the Harbor District should always work together and financially support each other when the opportunity arises.

Director Meyers asked if it was legal for the Board to approve a budget that shows a deficit.

Legal Counsel Neary said that NCRA is not a City, County, or School District, does not rely on the Ad-Valorem property tax, and therefore does not have a requirement to present a balanced budget.

Director MacDonald asked for clarification on the debt that is accruing for the interest payments that NCRA is being charged by NWP Co. for the bridge loan, and asked why that is not a budget item.

Executive Director Stogner said that those interest payments will be reflected on NCRA's year-end financial statements as well as NCRA's Single Year audit statement.

Director Woolley asked if the \$230,000 for lease revenues represents the annual amount owed to NCRA and if staff expected to realize the full amount.

Staff said that NCRA expected to achieve close to \$230,000 in actual lease revenue for 07-08.

Motion to approve Resolution 2008-04 made by Director Kelley, seconded by Director Ollivier, approved unanimously (7-0).

## **H. Consent Calendar**

- a. Approval of Minutes Regular Board Meeting – April 9, 2008
- b. Acceptance of Operator Committee Minutes – April 18, 2008
- c. Acceptance of Finance Committee Minutes – April 30, 2008
- d. Acceptance of Financial Statements – April 2008
- e. Approval of Warrants Issued Agency 787010 – April 2008
- f. Approval of Warrants Issued TCRP 787101 – April 2008
- g. Approval of Warrants Issued Fish & Game 787408 – April 2008
- h. Approval of CalCard Statement – April 2008

Motion to approve the Consent Calendar with the following changes requested by Director Macdonald and Director Meyers, as listed below, to Item H. a made by Director Ollivier, seconded by Director Woolley, motion carried unanimously (6-0-1 Kelly abstaining from item H.a)

1. Doug Bosco removed from Public Comment
2. Minutes – Item E.1 – Insert vote of original motion made by Director Simonson. The original motion passed by a 4-2 vote with Meyers and MacDonald dissenting.
3. On page 5 Director Meyers would like the minutes to reflect that he voted no on Agenda Items E.3 b, c, d, e, f. with a vote of 3-2.
4. On page 6 Minutes Item I – Matters from the Board - Director Meyers the following should be inserted – “Director Meyers asked staff to confer with Director Woolley on whether the Annie and Mary Trail issue should be an action item or an informational item.”

## **I. STAFF REPORTS**

1. **Executive Director – Mitch Stogner**

No report

**2. Project Manager – Dave Anderson**

Dave Anderson said that NCRA has been working with CalTrout for a grant application for a study to evaluate the creek crossings on the Eel River for improvements such as fish ladders, etc.

Mr. Anderson also presented the Board with a PowerPoint presentation showing the repair work along the right-of-way that is currently underway.

**3. Legal Counsel - Chris Neary**

Legal Counsel Neary said that NCRA has been in negotiations with CBS Outdoor and that CBS will be submitting a proposal for removal of the signs between Arcata and Eureka sometime in June. He added that CBS will be issuing a check for the lease fees that have accrued for 2007 and 2008.

**J. OPERATOR REPORT**

John Williams said that NWP Co. asked the FRA safety division to discontinue the signal systems on the three movable bridges. He said the systems have been vandalized and would be costly.

Mr. Williams said that he has a rate quote for the trash train from the California Northern and he now has the ability to quote a price for origin to destination. He said he also has received an operating time-slot which means that he has the ability to run a train on the UP line. He added that in terms of the operational issues NWP Co. is continuing to make progress. Mr. Williams said that because of the price of fuel it is a good time to run a railroad.

**K. MATTERS FROM THE BOARD**

Director MacDonald said that in response to the email that was presented to the Board during April 2008 meeting, he was making available for public inspection 9 e-mails from himself to the City of Novato, County of Marin, and others involved in the City of Novato lawsuit. These emails are hereby made part of these minutes by reference. He said he was presenting the emails so that the public would be aware of his communications, and also noted that the dates of the emails. He pointed out that 5 of the emails occurred before he was appointed to the NCRA Board. He said that the emails prove that he has not provided any confidential information to anyone outside of NCRA Closed Session. He added that he has never divulged confidential information to anyone, ever.

Director MacDonald asked the other Directors to approach him privately if they felt that there was any reason he should not attend Closed Session, or if they felt uncomfortable with his attendance in Closed Session. He said he was sympathetic to the fact that perhaps other members of the Board may feel uncomfortable with his presence in Closed Session.

He said that he is requesting that the emails be included in the packet that NCRA is submitting to the Attorney General's Office so that the AG's office can determine if there is anything illegal about the emails. He said that he is also sending the emails and all correspondence to the Marin

County Grand Jury so that it can consider whether there is anything illegal or inappropriate about the emails.

He noted that he has tried to stay out of the discussions regarding the City of Novato Lawsuit. He said that he would like everyone to put this issue behind them and move on to the other important matters that require the Board's attention.

Director Meyers asked about the August 2008 Board Workshop and asked if the agenda for the Workshop would include a discussion surrounding financial issues facing the agency.

Staff said the workshop was tentatively scheduled for August 28 at the Ukiah Valley Conference Center.

*The Board convened into closed session at 1:44 p.m.*

**L. CLOSED SESSION**

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

Government Code 54656.9(a) and 54956.9 (c)

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

**2. CONFERENCE WITH REAL ESTATE NEGOTIATORS**

Gov Code Section 54956.8

Negotiators: Mitch Stogner, Christopher Neary

Negotiating Parties: NCRA, Quaker Hill Developers

Under Negotiation: Public Crossing Easement at Mile Post 70.85, price, terms, maintenance, liability.

*The Board reconvened back into open session at 3:00 p.m.*

**M. ANNOUNCEMENT OUT OF CLOSED SESSION**

Legal Counsel reported that the Board met with Counsel on 3 matters of litigation, received information and gave direction. The Board also met with its real estate negotiator on one matter of real estate negotiation, received information and gave direction.

**N. ANNOUNCEMENT OF NEXT MEETING**

June 11, 2008 – 11:00 a.m.

Mendocino County

Ukiah Valley Conference Center

200 South School Street

Ukiah

**O. ADJOURNMENT**

Chairman Hemphill adjourned the meeting at 3:05 p.m.