



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

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

Wednesday, March 11, 2009~ **10:30**  
County of Humboldt Board of Supervisors Chambers  
825 5<sup>th</sup> Street, Eureka  
Humboldt County  
**Approved Minutes**

### **A. CALL TO ORDER**

Chairman Hemphill called the meeting to order at 10:32 a.m.

### **B. ROLL CALL**

Directors Present: Simonson, Kelley, Colfax, Ollivier, Clendenen, MacDonald, Meyers,  
Ziedrich, Chairman Hemphill

Directors Absent: None

Also Present: Executive Director Mitch Stogner, Legal Counsel Christopher Neary, Project  
Manager Dave Anderson, Recording Secretary Heather Lindsteadt

### **C. AGENDA APPROVAL**

Agenda stood as presented

### **D. RECOGNITION OF OUTGOING DIRECTOR – John Woolley**

Chairman Hemphill presented outgoing Director John Woolley with a plaque thanking him for  
his dedication to the NCRA Board of Directors and wished him success in his future endeavors.

### **E. PUBLIC COMMENT**

The following members of the public addressed the Board:

John Murray  
Marcus Brown  
Gerry Tomsak  
Leishara Ward  
Kaye Strickland  
Damien Mooney  
Carlos Quilez

**F. CONDUCT OF BUSINESS**

**1. Ratification of April 15, 2009 Public Hearing Date for Russian River Division DEIR to be held at the Petaluma Community Center at 6:30 p.m.**

Executive Director Stogner updated the Board on the Draft Environmental Impact Report for the Russian River Division (RRD). This DEIR analyzes the repair and operations on the first 142 miles of the NWP rail line. He said that release of the DEIR to the OPR on March 9, 2009 triggers the 45 day public comment period. He said that a public hearing has been scheduled on April 15, 2009 at the Petaluma Community Center.

There was a discussion on how many public hearings NCRA was required to conduct and if the addition of a second meeting would be beneficial to ensure public participation. Director participation in the DEIR process was discussed and the question was raised as to whether Directors could submit questions, give input, or submit comment relative to the DEIR. Also discussed was the possibility of extending the public comment period beyond the 45 day requirement.

Angel Lucero updated the Board on the process that would be necessary to add a second public hearing, change the time or date of the currently scheduled April 15, 2009 public hearing, or extend the deadline for submission of public comments on the DEIR.

The following members of the public addressed the Board on the matter of Agenda Item F.1:

Jessicca Butinelli  
Richard Marks  
Carlos Quierlos  
Robert Upton  
Marcus Brown  
Pete Oringer  
Nadananda

Upon Motion by Director Kelley, Seconded by Director Meyers staff was instructed to change the time of the Petaluma Public Hearing on the DEIR to 5:30 p.m. and also to schedule a second Public Hearing on the DEIR in Willits on or around April 16, 2009. The Public Comment period was also extended until May 1, 2009 at 5:00 p.m. Motion carried unanimously AYES: 9, NOES: 0, ABSENT: 0, ABSTAIN: 0

*Chairman Hemphill adjourned the meeting to a 5 minute break at 12:14 p.m.*

*Chairman Hemphill called the meeting to order at 12:21 p.m.*

**2. Discussion and Possible Action Regarding Transfer of Operator Committee Responsibilities**

Executive Director Stogner updated the Board on the history of the NCRA Operator Committee. He said that because the City of Novato lawsuit has been resolved staff recommends that all issues that are currently under the jurisdiction of the Operator Committee be brought before the full Board for consideration and that the Operator Committee be dissolved.

Upon Motion by Director MacDonald, seconded by Director Kelley the Operator Committee was abolished and all issues that pertain to the Operator or Operations will be forwarded to the full Board when necessary, and further, that the Board may consider establishment of an Executive Committee at some point in the future. Motion carried unanimously AYES: 9, NOES: 0, ABSENT: 0, ABSTAIN: 0

#### **G. CONSENT CALENDAR**

1. Approval of Minutes - Regular Board Meeting – February 11, 2009
2. Acceptance of Financial Statements – February 2009
3. Approval of Warrants Issued - Agency 787010 – February 2009
4. Approval of Warrants Issued - TCRP 787101 – February 2009
5. Approval of CalCard Statements - February 2009

Upon Motion by Director Meyers, seconded by Director MacDonald the Consent Calendar Items 1-5 were approved/accepted with Director Ziedrich abstaining from Item G.1. Motion carried AYES: 8, NOES: 0, ABSENT: 0, ABSTAIN: 1, Ziedrich

Director MacDonald requested a supplemental Accounts Payable and Accounts Receivable sheet each month or on a quarterly basis on an accrual basis and also requested that staff continue to research providing the Board with quarterly financial statements on an accrual basis. He said that as the Budget discussions resume for the next fiscal year, staff should be looking for ways to reduce the budget deficit and develop a long term financial forecast.

#### **H. STAFF REPORTS**

##### **1. Executive Director – Mitch Stogner**

- a. Draft EIR Schedule
- b. Draft Trail Guidelines Update
- c. SMART/NCRA Operating Agreement Meeting
- d. Economic Stimulus Funding
- e. Cities' Appointment to NCRA Board of Directors

Executive Director updated the Board on items listed under H.1, a-e. He said that the next meeting with SMART is scheduled for March 20. He also said that NCRA continues to research stimulus funding and has sent two letters to Congressman Thompson. He said that MCOG and SCTA has supported NCRA's request for stimulus funding. He also said that the Sonoma County Mayors' and Councilmembers' Association appointed Director Ziedrich to an additional 2 year term.

##### **2. Project Manager – Dave Anderson**

Dave Anderson presented the Board with a PowerPoint outlining the continued construction activities along the NWP rail line from Lombard to Windsor (Phase 1 Russian River Division).

**3. Legal Counsel - Chris Neary**

**I. OPERATOR REPORT**

**1. NWP Co. – John Williams**

Mr. Williams updated the Board on NWP Co.'s efforts to receive FRA certification to resume rail operations once repairs are complete. He said that some of the issues NWP Co. has to work to resolve include negotiations with SMART, compliance with the Environmental Consent Decree, compliance with the Novato Consent Decree, and negotiations and agreements with connecting railroads.

**J. MATTERS FROM THE BOARD**

Director Clendenen requested legal counsel send him the pertinent information from the Surface Transportation Board (STB) relating to railbanking.

Director Meyers requested that the Website be updated with a spreadsheet that outlines the TCRP funds that NCRA has received and how those funds have been spent. He also requested that the DEIR Executive Summary be placed on the website if possible.

Director Ziedrich requested an Orientation/Planning/Strategic Planning Board Workshop in the summer of 09. He said that topics of discussion could be: history of NCRA, Committee assignments, budget issues and the budget process. He also said that the Finance Committee should be meeting soon to begin the budget discussions for 2009-2010.

*Chairman Hemphill adjourned the meeting to Closed Session at 1:15 p.m.*

**K. CLOSED SESSION**

**1. CONFERENCE WITH LEGAL COUNSEL – Existing Litigation**

Government Code 54956.9 (a)(four 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
- c. McGarry, Lukes v. NCRA, Mendocino County Superior Court case # 52454
- d. Conference with Legal Counsel-Existing Litigation Government Code 54956.9 (a) (c) Hight v. NCRA, Mendocino Superior Court Case # 80240;

*Chairman Hemphill called the regular meeting back into order at 2:35*

**L. ANNOUNCEMENT OUT OF CLOSED SESSION**

Legal Counsel reported that the Board met with Counsel on 4 matters of existing litigation, received information and gave direction. The Board unanimously authorized filing of cross complaint for indemnity in the case of Gary Lukes vs. NCRA and Caltrans.

Approved by NCRA BOD  
April 8, 2009

**M. ANNOUNCEMENT OF NEXT MEETING**

April 8, 2009 – 10:30 a.m.  
Hamilton Community Center  
West Wing Auditorium  
503 “B” South Palm Drive  
Marin County

**N. ADJOURNMENT**

Meeting was adjourned at 2:37 p.m.