



North Coast Railroad Authority

419 Talmage Road, Suite M, Ukiah, Ca 95482

www.northcoastrailroad.org

**NORTH COAST RAILROAD AUTHORITY (NCRA)
Board of Directors Meeting**

MINUTES

Monday, June 8, 2020 at 10:30 a.m.

Teleconference Only

*Zoom videoconferencing link provided to Board members and by request.
Please submit access request prior to the meeting to ncra.hiedy@sbcglobal.net*

Audio Call-in Option: 1 (408)638-0968 (in CA)

Meeting ID: 756 8138 8996

Password: 1M3eAy

NOTICE: During the declared local, state and national emergency, all meetings of the North Coast Railroad Authority will be conducted by teleconference (audio and/or video) and not available for in-person public participation, pursuant to the Governor's Executive Order N-29-20. To minimize the risk of exposure to COVID-19, the public may participate in lieu of personal attendance. Since opportunities during the meeting are limited, we encourage submitting comments in advance.

- In advance of the meeting: email comments to ncra.hiedy@sbcglobal.net to be read aloud into the public record. Public comment requests must be received no later than 10am on Friday, June 5, 2020. Please submit a public comment card which is available at northcoastrailroad.org.
- During the meeting: make oral comments on the conference call by phone when public comment is invited by the Chair. If you choose this option for public comment, you must complete a public comment card, available at northcoastrailroad.org, and submit to ncra.hiedy@sbcglobal.net no later than 10am on Friday, June 5, 2020 to be considered for public comment.

DISABLED ACCOMMODATION: If you have a disability which requires an accommodation or an alternative format to assist you in observing and commenting on this meeting, please contact the Clerk of the Board at (707) 463-3280 or by email ncra.hiedy@sbcglobal.net by 10am Friday, June 5th to ensure arrangements for accommodation.

Thanks to all for your interest and cooperation.

A. CALL TO ORDER

Chair Hagele called the meeting to order at 10:30 a.m.

B. ROLL CALL

Directors Present: Dir. Marks, Dir. Madrone, Dir. Haschak, Dir. Campbell, Dir. McCowen, and Chair Hagele

Directors Absent: Dir. Connolly (**joined the meeting at 10:36a.m.**), Dir. Gore, and Dir. Hart

Others Present: Executive Director - Mitch Stogner, Sonoma County Legal Counsel – Elizabeth Coleman, and Recording Secretary – Hiedy Torres

C. AGENDA APPROVAL

Upon motion by Director McCowen, seconded by Director Campbell the Agenda was Approved with the removal of Agenda Item E.2.

Motion Carried:

AYES: 6- Marks, Madrone, Haschak, Campbell, Mc Cowen, and Hagele

NOES: 0

ABSENT: 3 – Connolly, Gore, and Hart

ABSTAIN: 0

D. PUBLIC COMMENT

Bruce Silvey- (emailed Public Comment to Clerk of the Board 6/6/2020)

We at the Humboldt Trails Council are glad to hear that NWP Co. and SMART have made an agreement for SMART to take over the operations of passenger and freight rail services from Cloverdale south. However, after considerable research we are concerned that the NCRA may take some actions that could inadvertently jeopardize the ability of the northern half of the NCRA corridor to be protected by Federal rail-banking.

We are confident that Senator McGuire and his staff, as well as the current NCRA Directors are supportive of rail-banking, but we are concerned that the order of future decisions could foreclose the option. Since the NCRA is still the legal authority of the 300 mile corridor, your actions appear critical.

Our understanding is that for the STB to be able to grant rail-banking protection, a railroad authority that is connected to the national rail network must file to abandon part of their corridor to a trail agency or themselves. If the NCRA corridor south of Cloverdale is severed from the northern part before rail-banking is filed, there seems to be a high probability that the northern half will fall outside the jurisdiction of the STB.

Also, if the NCRA ceased to exist, or approved removal of tracks for trail expansion before rail-banking, we believe the same thing could occur. Since law is never as clear as it seems, we are requesting that the NCRA Board direct Executive Director Mitch Stogner to contact the STB to set up a consultation for the Board with an STB attorney.

Gabriel Myer, STB Attorney-Advisor 202 245 0150 (direct) said this could be arranged at no cost. Thank you for your attention to this important matter.

(Dir. Connolly joined the meeting at 10:36 a.m.)

E. CONDUCT OF BUSINESS

1. Discussion and Possible Action Regarding Resolution No. 2020-01 Approving 2020-2021 Draft Agency Budget;

Upon Motion by Director Marks, seconded by Director McCowen Resolution No. 2020-01 Approving 2020-2021 Draft Agency Budget was Unanimously Approved as presented.

Motion Carried:

AYES: 7- Marks, Madrone, Haschak, Campbell, Mc Cowen, Connolly and Hagele

NOES: 0

ABSENT: 2 – Gore and Hart

ABSTAIN: 0

Discussion and Possible Action Regarding Resolution No. 2020-02 Approving 2020-2021 Draft Property Budget;

Upon Motion by Director Marks, seconded by Director Haschak Resolution No. 2020-02 Approving 2020-2021 Draft Property Budget was Unanimously Approved as presented.

Motion Carried:

AYES: 7- Marks, Madrone, Haschak, Campbell, Mc Cowen, Connolly and Hagele

NOES: 0

ABSENT: 2 – Gore and Hart

ABSTAIN: 0

Discussion and Possible Action Regarding Resolution No. 2020-03 Approving 2020-2021 Draft RRIF Budget;

Public Comment:

Loretta Ellard, MCOG – Ms. Ellard stated that the Zoom meeting password was posted incorrectly on the Agenda and she had not had access to the meeting until this point.

Legal Counsel, Elizabeth Coleman – Ms. Coleman directed the Clerk to send an email to the public stating that the password was incorrectly posted and to provide the correct password for this meeting to the public.

*Email was sent out to the public by the Clerk, Hiedy Torres at 11:03 a.m. which included the correct password for the Zoom teleconference.

Upon Motion by Director McCowen, seconded by Director Campbell Resolution No. 2020-03 Approving 2020-2021 Draft RRIF Budget was Unanimously Approved as present.

Motion Carried:

AYES: 7- Marks, Madrone, Haschak, Campbell, Mc Cowen, Connolly and Hagele

NOES: 0

ABSENT: 2 – Gore and Hart

ABSTAIN: 0

Discussion and Possible Action Regarding Resolution No. 2020-04 Approving 2020-2021 Draft TCRP Budget

Upon Motion by Director McCowen, seconded by Director Haschak Resolution No. 2020-04 Approving 2020-2021 Draft TCRP Budget was Unanimously Approved with additional direction given that the TCRP account shall be closed and the balance be refunded to Caltrans.

Motion Carried:

AYES: 7- Marks, Madrone, Haschak, Campbell, Mc Cowen, Connolly and Hagele

NOES: 0

ABSENT: 2 – Gore and Hart

ABSTAIN: 0

F. CONSENT CALENDAR

1. Approval of Minutes – Regular Board Meeting – March 9, 2020
2. Approval of Minutes – Special Board Meeting Teleconference – May 26, 2020
3. Approval of NCRA Financial Statements – March-April-May 2020
4. Approval of Warrants Issued – March-April-May 2020
5. Approval of Cal Card Statement – March-April-May 2020

Upon Motion by Director Marks, seconded by Director McCowen Agenda Items F.1 through F.5 were Approved as presented.

Motion Carried:

AYES: 7- Marks, Madrone, Haschak, Campbell, Mc Cowen, Connolly and Hagele

NOES: 0

ABSENT: 2 – Gore and Hart

ABSTAIN: 0

G. STAFF REPORT – Mitch Stogner – Executive Director

No Report.

H. MATTERS FROM THE BOARD

Dir. Marks – Dir. Marks said that he attended a trails meeting for Northern California, and it appears that Humboldt County will have a complete trail from Samoa to Loleta within the next couple of years.

Public Comment:

Loretta Ellard, MCOG – Ms. Ellard asked if an update would be provided for the Ukiah Depot at this time.

Chair Hagele – Mr. Hagele said that the Agenda Item related to the Ukiah Depot was removed from the Agenda.

The Board convened to Closed Session at 11:20 a.m.

I. CLOSED SESSION

1. CONFERENCE WITH LEGAL COUNSEL REGARDING EXISTING LITIGATION

- a. M.C.M. Construction v. N.C.R.A. – Report Out**
Mendocino County Sup. Ct. Case No. 19-73209
Pursuant to Government Code Section 54956.9(a)

2. CONFERENCE WITH LEGAL COUNSEL REGARDING SIGNIFICANT THREAT OF LITIGATION

- a. Ukiah Depot Improvements-**
Pursuant to Government Code Section 54956.9(d)(2)

The Board reconvened to Open Session at 12:21 p.m.

J. ANNOUNCEMENT OUT OF CLOSED SESSION

Agenda Item I.1.a- NCRA has executed a settlement agreement with MCM Construction Inc. to resolve the lawsuit. Pursuant to the settlement agreement, parties executed a stipulated judgement which was entered on May 5, 2020. The stipulated judgement provides that MCM Construction shall recover from NCRA \$658,964.70 and post judgement interest at the rate of 7% per annum until the judgement is satisfied.

Agenda Item I.2.a -Direction was given to counsel and staff regarding Agenda Item I.2.a

Dir. McCowen – Dir. McCowen said that Senator McGuire is working diligently to close out NCRA obligations and more information will be made available in a couple of weeks. Dir. McCowen also thanked the Chair for offering generous time for public comment.

K. ANNOUNCEMENT OF NEXT MEETING

Regular Board of Directors Meeting
Teleconference
Monday, September 14, 2020 - 10:30 a.m.

L. ADJOURNMENT

Chair Hagele adjourned the meeting at 12:27 a.m.