Sacramento–Placer Transportation Corridor Joint Powers Authority

Minutes of the Special Meeting of the Board of Directors on

September 12, 2011
9:00 a.m.
City of Folsom
Folsom City Hall, Council Chambers
50 Natoma St., Folsom, California

Chair Kerri Howell called the meeting to order at a 9:06 a.m. CEO John Segerdell recorded the roll. The following Board Members were noted as present: Director Don Nottoli, Director David Sander, Director John Knight and Chair Kerri Howell. Director Linda Budge was noted as absent.

APPROVAL OF MINUTES

1. Motion: Approval of the Regular Board Meeting Minutes of May 2, 2011.

Upon motion and second, the Board voted unanimously to approve the Minutes as presented.

CONSENT

2. Motion: Consider Request by El Dorado County to Transfer Interests in Corridor.

CEO Segerdell introduced the matter, citing that the JPA has received a letter dated August 17, 2011 from El Dorado County requesting "*...pursuant to Section 7 of the RUFA, that the JPA agree to the removal of rails for the segment of the Rail Corridor between the El Dorado County Line and Shingle Springs at Mother Lode Drive.*", and that "*..net income, if any, resulting from the removal of the rails in El Dorado County shall be paid to El Dorado County;..*" The limits of segment identified by the County were shown on maps of the corridor.

JPA Counsel, Paul Chrisman, referred to Section 7 of the RUFA, presenting the JPA staff opinion that removing any portion of the trackage would threaten the continuity of the Rail Corridor and affect the reciprocal rights of the other member agencies. Therefore, the JPA should follow the first clause of Section 7(a) of the RUFA and obtain the consent of all JPA member agencies before entering into any agreement to transfer the trackage.

During the discussion by Board Members, Director Nottoli asked what the disposition would be for the right-of-way and trackage if a member agency withdrew from the JPA? JPA Counsel responded that, while every member agency has the right to withdraw from the JPA pursuant to Section 12 of the JPA

Agreement, a withdrawal would not affect the ownership of the right-of-way and trackage. Under Section 7 of the RUFA, the right-of-way will be quitclaimed to the member agencies according to their allocated portions only upon dissolution of the JPA, which will not happen unless three or more member agencies withdraw. In addition, the quitclaim deed is required to include a restrictive covenant referencing the reciprocal rights of the member agencies under the RUFA. Those rights are permanent, unless the member agencies agree otherwise.

After discussion and public input, the following motion was approved:

The JPA Board directs JPA staff to prepare a letter for the JPA Chair to send to the City of Folsom, Sacramento County and Sacramento Regional Transit forwarding El Dorado County's request to remove the rail and stating the JPA Board's opinion that removal of trackage from the proposed segment would threaten the continuity of the rail corridor and affect the reciprocal rights of the other Member Agencies.

Upon motion and second, Directors Nottoli, Sander and Chair Howell voted "yes", and Director Knight voted "no". The motion passed 3 to 1.

3. Information: Requested Revisions to License Agreement with P&SVRR for Excursion Rail Services.

CEO Segerdell reminded the Board that at the May 2, 2011 JPA Board Meeting, the License Agreement with P&SVRR for Excursion Rail Services was approved, subject to ratification by affected member agencies. The status of member agency approval was as follows:

Sacramento County – approved July 26, 2011
City of Folsom – approved July 26, 2011
El Dorado County – continued to September 27, 2011

CEO Segerdell explained minor changes that have been made to the License Agreement since its approval on May 2nd to accommodate member agency requests.

The ratification from El Dorado County is still outstanding. JPA CEO Segerdell and Counsel offered to meet with officials of the County to negotiate terms of the License that could make it more palatable for their acceptance.

CEO Segerdell noted that the FEDS and P&SVRR are continuing their excursion rail service activities anticipated by the License though a temporary Right of Entry (ROE) issued at the staff/CEO level of approval.

NEW BUSINESS

4. Information: FEDS/P&SVRR Report on 2nd Annual Folsom Railroad Festival

Philip Rose, President of the P&SVRR made a presentation on the upcoming 2nd Annual Folsom Railroad Festival for the weekend of September 23, 24 and 25, 2011. The P&SVRR, FEDS and MOW will be hosting the event. The event will include train rides with the Skagit motorcar and Speeders and other demonstrations and activities.

5. Information: CEO/Member Agency Staff Reports

- CEO Segerdell presented that the Motorcar Operators West (MOW) will hold its annual meeting in Folsom this fall. The event will be held on October 15 and 16, 2011 and is expected to draw between 35 and 60 motorcars (Speeders).
- No other reports were made by member agency staff.

NEXT MEETING
The next meeting will be the Regular Board Meeting of November 14, 2011.

The meeting adjourned at 10:16 a.m.