

**RESOLUTION**

**of the**

**Board of Directors**

**of**

**NORTH COAST RAILROAD AUTHORITY**

Resolution No. 2019-16

IN THE MATTER OF :  
Resolution No. 2019-16  
Reappointment of City  
Representative

**WHEREAS**, California Government Code section 93011 states that the North Coast Railroad Authority shall be governed by a Board of Directors, comprised of two voting members appointed by the Counties of Humboldt and Mendocino, as well as two voting member appointed by the Counties of Marin and Sonoma, upon the election of such counties to join the Authority; and

**WHEREAS**, section 93011 further states that the Board shall contain a voting city representative, selected by the cities served by the rail line, but does not state the appointing Authority, nor method of selection; and

**WHEREAS**, section 93011 further states that voting Board members serve a term of two years and until their successors have qualified; and

**WHEREAS**, in March 2013, the Board of Directors of the North Coast Railroad Authority (NCRA) adopted a policy for the selection of the city representative, pursuant to which the City Selection Committee of alternating counties participating in the Authority nominates the city representative; and

**WHEREAS**, on September 28, 2018 Senate Bill 1029 was signed into law, pursuant to which the legislature found and declared that it is in the public interest to dissolve NCRA and transfer its assets to other agencies; and

**WHEREAS**, the term of city representative David Hagele expired on June 9, 2019; and

**WHEREAS**, a majority of the Board of Directors of NCRA determined on August 14, 2019, that in light of the pending dissolution of NCRA, and likely short term of its remaining existence, it was in the best interest of the Authority to seek approval of the City Selection Committee for Humboldt County, entitled under NCRA policy to

1 select the next city representative, to reappoint Dir. Hagele to serve until such time as  
2 NCRA is dissolved; and

3 **WHEREAS**, on September 4, 2019, in an email to the Executive Director of NCRA, the  
4 head of the City Selection Committee for Humboldt County confirmed her agreement  
5 with the proposed reappointment, and agreed to confirm with the City Selection  
6 Committee its consent to the reappointment. No further response or any objection from  
7 the full committee has been received.

8 **NOW THEREFORE, in consideration of the forgoing recitals, the accuracy of which**  
9 **are hereby acknowledged, BE IT RESOLVED THAT:**

10 1) The Board of Directors, on behalf of NCRA, hereby waives its internal policy with  
11 respect to the rotation of selecting bodies of city representatives in light of the  
12 circumstances of NCRA's pending likely dissolution; and

13 2) The Board of Directors, on behalf of NCRA, hereby reappoints David Hagele to serve  
14 as the city representative pursuant to Government Code section 93011, to serve an  
15 additional term ending upon the earlier of two years or the dissolution of NCRA; and

16 3) If a further legislative determination is made that the contemplated dissolution of  
17 NCRA shall not proceed, or the two-year reappointment of David Hagele expires prior  
18 to any such dissolution, NCRA adopted policy with respect to the selection of the city  
19 representative shall be applied to the selection of a subsequent city representative.

20 Introduced and adopted this 14<sup>th</sup> day of October 2019 at a regular meeting of the Board of  
21 Directors of North Coast Railroad Authority at Healdsburg, California.

22 AYES:

23 NOES:

24 ABSENT:

25 ABSTAIN:

26 ATTEST:

27 \_\_\_\_\_  
Mitch Stogner  
NCRA Executive Director

\_\_\_\_\_  
Richard Marks  
NCRA Board of Directors Chair