

BOARD FOR BRANCH PILOTS

Tentative MEETING AGENDA

June 13, 2024 at 10:30 a.m.

VPA Board Room

Norfolk, Virginia

1. Call to Order
2. Safety Evacuation Instructions
3. Welcome/Introductions/Announcements
4. Approval of Agenda
5. Approval of Minutes
 - March 14, 2024, Board Meeting Minutes
 - April 30, 2024, Serious Incident Communication Plan Committee Meeting Minutes
 - April 30, 2024, Regulatory Review Committee Meeting Minutes
6. Public Comment Period*
7. Resolution: Captain Robert H. Callis III
8. VPA Maritime Incident Response Team Presentation
9. Exam Administrator's Report
10. Regulatory Update
11. Notification Letter- Captain Johnson- USS HARRY S. TRUMAN (CVN 75)
12. Serious Incident Communication Plan Update
13. 2025 Meeting Dates
14. Financial Statements
15. Other Business
 - i. Board Member Training Conference- October 10-11, 2024, Williamsburg, VA
 - ii. New Board Member Information Sheet
16. Conflict of Interest Forms / Travel Vouchers
17. Adjourn

*Five minute public comment, per person, with the exception of any open disciplinary or application files. See page two for instructions on providing public comment.

**The meeting is open to the public; however, a portion of the Board's business may be discussed in closed session pursuant to Va. Code § 2.2-3711(A)(8).

NEXT BOARD MEETING SCHEDULED FOR September 12, 2024 AT 10:30 A.M.

Agenda materials made available to the public do not include written advice of legal counsel or other information protected by the attorney-client privilege pursuant to Va. Code § 2.2-3705.1(2).

- **Call to Order**
- **Safety Evacuation Instructions**
- **Announcements**

DRAFT AGENDA

Materials contained in this agenda are proposed topics for discussion
And are not to be construed as regulation or official board position

DRAFT AGENDA

**BOARD FOR BRANCH PILOTS MEETING
MINUTES**

The Virginia Board for Branch Pilots met on March 14, 2024, at the Virginia Port Authority, 600 World Trade Center, Norfolk, Virginia, with the following members present:

Aaron Anseeuw
Captain E. Waightstill Avery
I. Vincent Behm, Jr
Captain Robert H. Callis, III
Captain J.W. Whiting Chisman, III
Michael W. Coleman
Captain January N. Collins
Patrick B. McDermott
Christine N. Piersall

Staff present for all, or part of the meeting were:

Kishore S. Thota, Director
Steve Kirschner, LRPD Deputy Director
Tom Payne, CID Deputy Director
Kathleen R. Nobsisch, Executive Director
John Robertson, IV, Communications and Digital Media Manager
Ecila Williams, Administrative Coordinator
Jemmalyne Hewlett, BPOR Liaison

Brian Wolford, Chief Deputy Director, was not present with regrets.

Elizabeth Peay, Assistant Attorney General with the Office of the Attorney General, was not present with regrets.

Member of the Audience included:

Mark Coberly, Manager, Maritime Law Department, Representative from Wood Rogers Vandeventer Black PLC

Ending a quorum of the Board present, Mr. Coleman, President, called the meeting to order at 10:30 a.m.

Call to Order

Ms. Nobsisch advised the Board of the emergency evacuation procedures.

**Safety
Evacuation
Instructions**

Ms. Nobsisch introduced John Robertson, IV as the new Communications and Digital Media Manager for DPOR and Ms. Hewlett as the BPOR Liaison for the Board.

Announcement

Mr. Coleman informed the Board that a Pilot launch was involved with a rescue of three persons in the water after their 75' motor yacht caught on fire. He reported that Branch Pilot and Board for Branch Pilots member Captain Jan Collins was on the launch at the time and asked her for comments.

Captain Collins shared with the Board that she, launch operator Joel Otroba, deckhand Nick Fillion and Branch Pilot Captain Chad Jamison responded to a mayday call on March 8, 2024, from a motor yacht that caught on fire. Limited Branch Pilot, Captain Austin Capps was assisting from the tower, and after the three people were rescued, they were brought ashore and treated by local EMS. Mr. Coleman thanked them for their quick response and service.

Mr. Behm moved to approve the agenda. Captain Callis seconded the motion which was unanimously approved by Messrs., Mme, and Captains: Anseeuw, Avery, Behm, Callis, Chisman, Coleman, Collins, McDermott, and Piersall.

**Approval of
Agenda**

Mr. Behm moved to approve the minutes in block for the following dates, with amendments to the December 11, 2023, Board Meeting Minutes:

**Approval of
Minutes**

- i. Board for Branch Pilots Board Meeting, December 11, 2023
- ii. Board for Branch Pilots Public Hearing Minutes, December 11, 2023
- iii. Board for Branch Pilots Major Incident Response Plan Committee Meeting Minutes, December 11, 2023, 2023

Ms. Piersall seconded the motion which was unanimously approved by Messrs., Mme. and Captains: Anseeuw, Avery, Behm, Callis, Chisman, Coleman, Collins, McDermott and Piersall.

Captain Avery moved to make amendments to the December 11, 2023, Major Incident Response Plan Committee Meeting Minutes: Captain Chisman seconded the motion which was unanimously approved by Messrs., Mme, and Captains: Anseeuw, Avery, Behm, Callis, Chisman, Coleman, Collins, McDermott and Piersall.

There was no public comment.

**Public
Comment
Period**

Captain Callis provided the Board with a report of examinations conducted by the Exam Administrators on March 13, 2024. The following committee members were present, Captains: Avery, Callis, Chisman, and Collins; and Director Thota, Mr. Kirschner, Ms. Nosbisch, and Mr. Robertson, DPOR

**Exam
Administrator's
Report**

Staff. The following report was made:

Austin C. Capps answered oral questions related to the raise in grade. The subjects included courses and distances from Cape Henry to Wolf Trap and from Cape Henry to Cheatham Annex, safe anchoring positions in Sewell's Point, Lynnhaven, York River and Cape Charles, anchorage regulations in the Regulated Area, quarantine anchorage, pipeline, cable and restricted areas, opening restrictions and characteristics of the George P. Coleman Memorial Bridge, rules regarding meeting Ultra Large Container Vessels and LNG vessels in York Spit Channel, Cape Charles harbor, safe anchoring distance and under keel clearance, precautions in reduced visibility, local traffic and local knowledge, limitations of bow thrusters and determining the need for tugboat assistance for docking/undocking and safe vessel speed.

After considering the results of the examination, Captain Callis moved Austin C. Capps for a raise in grade to a Charlie license (38,000 gross tons and 34 feet maximum draft), and initial license to include upon the Chesapeake Bay from Sea to Wolf Trap to include Cape Charles Anchorage and from Sea to Cheatham Annex upon the York River. Ms. Piersall seconded the motion which was unanimously approved by Messrs., Mme. and Captains: Anseeuw, Avery, Behm, Callis, Chisman, Coleman, Collins, McDermott, and Piersall.

Matthew C. Morse answered oral questions related to the raise in grade. The subjects included courses and distances from Cape Henry to Wolf Trap and from Cape Henry to Cheatham Annex, safe anchoring positions in Sewell's Point, Lynnhaven, York River and Cape Charles, anchorage regulations in the Regulated Area, quarantine anchorage, pipeline, cable and restricted areas, opening restrictions and characteristics of the George P. Coleman Memorial Bridge, rules regarding meeting Ultra Large Container Vessels and LNG vessels in York Spit Channel, Cape Charles harbor, safe anchoring distance and under keel clearance, precautions in reduced visibility, local traffic and local knowledge, limitations of bow thrusters and determining the need for tugboat assistance for docking/undocking and safe vessel speed.

After considering the results of the examination, Captain Callis moved Matthew C. Morse for a raise in grade to a Charlie license (38,000 gross tons and 34 feet maximum draft), and initial license to include upon the Chesapeake Bay from Sea to Wolf Trap to include Cape Charles Anchorage and from Sea to Cheatham Annex upon the York River. Mr. McDermott seconded the motion which was unanimously approved by Messrs., Mme. and Captains: Anseeuw, Avery, Behm, Callis, Chisman, Coleman, Collins, McDermott, and Piersall.

Director Thota arrived at 10:48 a.m.

**Arrival of
DPOR Staff**

Ms. Nobsisch informed the Board that there has been no movement at this time regarding fee adjustments.

**Regulatory
Update**

Ms. Nobsisch informed the Board that public comment for General Regulatory Review ended January 3, 2024, and there were no comments. After a brief discussion, Captain Collins moved to adopt the regulations and authorize staff to file the proposed stage. Captain Callis seconded the motion which was unanimously approved by Messrs., Mme. and Captains: Anseeuw, Avery, Behm, Callis, Chisman, Coleman, Collins, McDermott, and Piersall.

Ms. Nobsisch informed the Board that public comment for Amend the Reporting Requirements ended January 19, 2024, and there were no comments. After a brief discussion, Mr. Behm moved to adopt the regulations and authorize staff to file the final stage. Mr. Anseeuw seconded the motion which was unanimously approved by Messrs., Mme. and Captains: Anseeuw, Avery, Behm, Callis, Chisman, Coleman, Collins, McDermott, and Piersall.

Mr. Payne presented to the Board the final Major Incident Response Plan for information purposes. After a brief discussion, the Board agreed by consensus for the Major Incident Response Plan Committee to reconvene along with DPOR staff to review the plan. Captain Avery and Mr. McDermott were appointed to the committee along with the original committee members Mr. Anseeuw, Mr. Behm, and Captain Chisman. A meeting date for the committee and DPOR staff will be confirmed before the next board meeting.

**Major Incident
Response Plan
Update**

Captain Chisman informed the Board that a new contract with Acorn Care Primary & Urgent Care has been secured to provide state chemical testing of the branch pilots. Captain Chisman explained to the Board that the new provider will satisfy both federal and state comprehensive drug screening requirements.

**State Chemical
Testing**

Ms. Nobsisch stated the financial statements were provided for informational purposes.

**Financial
Statements**

Ms. Nobsisch informed the Board that Board Member Training Conference is scheduled for October 10, 2024, to October 11, 2024, at Great Wolf Lodge in Williamsburg, VA

Other Business

Director Thota informed the Board that Ms. Nosbisch was recognize for her contributions to DPOR by the Governor of the Commonwealth on March 13, 2024.

Mr. Kirschner presented to the Board a presentation on the regulatory process.

**Regulatory
Training**

Conflict of Interest forms and travel vouchers were completed by all members present.

**Conflict of
Interest Forms
and Travel
Vouchers**

The meeting adjourned at 11:56 a.m.

Adjourn

Michael Coleman, President

Kishore S. Thota, Secretary

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**Serious Incident Communications Plan
Committee of the BOARD FOR
BRANCH PILOTS MEETING
MINUTES**

The Serious Incident Communications Plan Committee of the Virginia Board for Branch Pilots met on April 30, 2024, at the Virginia Port Authority, 600 World Trade Center, Norfolk, Virginia, with the following members present:

Aaron Anseeuw
Captain E. Waightstill Avery
I. Vincent Behm, Jr
Captain J.W. Whiting Chisman, III
Michael W. Coleman
Patrick B. McDermott

Kishore S. Thota, Director, Brian Wolford, Chief Deputy Director, and Steve Kirschner, LRPD Deputy Director, were not present at the meeting with regrets.

Staff present for all or part of the meeting were:

Tom Payne, CID Deputy Director
Kate Nobsisch, Executive Director
Ecila Williams, Licensing Operations Administrator
John Robertson, IV, Communications and Digital Media Manager

Elizabeth Peay, Assistant Attorney General, was not present with regrets.

Member of the Audience included:

Bill Burket, Senior Director, Maritime Incident Response Team, Virginia Port Authority (VPA)

Mr. Coleman called the meeting to order at 1:00 p.m.

Call to Order

Mr. Burket advised the Committee of the emergency evacuation procedures.

**Emergency
Evacuation**

Mr. Behm moved to approve the agenda with an amendment for Mr. Burket's VPA Maritime Incident Response Team presentation to be presented to the Committee. Mr. Anseeuw seconded the motion which was unanimously approved by Mr. Anseeuw, Mr. Behm, Mr. Coleman, Mr. McDermott and Captains Avery and Chisman.

**Approval of
Agenda**

There was no one present for public comment.

**Public Comment
Period**

Mr. Burket shared with to the Committee a presentation regarding the VPA Maritime Incident Response Team for informational purposes.

**VPA Maritime
Incident Response
Team Presentation**

Ms. Nosbisch informed the Committee that Director Thota, Deputy Director Wolford, and Mr. Kirschner, LRPD Director send their regrets. Ms. Nosbisch informed the board that Ms. Williams is the new Licensing Operations Administrator for the Board and will be also assisting with Administrative Coordinator duties until such time the position is filled.

Announcements

The Committee began a review of the draft of the Serious Incident Communications Plan. A discussion took place regarding the Serious Incident Team, timeline for responding to a serious incident, the Serious Incident Communication Team, preparation and guidelines for public communications, and tasks at the end of a serious incident.

**Serious Incident
Communications
Plan Review**

An updated draft of the Serious Incident Communications Plan will be presented to the Board at the next board meeting.

Ms. Nosbisch suggested to the Committee that a one pager should be drafted for new Branch Pilots board members for future reference and will be presented to the Board at the next board meeting.

Other Business

Mr. Burket will present the VPA Maritime Incident Response Team presentation at the next board meeting.

Conflict of Interest forms and travel vouchers were completed by all board members present.

**Conflict of Interest
Forms/Travel
Vouchers**

There being no further business, the meeting was adjourned at 2:32 p.m.

Adjourn

Michael Coleman, President

Kishore S. Thota, Secretary

**Regulatory Review Committee of the
BOARD FOR BRANCH PILOTS
MEETING MINUTES**

The Regulatory Review Committee of the Virginia Board for Branch Pilots met on April 30, 2024, at the Virginia Port Authority, 600 World Trade Center, Norfolk, Virginia, with the following members present:

Aaron Anseeuw
Captain E. Waightstill Avery
Captain J.W. Whiting Chisman, III
Michael W. Coleman

Kishore Thota, Director, Brian Wolford, Chief Deputy Director, and Steve Kirschner, LRPD Deputy Director, were not present at the meeting with regrets.

Staff present for all or part of the meeting were:

Kate Nosbisch, Executive Director
Ecila Williams, Licensing Operations Administrator
John Robertson, IV, Communications and Digital Media Manager

Elizabeth Peay, Assistant Attorney General, was not present with regrets.

Mr. Coleman called the meeting to order at 2:41 p.m.

Call to Order

Ms. Nosbisch advised the Committee of the emergency evacuation procedures.

**Emergency
Evacuation**

Captain Avery moved to approve the agenda. Mr. Anseeuw seconded the motion which was unanimously approved by Mr. Anseeuw, Mr. Coleman and Captains Avery and Chisman.

**Approval of
Agenda**

There was no one present for public comment.

**Public Comment
Period**

The Committee began a review of proposed additional regulatory changes suggested by Mr. Haughwout, Regulatory Affairs Manager. The Committee reviewed the suggested changes and took no further action, however the Committee identified four additional changes for further consideration.

**SRRC Regulatory
Review**

There was no other business.

Other Business

Conflict of Interest forms and travel vouchers were completed by all board members present.

**Conflict of Interest
Forms/Travel
Vouchers**

There being no further business, the meeting was adjourned at 2:59 p.m.

Adjourn

Michael Coleman, President

Kishore S. Thota, Secretary

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- **Public Comment**
- **Resolution**
 - **Captain Robert H. Callis III**
- **VPA Maritime Incident Response Team Presentation**
- **Exam Administrator's Report**
- **Regulatory Update**

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Virginia Board for Branch Pilots Serious Incident Communications Plan

Purpose

The Virginia Department of Professional and Occupational Regulation (DPOR)/Virginia Board for Branch Pilots Serious Incident Communications Plan outlines the roles, responsibilities, and procedures that will guide DPOR and the Board in promptly sharing information with the appropriate channels, individuals, and departments in the event of a serious incident.

For the purposes of this plan, a serious incident is defined as an event that involves casualties (injuries to one or more individuals that result in hospitalization and/or death) and/or significant economic or environmental damage that occurred while a licensed branch pilot is conducting a vessel. The incident may prompt significant, often sustained, news coverage and public scrutiny.

Objectives

Our guiding principle will be to communicate facts as quickly as possible, updating information regularly as circumstances change, to promote safety for the Commonwealth and its citizens. Prompt communications are the most effective means to ensure public safety. It is imperative to speak with accuracy about what is known and not to speculate about unknown details.

We will use multiple means of communication to share timely information. This is especially important in the first hours and days following an incident. Our goal is to be transparent, accountable, and accessible to all audiences, while also being mindful of privacy concerns and potential legal issues.

Serious Incident Team

This team shall consist of:

- DPOR Director
- Branch Pilot Board President
- Technical Review Expert (determined by Board, mostly like Board VP)
- DPOR Chief Deputy Director
- DPOR Branch Pilots Board Executive Director
- DPOR Licensing & Regulatory Programs Deputy Director
- DPOR Compliance and Investigations Deputy Director
- DPOR Director of Investigations - Central Operations
- DPOR Director of Investigations - Field Operations
- DPOR Investigator – Tidewater Region
- DPOR Investigations – Field Supervisor
- DPOR Communications & Digital Media Manager

External Stakeholders:

Virginia Pilot Association (VPA)
Virginia Maritime Association (VMA)
Virginia Port Authority (Maritime Incident Communications Team)

The Serious Incident Team recognizes that it may have to liaison/communicate directly with federal, state, and/or local agencies, which may include, but are not limited to:

U.S. Coast Guard
U.S. Navy
U.S. Environmental Protection Agency
U.S. Army Corps of Engineers
National Transportation Safety Board
Federal Bureau of Investigation
Virginia Department of Environmental Quality
Virginia Department of Transportation

Internal Steps

DPOR's Communications Manager shall maintain an updated roster of the Serious Incident Team members, emergency contacts, and other agencies' public information officers. The Communications Manager will also maintain a first-hour emergency checklist and message communication plan.

Timeline for Responding to a Serious Incident

Branch Pilot President shall communicate a serious incident immediately to the DPOR Director and Branch Pilots Board Executive Director to determine the severity of the situation and whether to initiate this plan. Once a serious incident has been determined to have occurred, the DPOR Director or DPOR Branch Pilots Board Executive Director will:

1. Inform the communication team to address the serious incident and create holding statements.
2. Communicate with in-house staff and board members regarding the serious incident and planned communications.
3. Notify DPOR Investigation Team to start an inquiry into the serious incident and direct the DPOR Investigator to obtain a statement from the vessel master before the vessel leaves the port, to the extent possible.
4. Develop a process to communicate to external audiences and members with the serious incident communication team.
5. Ensure spokesperson preparation.
6. Update internal staff of the serious incident prior to public announcements.

7. Update the public about the serious incident.
8. After the serious incident has subsided, hold a review meeting to discuss improvements to the plan.

Serious Incident Communication Team

The DPOR Serious Incident Communication Team will handle all communications in a time of the serious incident, subject to any directives from the Secretariat or Governor's Office. The DPOR Director and Communications Manager will lead the Crisis Communication Team.

The team shall consist of:

DPOR Director
Branch Pilot Board President
Technical Review Expert (determined by the Board, likely the Board VP) DPOR Chief Deputy Director
DPOR Branch Pilots Board Executive Director
DPOR Licensing & Regulatory Programs Deputy Director
DPOR Compliance and Investigations Deputy Director
DPOR Communications Manager
Designees from the Governor's Office
State Emergency Communication Public Information Officer(s)

Communication Steps

Upon assembly the Serious Incident Communications Team, the team will proceed to:

Designate a secretary who can maintain meeting notes, to-do lists, and information files on the ongoing serious incident and other items.

Assign communicators to handle calls, speak with media, and/or speak at a press conference. Use script, key messages, and facts developed by the Serious Incident Communications Team.

Log all calls and interview requests from media.

Monitor all media regarding incident.

Keep a **list of facts**.

Release a holding statement as soon as appropriate of a confirmed serious incident via social media, press release, and website.

Cancel any off topic scheduled social media posts.

Develop several key messages to be included in all communications. All communications must be approved by the DPOR Director.

Determine who will act as head spokesperson. Generally, the DPOR Director or Communications Manager will take on this responsibility.

Determine if press conference and/or on-scene presence is needed. This can be determined by severity of the incident, access to the scene and public or media presence.

Coordinate with other responding agencies (local law enforcement, state police, DEQ, Virginia Attorney General's Office, Virginia Secretary of Labor's Office, Governor's Office, Virginia Department of Emergency Services, Virginia Secretary of Public Safety and Homeland Security, and/or federal agencies like the U.S. Coast Guard, U.S. Navy, EPA, or Department Homeland Security) if needed.

Issue press release and updates as the incident develops.

Preparation and Guidelines for Public Communications

The spokesperson is designated by the DPOR Director and the Serious Incident Communications Team. The spokesperson will be responsible for responding directly to the public in real time. The spokesperson will be prepared and guided by the Serious Incident Communications Team and will be expected to represent DPOR. The serious incident will prepare sample Q&A statements for the spokesperson and prepare them for public speaking, particularly for news/televised interviews. This also includes preparation for quotes and press releases.

Location:

The Serious Incident Communications Team headquarters for any serious incident will be at the DPOR Office and must be approved by the Director. Some situations may require a communication from the field or scene of a serious incident, or from the Virginia Port Authority. This will be determined by the Serious Incident Communications Team and approved by the DPOR Director.

End of Serious Incident

The DPOR Director will determine when a serious incident has subsided and that routine communication processes can resume. Within one business week of the end of the serious incident, the Serious Incident Communications Team will convene to review performance and discuss ways to improve the Serious Incident Communications Plan. The recommended actions will be summarized in an after-action report that will be presented to the DPOR Director.

**Department of Professional and Occupational Regulation
Statement of Financial Activity**

**Board for Branch Pilots
954190**

2022-2024 Biennium

March 2024

	March 2024 Activity	Biennium-to-Date Comparison	
		July 2020 - March 2022	July 2022 - March 2024
Cash/Revenue Balance Brought Forward			2,258
Revenues	0	5,040	4,800
Cumulative Revenues			7,058
Cost Categories:			
Board Expenditures	1,326	4,751	6,806
Board Administration	20	255	278
Administration of Exams	0	0	0
Enforcement	0	1	1
Legal Services	1	8	145
Information Systems	19	184	192
Facilities and Support Services	4	90	4,657
Agency Administration	13	119	190
Other / Transfers	0	0	0
Total Expenses	1,382	5,408	12,268
Transfer To/(From) Cash Reserves	(1,430)	0	(6,155)
Ending Cash/Revenue Balance			945

Cash Reserve Beginning Balance	12,899	0	17,623
Change in Cash Reserve	(1,430)	0	(6,155)
Ending Cash Reserve Balance	11,469	0	11,469

Number of Regulants

Current Month	39
Previous Biennium-to-Date	42

Department of Professional and Occupational Regulation
 Supporting Statement of Year-to-Date Activity
 Board for Branch Pilots - 954190
 Fiscal Year 2024

	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Fiscal YTD Charges	Planned Annual Charges	Current Balance	Projected Charges at 6/30	Projected Variance Favorable (Unfavorable)	
																	Amount	%
Board Expenditures	0	3	422	451	2	1,032	147	1	1,326	0	0	0	3,385	4,665	1,280	4,506	159	3.4%
Board Administration	13	12	18	6	13	20	8	14	20	0	0	0	124	201	77	155	46	22.9%
Administration of Exams	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Enforcement	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Legal Services	0	0	0	0	0	0	140	1	0	0	0	0	141	3	-138	188	-185	-6007.4%
Information Systems	5	13	10	7	8	10	2	20	19	0	0	0	94	113	19	123	-10	-8.9%
Facilities / Support Svcs	3	3	4,576	2	3	18	3	2	4	0	0	0	4,614	53	-4,561	6,152	-6,099	-11528.6%
Agency Administration	9	9	15	5	10	14	4	8	13	0	0	0	87	124	37	109	15	11.9%
Other / Transfers	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Charges	29	41	5,041	472	37	1,093	303	46	1,382	0	0	0	8,444	5,158	-3,286	11,232	-6,074	-117.8%

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- **Other Business**
 - **Board Member Training Conference-
October 10-11, 2024, Williamsburg, VA**
 - **New Board Member Information Sheet**
- **Conflict of Interest Forms /Travel Voucher**
- **Adjourn**

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