BOARD MEETING MINUTES

Board Members Present

Jennifer Ferrera Schmid, President, Public Member Dave Connolly, Vice President, Public Member Captain Einar Nyborg, Pilot Member John Schneider, Wet Cargo Industry Member (arrived at 9:39 A.M.) Benjamin De Alba, Assistant Secretary for Rail and Ports, represented the Secretary of the California Transportation Agency

Board Members Absent

Captain George Livingstone, Pilot Member David Hoppes, Dry Cargo Industry Member Vacant, Public Member

Staff Present

Allen Garfinkle, Executive Director Roma Cristia-Plant, Assistant Director Dennis Eagan, Board Counsel Luis Cruz, Staff Services Analyst

Public Present

Knute Michael Miller, Past Board President; Captain Joseph Long, Port Agent and San Francisco Bar Pilot (SFBP) President; Ray Paetzold, SFBP Business Director-General Counsel; Mike Jacob, Pacific Merchant Shipping Association (PMSA) Vice President and General Counsel; Dr. Alan Hobbs, San Jose State University Research Foundation; Rollie Caabay, State Lands Commission; Jerry Swanson, Pacific Maritime Association; Captains David Corbett and Casey Crowl.

OPEN MEETING

1. Call to Order and Roll Call – President Schmid

President Schmid called the meeting to order at 09:31 a.m. Staff Services Cruz called the roll and confirmed a quorum.

2. Review and approval of Board meeting minutes – President Schmid Board action to approve meeting minutes from the Board meeting held on June 22, 2017.

Board members were presented with draft minutes of the meeting held on June 22, 2017. There was no discussion by the Board or the public.

Meeting Date: July 27, 2017	Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun 660 Davis Street, San Francisco, CA 94111 BOARD MEETING MINUTES	Page 2 of 13
MOTION :	President Schmid moved to approve the minutes of the meeting held on	
	June 22, 2017. Vice President Connolly seconded the mot	•
VOTE:	YES: Schmid, Connolly, Nyborg and Schneider.	
	NO: None.	
	ABSTAIN: None.	
ACTION:	The motion was approved.	

3. President Announcements and Activities – President Schmid Announcement of events affecting Board business since the last Board meeting.

President Schmid announced that Commissioner Schneider is stepping down as Chairman of the Board's Finance Committee and that Commissioner Hoppes has agreed to fill the vacancy. She thanked Commissioner Schneider for his service to the Finance Committee.

4. Board Member Announcements and Activities – Board Members Reports by Board Members having Board business-related activities since the last monthly Board meeting or planned prospectively.

There were no announcements made.

5. Directors' Report – Executive Director Garfinkle/Assistant Director Cristia-Plant

A) Correspondence and activities since the Board meeting held on June 22, 2017.

Executive Director Garfinkle reported on the correspondence and activities since the Board's June meeting as follows:

- On June 30, 2017, Board staff received correspondence from Richard Ascheris, Port Director for the Port of Stockton, informing the Board that the Stockton Board of Commissioners re-appointed the following individuals as qualified Pilots for the Stockton Port District: Captains Alden, Cloes, Fawcett, Haggerty, Hurt, Johnson, Laakso, McCloy, Miller, Pate and Robinson. In a separate action, the Stockton Board appointed Captain Orrin Favro as a qualified Stockton Pilot.
- On July 5, 2017, Board staff received the Independent Accountant's Report from the California State Controller's Office (SCO), applying the agreed-upon procedures to the review of surcharges collected on the Board's behalf by the San Francisco Bar Pilots during the calendar year 2016. The SCO auditors found no exceptions while performing the agreed-upon procedures review.
- On July 6, 2017, Board staff received a copy of the *Pacific Maritime* magazine for July 2017, which contained an article entitled *Piloting Ships in Restricted Visibility*, authored by Los Angeles Pilot John Betz.

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- On July 13, 2017, he attended the Harbor Safety Committee meeting held in Richmond, CA.
- Also on July 13, 2017, he received correspondence from John Giffin, an attorney who represented the owners of the vessel STI ST CHARLES, who shared that the actual cost of the repairs resulting from the unintended contact of the vessel with the Shell Martinez pier was \$11,901.42, rather than \$40,000 initially estimated.
- On July 18, 2017, Board staff received a copy of the *Confidential Hazardous Incident Reporting Program (CHIRP) Maritime Feedback* newsletter, Issue 47-05/2017, wherein the details of an un-mooring operation in Africa, where the tugs began moving the vessel off the dock prior to all lines being cast off, were listed.
- Lastly, on July 19, 2017, Board staff received the PMSA's West Coast Trade Report for July, 2017. The lead story, titled California's Schizophrenic Zero-Emission Goals Signal Abandonment of Its Sustainable Freight Action Plan, was authored by Mike Jacob.

B) Report on pilot licensing matters in the past month and current month.

Executive Director Garfinkle reported on the following pilot licensing matters:

- Between the May and June Board meetings, Board staff renewed the licenses of Captains Hurt, Fawcett, Cloes, Carr, Manes, D'Aloisio, Kenyon, Larwood, Long, Miller, Nyborg, and Slack.
- Since the June Board meeting, Board staff renewed the licenses of Captains Alden, Haggerty, and Merritt.

C) Report on Board surcharges.

Executive Director Garfinkle reported the Board received a check from the SFBP for \$193,297.26 for the month of June 2017's surcharge revenues as follows:

•	Board Operations Surcharge:	\$113,309.26
•	Continuing Education Surcharge:	\$ 3,820.00
•	Trainee Training Surcharge:	\$ 76,168.00

D) Report on legislative activities and contractual matters.

Assistant Director Cristia-Plant reported there was no legislation report. She reported the following on contractual matters:

• Board staff and the SFBP have executed the third six-month emergency contract, covering the time period from 07/01/2017 through 12/31/2017. Board staff continue to work with the SFBP on the new 5-year contract.

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- The two existing Commission Investigator contracts have been amended to now expire 12/31/2017. The California Highway Patrol (CHP) will work on issuing an Invitation for Bid to procure new long-term Commission Investigator contracts.
- CHP has completed a contract budget amendment to the California Department of Transportation interagency agreement. The contract amount remains the same at \$46,000 for three years. However, the budget amendment will allow for easier invoice processing.
- CHP contract staff have provided conflicting guidance on whether or not the Board could enter into an interagency agreement with the California Public Employees' Retirement System (CalPERS) to retain an actuary to update the 2009 actuarial study of the San Francisco Bar Pilot Pension Plan. Board Staff contacted DGS and confirmed that an interagency agreement will not be possible. As such, Board staff will work with CHP to issue an Invitation for Bid to retain an actuary.
- CHP also continues to work on contract procurement documents to retain CPA services for the Pilot Pension Plan. CHP does not have an estimated contract completion date. In the interim, Board staff continue preparing the monthly pension plan reports and the quarterly pension surcharge calculations.
- Board staff are still awaiting a determination from CalHR if the two entities can enter into an interagency agreement for trainee drug testing under CalHR's master drug testing contract. CalHR staff have provided an update that its legal staff have nearly completed its review of the matter, and will finalize a legal opinion in the near future.

6. Port Agent's Report – Captain Joseph Long

A) Monthly report on San Francisco Bar Pilots (SFBP) pilot availability and absences.

For the month of July 2017, Port Agent Long reported that Captain Epperson has been not fit for duty since January 17, 2017, and that Captain Pinetti has been not fit for duty since February 27, 2017.

Port Agent Long reported the SFBP continually monitors the dispatch list for possible 12 hour minimum rest period (MRP) exceptions, and if the potential exception is likely to result in a rest period of less than 10 hours, mitigating measures are employed by the SFBP. He reported that these measures include, but are not limited to, suspending continuing professional development protocols, cancelling scheduled meetings, cancelling previously granted compensating time off requests, suspending SFBP internal working rules, or calling in off-watch pilots.

He reported that there are currently 59 licensed pilots. Additionally, he reported that there were 20 MRP exceptions in June, and that the shortest rest period was 9.3 hours.

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B) Monthly report on SFBP ship piloting business activity.

Port Agent Long reported the following:

- The P/V GOLDEN GATE returned to service on July 25, 2017, after the completion of a variety of services including a new coating system on the topsides, spot preparation and paint on the freeboard areas, a new cooling system, and several other maintenance and repair items.
- The P/V CALIFORNIA was out of service for two days for deck recoating warranty work.
- As of July 25, 2017, the EAGLET was no longer chartered once the P/V GOLDEN GATE was back in service.

Port Agent Long reported the billed vessel moves in June 2017:

٠	Bar Crossings:	547 Moves
•	Bay Moves:	121 Moves
٠	River Moves:	64 Moves
•	Total Moves:	732 Moves
•	Gross Registered Tons (GRT)	30.2 Million

He reported that when comparing year-to-date 2017 vessel move data with the same year to-date period in 2016, total moves were up 1.5% and GRTs were down 1.5%.

Port Agent Long confirmed for Vice President Connolly that the SFBP will soon begin internal discussions concerning the replacement of the P/V GOLDEN GATE.

Port Agent Long reported the following 2017 second quarter diversity outreach efforts by members of SFBP's Diversity Committee and other SFBP members:

- Gave a presentation on piloting, tides, currents, and the use of tide books to students attending Summer Academic Enrichment Program at the California State University Maritime Academy (CMA), a SFBP–sponsored program.
- Met with T. Robinson from McClymonds High School in the Oakland School District, and discussed development of a maritime program. Discussion topics included curriculum development, guest speakers, and field trips for the African-American Male Achievement program (AAMA).
- Made plans to follow up with the Organization of Black Maritime Graduates (OBMG) for guidance and assistance with outreach programs.
- Attended the Women's International Shipping & Trading Association (WISTA) annual general meeting in Long Beach, CA, on May 18-19, 2017. Met with Marja van Pietersom of the Maritime Institute of Technology and Graduate Studies/Pacific

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Maritime Institute (MITAGS-PMI) to discuss their outreach program to recruit women and minority candidates for PMI's workboat school. Met with Pegeen Mulhern, Salish Sea Expeditions, which provides marine and Science, Technology, Engineering and Math (STEM) education to students in grades 5-12. Conferred with Caitlin Hardy of Foss/Saltchuk on its outreach program.

- Conducted a follow up meeting/conference call with local WISTA representatives Jolene Rice and Cheryl Morris to further pursue possible joint outreach efforts at high school, college, and professional organizations, including possible connection with Girls, Inc.
- Conducted a follow up meeting with Dean Wendy Higgins at CMA regarding plans for outreach efforts at CMA for the fall semester.
- Held follow up meetings in Seattle, WA, with Salish Sea Expeditions' President and Executive Director and discussed their outreach program.
- Continued outreach and mentoring of women serving in maritime command positions intending to take the 2017 or future Pilot Trainee Training Program selection exams.
- Attended continued periodic meetings with San Francisco Port Commission President W. Adams and discussed outreach and mentoring efforts and opportunities.

C) Monthly confidential written report of SFBP pilots who have been absent for medical reasons (AFMR) presented to Board. The Board may go into closed session to discuss contents of the Port Agent's confidential report as authorized by Harbors and Navigation Code § 1157.1.

There was no discussion of the confidential written report of pilots who have been absent for medical reasons. There was no closed session discussion of this item.

7. Pilot Evaluation Committee – Captain George Dowdle

A) Report on the Pilot Evaluation Committee (PEC) meeting held on July 19, 2017.

In the absence of PEC Chairman Captain Dowdle, Executive Director Garfinkle presented the PEC report as follows:

- The PEC met on July 19, 2017.
- All trainees were interviewed individually in closed session.
- The five current trainees include: Captains Alfers, Vogel, McNamara, Greger, and Burchard. Their time in the program ranges from 3 days to 16 months.
- The two newer trainees are continuing to test for their Federal Pilotage endorsements.
- There is one trainee on evaluation status.
- All trainees continue to progress, and one trainee is not meeting the required benchmarks.

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- The first two trainees from the 2017 trainee eligibility list are scheduled to start training on August 14, 2017.
- The PEC will next meet on August 16, 2017.

Executive Director Garfinkle confirmed for Vice President Connolly that generally when a trainee is not meeting required benchmarks, it is due to the trainee taking time off to study and test for their Federal Pilotage license endorsements, and that this may result in the trainee falling below minimum jobs per month threshold.

B) Possible PEC recommendation to place one or more Pilot Trainee Training Program trainees on probation, or dismiss one or more trainees from the program. Possible Board action to place one or more Pilot Trainee Training Program trainees on probation, or dismiss one or more trainees from the program.

There was no discussion or recommendation.

C) Possible PEC recommendation for a determination that a trainee has or trainees have completed the Pilot Trainee Training Program. Possible Board action to award a Certificate of Completion to a trainee who has completed the Pilot Trainee Training Program.

There was no discussion or recommendation.

D) Possible recommendation from the Executive Director for the appointment of a new pilot or pilots. Possible Board action to accept a recommendation from the Executive Director that a trainee holding a Certificate of Completion from the Pilot Trainee Training Program be licensed as a state-licensed pilot.

There was no discussion or recommendation.

8. Reported Safety Standard Violations – Executive Director Garfinkle (Reports received between the issuance of this notice and the meeting will also be reported on.)

Executive Director Garfinkle stated there were no safety standards violations to report.

- 9. Reportable Piloting Events Executive Director Garfinkle (Reports received between the issuance of this notice and the meeting will also be reported on.)
 - A) Progress report on an event involving the MV SEA PROTEUS mast's contact with the Benicia-Martinez Union Pacific Railroad Bridge while underway from Anchorage

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9 to Pittsburg on February 18, 2017. Possible Board action to grant the Incident Review Committee an extension to present the M/V SEA PROTEUS report at the Board meeting to be held on August 24, 2017.

Executive Director Garfinkle reported that the piloting event involving the M/V PROTEUS occurred on February 18, 2017, and that the 90-day date for the Incident Review Committee (IRC) report was May 19, 2017. He reported that due to a lack of a quorum, the report will be presented at the Board's August 2017, meeting, and that no vote was necessary to extend the report date.

B) Progress report of an event involving the M/V MSC KATIE bridge wing's contact with a crane wire while docking at Oakland 58 on May 4, 2017. Possible Board action to grant the Incident Review Committee an extension to present the M/V MSC KATIE report at the Board meeting to be held on August 24, 2017.

Executive Director Garfinkle reported that the piloting event involving the M/V MSC KATIE occurred on May 4, 2017. He reported that while the vessel approached the berth at Oakland 5, the bridge wing shelter framework on the vessel made unintended contact with a gantry crane wire resulting in the wire parting and minor damage. He reported that 90-day date for the IRC report is August 3, 2017, and he respectfully requested an extension of time beyond the 90-day statutory reporting timeline to present the investigation at the August Board meeting.

 MOTION: Commissioner Nyborg moved that the Board grant an extension to the Incident Review Committee to present its report on the M/V MSC KATIE event at the August 2017 Board meeting. Vice President Connolly seconded the motion.
VOTE: YES: Schmid, Connolly, Nyborg and Schneider. NO: None. ABSTAIN: None.
ACTION: The motion was approved.

10. Loss of Propulsion/Low Sulfur Fuel Report – Executive Director Garfinkle Report on loss of propulsion events arising in June 2017, as reported by the U.S. Coast Guard, including those events suspected to be due to low sulfur fuel issues.

Executive Director Garfinkle reported that according to the United States Coast Guard's San Francisco Harbor Safety Statistics report for June 2017, there were three loss of propulsion incidents, one reduction of propulsion in June, and that none of the incidents were attributed to fuel switching.

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11. Pilot Fatigue Study Progress Report – Executive Director Garfinkle/Assistant Director Cristia-Plant

Progress report on the Pilot Fatigue Study being conducted by the San Jose State University Research Foundation.

Dr. Hobbs was in attendance and presented a timeline of proposed dates for deliverables with their associated tasks and the following updates to the San Francisco Bar Pilot Fatigue Study:

- A draft literature review has been completed. The review covers fatigue management guidelines in maritime, airline, rail, and related industries.
- Preliminary analysis of dispatch records provided by the SFBP has been completed.
- Analysis of work schedules using the Sleep, Activity, Fatigue, and Task Effectiveness / Fatigue Avoidance Scheduling Tool (SAFTE/FAST) modeling program has begun. This model will be used to identify work patterns that may associated with heightened risk of fatigue.
- A draft survey has been completed with the assistance of the SFBP to refine the wording of the survey questions. Preparations have been made to conduct a trial survey with a small number of subject matter expects to ensure usability and appropriate terminology.
- An application for the San Jose State University Institutional Review Board ethics approval of the survey is in preparation.
- A set of task analysis questions with Likert sales has been compiled based on items extracted from the O*NET databased sponsored by the U.S. Department of Labor. He explained that the task analysis questions are intended to identify cognitive aspects of marine piloting that may be impacted by fatigue.

Dr. Hobbs reassured Vice President Connolly that although the literature review focuses on U.S.-based literature, researchers will not exclude any applicable information from other regions. Dr. Hobbs also clarified that the modeling programs he is working with are designed to tease out the potential periods for fatigue, and that the research team are primarily looking at start and end work times.

Commissioner Nyborg thanked Dr. Hobbs and noted the importance of keeping the Board up to date with the study. Dr. Hobbs confirmed for Commissioner Nyborg that the survey will be sent to all pilots, and is designed to not identify the respondent. Dr. Hobbs also confirmed for Mr. Jacob that it is unknown yet whether there will be sufficient participation for the use of actigraphy in the study.

Board members praised Dr. Hobbs for his work and effort relating to the Pilot Fatigue study. President Schmid then called for a short recess.

RECESS START TIME:	10:30 A.M.
RETURN TO OPEN SESSION:	10:46 A.M.

12. Report on Pilot Retirement Survey – Executive Director Garfinkle/Assistant Director Cristia-Plant

Report on the results of the most recent Pilot Retirement survey.

Assistant Director Cristia Plant reported that the semi-annual pilot retirement survey was sent to all SFBP pilots on June 15, 2017, with the survey completion date of June 30, 2017. She reported that all 59 pilots responded and completed the survey. She reported that by the end of 2019, 20 pilots responded that they will be eligible to retire, and that 11 pilots responded that they intend to do so.

13. Navigation Technology Equipment and Software Acquisition Update – SFBP Business Director/General Counsel Paetzold

Status report on the SFBP's navigation technology equipment and software implementation.

Mr. Paetzold provided an update on the navigation technology acquisition and implementation, and reported the new Precision Docking System equipment and software are in service and performing well. He reported that the PilotMate equipment will be retired once all E-pilots have had an adequate time to become proficient with the new technology.

He reported that work on configuring the Rosepoint software modification for the Enhanced Route Piloting System has been more time-consuming than initially expected. He stated a substantial number of portable piloting units have been configured, and familiarization training with the new equipment and software is being provided to pilots at the time of issuance. He stated that the remaining units are expected to be configured and issued to pilots over the course of the next several weeks.

14. Fee and Surcharge Recovery Actions Involving Hanjin Shipping Company – SFBP Business Director/General Counsel Paetzold

Status report on the SFBP's fee and surcharge recovery actions involving pilotage services provided to vessels operated by Hanjin Shipping Company.

Mr. Paetzold reported that since the June Board meeting, the SFBP have worked with Hanjin's bankruptcy trustee to meet its reporting requirements regarding the SFBP's settlements with the owners of the HANJIN GERMANY and HANJIN ITALY and related Claim Assignments.

Mr. Paetzold reported that no agreements have been reached with the owners of the remaining three ships: HANJIN SEATTLE, HANJIN UNITED KINGDOM, and HANJIN KOREA. He reported that the SFBP's claims filed in the Hanjin Bankruptcy proceedings in Korea relative to pilotage services provided to those ships remain unpaid.

Meeting Date:

Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun 660 Davis Street, San Francisco, CA 94111

July 27, 2017

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15. Pilot Trainee Training Program Selection Examination – Luis Cruz Statistical report on maritime experience of eligible applicants to the 2017 Pilot Trainee Training Program Selection Examination.

Staff Services Analyst Cruz provided a brief summary of selected data from the 2017 Pilot Trainee Training Program Selection Examination. He reported that of the 29 qualified applicants, 18 applicants had tug boat experience, 10 applicants had deep draft experience, and 1 had pilotage experience from another State jurisdiction. He reported the final Pilot Trainee Training Program eligibility list includes 8 applicants who have tug boat experience and 2 applicants have deep draft experience. He reported that for the final 10 qualified applicants, the age distribution ranged between 32 and 58 years old. He provided results from the voluntary applicant ethnicity/heritage data survey that was provided as part of the applicants reported that they were white, one applicant reported he was Vietnamese, one reported he was part of an Other Asian group, one chose not to identify his ethnicity, and 10 applicants did not answer the question. Lastly, he reported that approximately one third of the applicants voluntarily reported that they heard about the trainee selection application on the BOPC website or from a friend/word of mouth.

Executive Director Garfinkle confirmed for Mr. Jacob that the one applicant with pilotage experience did not show up for the written examination. He also stated that the implementation of the examination fee appears to have helped reduce the number of unquailed applicants from submitting an application.

16. San Francisco Bar Pilot Pension Plan Litigation – Board Counsel Eagan Status report on Craig E. Reeder vs. State Board of Pilot Commissioners litigation. The Board may go into closed session to discuss with Board Counsel any matters subject to attorney-client privilege as per Government Code §11126(e) of the Bagley-Keene Open Meeting Act.

Board Counsel Eagan stated there is nothing to report.

17. Board Discussion of Best Practices in Maritime Safety – Vice President Connolly A Board discussion of best practices in maritime safety and/or lessons learned from Incident Review Committee incident reports or other sources, and possible directions to staff to develop safety policies and procedures. Possible Board action to direct staff to develop maritime safety policies and procedures.

Vice President Connolly commented about the article *Piloting Ships in Restricted Visibility*, authored by Captain Betz, and inquired if the SFBP followed similar precautions when piloting during instances of restricted visibility. Port Agent Long confirmed that the SFBP applies fog

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safety measures, including appropriate speed reduction. He noted that traffic is prohibited if visibility is one half mile or less.

Vice President Connolly also referred to the Allianz Global Corporate & Specialty Safety and Shipping Review 2017 report provided to the Board members that reviewed the trends and developments in shipping losses and safety, and the CHIRP Maritime FEEDBACK article entitled Safety When Handling Tugs, and stated that the Board is bound to risk mitigation. Additionally, he requested to defer a further discussion of these three articles to the Board's Pilot Safety Committee.

18. Incident Review Committee incident report on the M/V SEA PROTEUS - President Schmid

A presentation of the Incident Review Committee report on the event involving the MV SEA PROTEUS mast's contact with the Benicia-Martinez Union Pacific Railroad Bridge while underway from Anchorage 9 to Pittsburg on February 18, 2017. Board deliberation and decision with respect to possible pilot error. Board determination with respect to further actions, if appropriate. The Board may go into closed session for the deliberation of the incident report presented under this item pursuant to Harbors and Navigation Code §1180.6(a) and Government Code §11126(c)(3).

Due to a lack of quorum, this agenda item was postponed to the August Board meeting.

19. Incident Review Committee incident report on the M/V MSC KATIE - President Schmid A presentation of the Incident Review Committee report on the event involving the MV MSC KATIE bridge wing's contact with a crane wire while docking at Oakland 58 on May 4, 2017. Board deliberation and decision with respect to possible pilot error. Board determination with respect to further actions, if appropriate. The Board may go into closed session for the deliberation of the incident report presented under this item pursuant to Harbors and Navigation Code §1180.6(a) and Government Code §11126(c)(3).

The Board granted an extension of the presentation of this report to the August Board meeting under agenda item 9.

20. Public comment on matters not on the agenda.

Mr. Jacob commented that it was determined that the Finance Committee did not need to meet in August since the Pilot Boat Surcharge will cease to be collected once the P/V DRAKE loan is paid off. Mr. Paetzold handed out a summary of 2017 pilot boat surcharge monthly collections that reflected, with surcharges on hand, the outstanding boat loan will be paid off approximately mid-September.

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21. Proposals for additions to next Board meeting agenda.

There were no additional proposals for the next Board meeting agenda.

22. Adjournment.

MOTION :	President Schmid moved to adjourn the meeting. Vice President Connolly
	seconded the motion.
VOTE:	YES: Schmid, Connolly, Nyborg and Schneider.
	NO: None.
	ABSTAIN: None.
ACTION:	The motion was approved. The meeting was adjourned at 11:27 A.M.

Submitted by:

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Allen Garfinkle, Executive Director