

I. CALL TO ORDER

Mike Hickey called the meeting to order at 11:30 AM.

II. ROLL CALL

Tom McGee conducted roll call with the following members present:

| | |
|--------------------|-------------------|
| Quincy Boyce | Maryanne Guichard |
| Kathy Brohawn | David Guilbeau |
| Bruce Buckson | Bill Hastback |
| Bob Connell | David Heil |
| Bill Dewey | Mike Hickey |
| Paul DiStefano | Lori Howell |
| Robin Downey | Bill Kramer |
| Bill Eisele | Ken Moore |
| David Fyfe | Debbie Rouse |
| Steve Fleetwood | Larry Simns |
| Spencer Garrett | Keith Skiles |
| Johnathan Gerhardt | Al Sunseri |
| Terri Gerhardt | Tommy Ward |

The following members were absent:

Donna Garren
Gregg Pallaske
Rob Wittman

Executive Office staff, Committee chairs, regulatory members, industry members, and others were also present.

III. MINUTES OF MAY 7, 2009 MEETING

Mike Hickey advised that approval of the referenced minutes had been deferred at the Board's meeting on October 19, 2009 until today. A motion was made by Johnathan Gerhardt and seconded by Bill Kramer that the Board approve the May 7, 2009, minutes as written. The motion carried with a voice vote by the Board.

IV. INTRODUCTORY COMMENTS

A. Chairman Mike Hickey

[Note: No introductory comments by the Chairman at this meeting.]

B. FDA

Paul DiStefano commented that FDA, as an agency, wanted to go on record that the agency was highly disappointed in the action voted on today by the Conference. He stated that FDA feels they have worked as well as they can with the Conference to maintain a good working relationship. FDA feels that there is a danger in what transpired today and has cast a shadow on this Conference relative to its pursuit of molluscan shellfish safety. Ken Moore added that this issue will be discussed later during the meeting as an agenda item.

C. **NMFS**
Spencer Garrett gave a brief update on recent NMFS activities including staffing and the budget situation.

D. **EPA**
[Note: No introductory comments by Bill Kramer at this meeting.]

V. **PROGRAM CHAIRMAN'S REPORT**

A. **2009 Executive Board Meetings**

B. **2011 Biennial Meeting**

Ken Moore advised the Board that the Executive Office will begin looking at sites for the Spring Board meeting. The Board will be notified by the Executive Office of possible locations and asked for input. As requested by Spencer Garrett, cost of travel will be considered when selecting a location.

VI. **COMMITTEE REPORTS**

A. **Executive Committee**

1. **Grant Updates**

Ken Moore reported on the status of the following grants and the balance of available funds in each. Board members were furnished copies of grant applications and related progress reports. The Board will be receiving a copy of a proposal from the Executive Office outlining some programs that ISSC is going to try to put together to make these monies available to the industry probably with a one-to-one match helping the industry develop types of post harvest technology to further reduce illnesses associated with *Vv*. The programs need to be begin fairly soon. The program will be shared with the Board prior to implementation. No action by the Board was required.

- a. FDA Cooperative Agreement
- b. FDA Carryover Funds
- c. FDA Shellfish Safety Assistance Project
- d. FDA *Vibrio* Illness Reduction Program
- e. Small Conference Grant

2. **Financial Statement**

Ken Moore advised that a copy of the ISSC Financial Statement had been distributed to the Board members and in accordance with the ISSC Constitution, Bylaws, and Procedures posted on a bulletin board outside of the ISSC Executive Office. No action by the Board was required.

3. **2010 Budget**

Tom McGee explained to the Board that the 2010 budget reflected eight (8) months of actual revenue and (4) months of projected revenue based on the assumption of a grant award from FDA next year. Spencer Garrett asked that approval of the 2010 budget be deferred until after the Board's executive session. A motion to defer approval of the budget was made by Robin Downey and seconded by Kathy Brohawn. The motion carried with a voice vote by the Board.

[Note: Mike Hickey asked that the record reflect Bill Kramer's request to include the prior year's budget with this item in the future and Robin Downey's request that the budget be submitted to the Board for consideration prior to the meeting if possible.]

4. 2010 Membership Fees

Ken Moore asked that Board members refer to the 2010 Membership Application furnished in the Board materials. Ken advised that prior approval by the Board to incorporate a two-year individual membership fee into the conference registration fee had worked very well. A motion was made by Johnathan Gerhardt and seconded by David Heil that the Board approve 2010 membership fee of \$60.00 for individuals and \$600.00 for States. The motion carried with a voice vote by the Board.

5. 2010 Work Plan

Ken Moore advised that the 2010 ISSC Work Plan distributed to Board members for review would be effective January 1, 2010. Tom McGee asked for comments from the Board and Ken suggested the Executive Office send an electronic copy to Board members for review and comments within thirty (30) days of receipt. No action required by the Board at this time.

B. *Vibrio* Management Committee

Due to time constraints, Ken Moore asked that the Board have a discussion under this agenda item as a follow up to Opening Session motion deferred regarding what the Board should do to address the request that FDA made in the Opening Session.

Lori Howell reported that all VMC recommendations were submitted to Task Force II.

A lengthy discussion followed:

Lori Howell: Looking for some definite direction from the Executive Board on what the Board wants the VMC to do next spring and then again next fall when the VMC convenes. FDA asked the VMC to do a number of things, to consider the goal, to consider the effectiveness of the plans when they are implemented, to consider whether or not they will be enforceable even when they are implemented. The VMC will need to evaluate the effectiveness next fall.

Ken Moore: Read portion of the motion discussed at the Monday Board meeting and deferred until today's meeting. "...It was further moved that the Executive Board be directed in its first meeting of the Biennial Meeting to discuss with FDA the impacts and concerns associated with their approach to implementing a reformulated policy on the control of *Vv* and the implications that this action will have on the future relationship between the USFDA and the ISSC.

In the closing session of the General Assembly, Kirk Wiles made a motion that a letter be written. Ken suggested that in that letter the ISSC articulate that the actions that were taken by the Voting Delegates today were not intended to interfere with things FDA had suggested should be cooperatively achieved by FDA and ISSC. The purpose of taking no action on the recommendation to delay the control plan was simply to allow the Gulf States to implement *Vv* controls for the 2010 harvest season. The Conference had spent a lot of time developing

these controls. The Voting Delegates felt the Conference should continue its efforts to implement those controls and keep the Plan in place. The Conference felt that to delay action it would give the perception that the Conference never intended to take action.

Kirk Wiles: Last year the Gulf States spent considerable time and resources developing controls to address *Vibrios*. Walking away from those controls would be irresponsible. To hold those controls in conveyance could have a negative public health impact.

Ken Moore: Voting Delegates needed to give some direction to VMC regarding evaluation of the effectiveness of those controls at the end of next year. This evaluation will give the Conference a chance to discuss with FDA the ineffectiveness of controls. There will be opportunity to share the information from the economic assessment regarding the impacts that other controls would have. There is nothing to interfere with the ISSC continuing to work with FDA to determine whether the Conference wants to assist FDA in its reformulation policy on *Vv*.

Paul DiStefano: The change in FDA policy will not go away. FDA was clearly of the understanding that the actions taken by the VMC and accepted by the Task Force would carry through as recommended at the General Assembly. There were significant changes that took place on that floor today.

Ken Moore: Suggested the two things as mutually exclusive – sees these two things working together and would like that expressed in letter to FDA. Letter will clearly acknowledge that we expect FDA to submit a proposal. It will go to VMC for consideration and the Board can appropriately act on it. Discussion was clear that the Voting Delegates were comfortable with VMC and Board making decision instead of a special meeting in 2010. The letter will encourage FDA to submit a proposal as soon as possible. The purpose of the vote was to have controls in place next year to reduce *Vv* illnesses. Conference should be commended for not delaying implementation. Voting Delegates should be applauded for choosing to save lives next year (communicate to FDA).

Maryanne Guichard: Asked again for Board direction to the VMC for spring meeting. Request FDA submit that proposal and have it available at Board meeting. Proposal would be fairly straight forward. There should be a lot of work should have been done on the economic impact study by the Spring Board meeting and the Board can get a report at that time.

Robin Downey: How can economic study go forward without a proposal being submitted by FDA for a special meeting in 2010?

Paul DiStefano: Focus of EIA is not for PHP but to look at the original proposal and that is time temperature implementation.

Ken Moore: Ken said if you want to make a motion to make sure that the economic assessment impact study being conducted covers both FDA's proposal and the impacts that 00-201. The study could compare 60% and 100% PHP. Evaluating impact of PHP 60% versus 100% is just the application of PHP. Complete mandate as suggested by FDA would be 100% application.

The stated motion was so moved by Robin Downey and seconded by David Guilbeau.

Further discussion followed:

Paul DiStefano: ISSC needs to be clear in the FDA letter what the direction of this Conference will be.

David Fyfe: Requested that the Board review the draft letter prior to sending the letter to FDA.

Robin Downey: Asked that the motion be restated.

Ken Moore: The motion is: Make sure that the economic assessment impact study being conducted will assist both FDA's interest and the Conference's interest relative to the control of Vv.

The motion carried with a voice vote by the Board.

[Note: Spencer Garrett asked that NOAA be provided an opportunity to provide funding assistance for economic assessment study.]

Robin Downey requested that another west coast industry representative be appointed to the Cost Benefit Economic Analysis Workgroup. Ken responded that the Executive Office would take care of adding her recommended person.

1. The following items of the *Vibrio* Education Subcommittee report was submitted to the Board:
 - a. Continue its efforts to improve and enhance Vv education.
 - b. ISSC Executive Office continues to distribute educational materials as available.
 - c. Request the ISSC Executive Office continue to print Vv brochures in English and Spanish and Physician Fact Sheets to provide to states to assist them in their Vv education activities.
 - d. Consider effective ways to communicate information to harvesters and dealers regarding risks associated with post harvest growth of *Vibrio parahaemolyticus*.
 - e. ISSC Executive Office will develop video and brochures when funds are available.
 - f. Request the ISSC Executive Office continue to print Vv brochures in English and Spanish and Physician Fact Sheets to provide to states to assist them in their Vv education activities.
 - g. The *Vibrio* Education Subcommittee will develop a new work plan when they receive direction from the *Vibrio* Management Committee.
2. Vv Illness Review Subcommittee

Lori Howell advised that the Subcommittee recommended that the findings of the *Vibrio vulnificus* Illness Review Subcommittee be accepted. The Subcommittee found that 17 cases in 2007 met the criteria and 13 cases in 2008 met the criteria. After adjusting for population changes, the illness rate reduction was calculated to be 35.2% from the baseline period.

C. Education Committee

Ken Moore advised the Board that there is overlap between the Education Committee and the *Vibrio* Education Subcommittee and recommended merging the *Vibrio* Education Subcommittee with the Education Committee. There were no objections from the Board.

Other recommendations for consideration were as follows:

1. Expand ISSC website to include links to Biotoxin websites (WHOI, UFL, NOS)
2. Add to ISSC website links to MOUs with foreign countries.
3. Use Twitter, UTube and other new communication technologies to educate.
4. For future committee meetings investigate use of "GOTOMEETING" "WEBINAR", "POLICOM".
5. To reach processors, dealers, distributors give presentation and share booth (NOAA or FDA) at Boston Seafood Show.
6. Survey dealers, processors and regulators to find out what kind of educational materials they need/want.
7. Consider a "Shellfish School" similar to Florida Oyster School as an educational tool.
8. Suggest states require education for certification (Maine example).

No action was taken by the Board.

D. Biotoxin Committee

Keith Skiles presented the Biotoxin Committee report and recommendations to the Board. The Committee recommended that they continue to provide guidance and recommendations to the ISSC Executive Board concerning Biotoxin issues. The Committee feels that more areas could be harvested if improved rapid detection methods for biotoxins were available for use in Biotoxin control programs. Promising new methods for rapid detection of biotoxins are being developed that may be very helpful to managers of Biotoxin control programs. There continues to be a need for new laboratory methods for Biotoxin analysis into the NSSP. The Committee also recommended that the Committee continue support for the evaluation and incorporation of new laboratory methods for Biotoxin analysis into the NSSP. The Committee will provide a summary of current Biotoxin information for posting on the ISSC Website and a compiled list of web links will be provided to the Executive Office for incorporation into the ISSC website. These recommendations did not require any action by the Board.

E. Foreign Relations Committee

David Fyfe presented the Foreign Relations Committee report to the Board. The Committee recommended that the Board request information from FDA on the status of a special agreement with New Zealand. A motion was made by David Heil and seconded by Bill Hastback that the Board request this information from FDA and relay to the Foreign Relations Committee. The motion carried with a voice vote by the Board. The Committee requested an update on the status of Proposal 07-303. Ken Moore advised that this proposal had been discussed in Task Force III and explained that action had been delayed due to more pressing matters. Ken said that a report will be provided to the Board at the 2010 Spring Board meeting.

F. Communications Committee

Bob Connell presented the Communications Committee report to the Board as information. Bob reported that the Committee will continue to implement ongoing activities from previous committee assignments including development and distribution of a description of ISSC communication capabilities. He said the ISSC web site provides a complete description of the Conference's communication capabilities. The Committee recommended that the Executive Office post a message on the ISSC web site stating that if your name is not listed on the membership list, then check with the Executive Office regarding the status of your account. The Committee also recommends that a copy of the receipt for payment be sent directly to the member's email address. The Committee also recommended that the ISSC Executive Office explore options for committees to collaborate online with presentations and document editing.

G. Import Assessment Committee

Ken Moore presented the Import Assessment Committee report. Ken said the Committee will continue its efforts in identifying effective steps for addressing concerns associated with shellfish imported from non-MOU countries. The Committee discussed ways to continue communicating with each other and with FDA to keep abreast of import issues that affect various states. Several members expressed concern regarding importers ability to continue to bring in product from non-MOU countries. FDA indicated that the Food Safety Enhancement Act (HR 2749) would give FDA more ability to monitor and reject imports that affect public health. No action required by the Board.

H. Laboratory Methods Review Committee

Ken Moore advised that all of the Laboratory Methods Review Committee recommendations had been addressed by the task forces. He said there was no action before the board associated with any recommendations of the Committee.

I. Laboratory Quality Assurance Committee

Ken Moore advised that the Committee had several items that required Board action.

1. The Committee recommended that the ISSC Executive Board appoint a workgroup to review the current format of the checklists on the ISSC Website and that the workgroup report their findings to the Laboratory Quality Assurance Committee via email and conference calls which will be coordinated by the ISSC Executive Office. The Committee will report to the Executive Board with revisions to the checklists posted on the website. A motion to approve the recommendation was made by David Heil and seconded by Bill Hastback. The motion carried with a voice vote by the Board.
2. The Committee recommended that the ISSC Executive Board charge the Committee to review the SLV Protocol for Acceptance of a New Method for compliance with quality assurance requirements and specifically when a developer of a newly accepted method by the ISSC is required to submit a checklist for the method to the Laboratory Quality Assurance Committee for review. A motion to approve the recommendation was made by Lori Howell and seconded by Maryanne Guichard. The motion carried with a voice vote by the Board.
3. The Committee recommended that the ISSC Executive Office make available on the ISSC website the step-by-step procedures for newly accepted lab methods for use in the NSSP. Ken said that the Executive Office would need to have discussions with the

Committee on how to best accomplish this task. A report will be presented to the Board at the 2010 spring meeting.

4. The Committee recommended the Laboratory Quality Assurance Committee become a subcommittee of the Laboratory Methods Review Committee. A motion to approve the recommendation was made by Maryanne Guichard and seconded by Lori Howell. The motion carried with a voice vote by the Board.

J. Patrol Committee

Bruce Buckson reported to the Board that the Patrol Committee discussed several items and identified the following issues that could potentially impact the NSSP or should be brought to the attention of the Executive Board.

1. Shellfish Gardening - The Patrol Committee is not recommending any changes to the Model Ordinance. The Patrol Committee recommended this issue be highlighted as an emerging issue which could have fiscal impacts on the patrol authority and requested funding source recommendations. It also recommends that the Education Committee consider this issue.
1. Pre-dawn harvest of shellfish in the Gulf of Mexico - The Patrol Committee did not recommend any changes to the Model Ordinance. The Patrol Committee recommended this issue be highlighted as an emerging issue which could have fiscal impacts on the patrol authority and requested funding source recommendations.
2. Budget cuts and shortfalls – The Patrol Committee thought it important to advise the Executive Board of the potential reduction of enforcement capabilities as a result of budget cuts and shortfalls.
3. 2009 PEER Review and discussion – The Patrol Committee acknowledged the success of the coordinated effort to use consistent patrol evaluation criteria.
4. Budget cuts and shortfalls / ISSC attendance – The Patrol Committee recognized that some members were not able to attend due to state budget constraints. Several members of the Patrol Committee did take advantage of the ISSC's funding assistance to attend the meeting and the committee hopes such funding assistance will be available in the future.
5. Vessel Monitoring Systems (VMS) – The Patrol Committee informed the Executive Board of this enforcement tool for maintaining compliance with shellfish regulations. Several states are implementing regulations mandating the use of VMS in certain situations. It is important to understand implementation of a VMS is costly.

K. Research Guidance Committee

Rob Rheault reported that the Committee had been tasked with ranking the following proposals and estimating the cost for each.

1. No. 07-200 ~\$50,000
2. No. 05-202 approximately 50% more than the 2001 economic impact study. This will be addressed by Economic Impact Analysis Work Group.
3. No. 05-203 approximately same as 2001 economic impact study. This will be addressed by Economic Impact Analysis Work Group
4. No. 05-201 has no merit and is too expensive.

The Committee discussed other research priorities to consider:

1. Basic research to look at host response relationships with viruses/bacteria and mechanisms of binding and sequestration.
2. Need for tools to differentiate virulent from benign strains and to identify environmental cues that cause toxin production of *Vv* and *Vp*.

Ken Moore advised that the Executive Office will be making recommendations to the Board about how to best use the monies available in the area of *vulnificus* and will consider the Committee's rankings. A proposal will be submitted to the Executive Board for approval. The approximate amount of funding that needs to be utilized prior to August 31, 2010 is \$90-\$120,000.

L. Shellfish Restoration Committee

Dot Leonard presented the Committee report to the Board. The Committee recommended that the ISSC consider working with restoration practitioners to develop a set of best practices to guide restoration efforts and provide public notice education. The Committee should act as advisors to the project.

Dot advised that there is still need for public health education for shellfish gardeners and restoration groups and the Committee requests that the ISSC develop educational materials about potential public health concerns for states involved in shellfish gardening and restoration. Following discussion, a motion was made by Maryanne Guichard and seconded by Lori Howell to form a workgroup to compile existing material and make that material available to Committee for consolidation into one document. Ken said the ISSC could be a repository for the collection of these materials. The motion carried with a voice vote by the Board.

Dot Leonard requested the Executive Board approve sponsorship (\$1,000) of the International Conference on Shellfish Restoration that will take place in Charleston, SC during November 17 - 20, 2010. The 2010 budget should be amended to reflect this allocation. A motion to approve the request was made by Maryanne Guichard and seconded by Spencer Garrett. The motion carried with a voice vote by the Board.

Dot will furnish PDF versions of the presentations given to the Shellfish Restoration Committee for posting on the ISSC web site.

M. Use of Press Committee

Mike Hickey presented the Use of Press Committee report to the Board. Mike advised that the Committee felt that protocols for recalls and outbreaks should be handled separately as 21 CFR 7.42 and 7.50 provides guidance on procedures to be followed in recalls but not outbreaks. A procedure for out breaks should be developed and included in the Guide. The committee will work to complete use of press protocols for inclusion in the recall guidance. The protocols should include consideration of the items listed in the Committee report on issues that should be considered by a state or federal agency on the use of the press during a recall. The Committee recommended that the Conference develop protocols that differentiate between recalls and outbreaks. A motion was made by Al Sunseri and seconded by Robin Downey that the Board approve this recommendation. The motion carried with a voice vote by the Board.

[Note: The ISSC Executive Office will furnish the presentations presented at the Use of Press meeting with FDA in Washington, DC in March 2008 to members of the Committee.]

VII. OLD BUSINESS

A. FDA Oyster Retail Study

Paul DiStefano advised that the FDA Oyster Retail Study report is under final review within FDA. Ken Moore advised that the Executive Office, at the request of FDA, had furnished a copy of the report to Board members for comment. Ken said he had discussed comments received with Andy DePaola during a conference call and the comments were incorporated into the report. Paul said that the intent after all internal review will be for FDA to publish the report in a scientific journal. [Note: Email new Board members a copy of the draft report.]

B. California Regulations

Ken Moore advised that the ISSC continues to communicate with the State of California. California has indicated they are moving forward in changing their regulations for Vv validation standards from <3 MPN to <30 MPN.

C. Pre-Dawn Harvesting Letters to States

Ken Moore advised that a pre-dawn harvesting letter had been sent to the Gulf States several of the States responding. Ken said that pre-dawn harvesting letter responses will be shared with the VMC. [Note: Share Louisiana response to pre-dawn harvesting letter with Al Sunseri.]

D. FDA Report on EU Audit

Paul DiStefano shared the FDA response letter to EU Audit. He said the EU identified 6 areas of concern. FDA received a letter last week from the EU indicating the FDA response provided was not sufficient to comply with directives related to the six (6) items identified. At the end of this year product from the US will not be recognized for acceptance in the EU. Paul will update the Board on future discussions and correspondence.

VIII. OTHER INFORMATION

A. International Conference on Shellfish Restoration

Dot Leonard presented background information on the International Conference on Shellfish Restoration Society and recommended that the ISSC become a member and provide representation to this organization. After further discussion, a motion was made by Lori Howell that the Board read the ICSR Constitution and Bylaws and put this on the agenda for the 2010 Spring Board meeting for further discussion. The motion was seconded by Maryanne Guichard and carried with a voice vote by the Board.

IX. NEW BUSINESS**A. Proposals****1. Proposal No. 05-100 Vv Risk Management Plan for Oysters Exemption**

Following discussion, a motion was made by Maryanne Guichard and seconded by Terri Gerhardt to send Proposal 05-100 to the *Vibrio* Management Committee. The *Vibrio* Management Committee will be asked to hold a conference call within the next 30 days to identify the types of information needed and who best can acquire that data. The motion carried with a voice vote by the Board.

2. Proposal No. 05-113 Recommendation No. 4 Checklist MSC

Ken Moore advised that the action recommended by the Laboratory Quality Assurance Committee is the same action taken earlier by the Board and no further action is required.

3. Proposal No. 07-107 Action Levels, Tolerances and Guidance Levels

In response to discussion, Kathy Brohawn advised that Task Force I did not adopt the recommendations of the Chemical Contamination Committee. The Task Force adopted the proposal as submitted and no further action was required by the Board.

4. Proposal No. 03-204 Shellstock Tagging of Wet Stored Shellstock

Ken Moore asked if it was the Board's intent that the Executive Director write a letter to FDA requesting FDA investigate the similarities and differences between US and other countries' systems for labeling wet stored shellfish and determine whether the differences between the systems place US firms at a competitive disadvantage. The letter will also ask FDA to report back to the Conference and include time lines for changes to approach. A motion to approve was made by Maryanne Guichard and seconded by David Guilbeau. The motion carried with a voice vote by the Board.

5. Proposal No. 09-214 Appoint Committee Time-Temperature Monitoring Devices

Ken Moore explained that this proposal requested that ISSC create an education committee with the purpose of establishing criteria, plus research and review of suitable time-temperature devices to adequately monitor the temperature of shellstock during shipping. As proposed the educational committee would also post and maintain a clearinghouse showing potential time-temperature monitoring devices on the ISSC website. Ken asked if this would be a project requiring ISSC resources to study different time-temperature monitoring devices. Ken suggested the Board appoint a committee and direct the committee to review this proposal and make specific recommendations regarding how the ISSC should go about addressing the proposal. A motion to adopt Ken's recommendation was made by Maryanne Guichard and seconded by Johnathan Gerhardt. The motion carried with a voice vote by the Board.

6. Proposal No. 07-303 Guidance on Equivalence Criteria for Food

Ken Moore reported to the Board that the intent of the Executive Office is to have discussions with FDA on how the ISSC can best assist FDA with this effort and a report will be submitted to the Board at the 2010 spring meeting. No action required by the Board.

7. Proposal No. 07-305 Press Releases

Ken Moore advised that action taken earlier by the Board on the Use of Press Committee report had addressed this proposal. No action required by the Board.

8. Resolution No. 09-001 Educational Outreach Common Carrier Association

A motion was made by Maryanne Guichard that Resolution 09-001 be handled by the same committee appointed to address Proposal 09-214. The motion was seconded by Johnathan Gerhardt and passed with a voice vote by the Board.

B. Executive Board Officer Election

Bill Eisele, Chair of the Nominating Committee, made a motion nominating Mike Hickey as Chair and Keith Skiles as Vice Chair of the ISSC Executive Board for another term. The motion was seconded by Maryanne Guichard and carried with a voice vote by the Board.

C. Other New Business

Al Sunseri made a request that a draft of Board minutes be furnished to Board members for review at least thirty (30) days prior to the Board meeting as well as a draft agenda for the upcoming meeting.

Paul DiStefano advised the Board that he had received a request for a transcript of the Opening General Assembly session and asked how this would be handled. Ken Moore responded that requests would be honored in a manner to be determined. A motion was made by Maryanne Guichard to have a recording available in appropriate format for the Opening General Assembly and a written transcript and/or recording for the Closing General Assembly. The motion was seconded by Al Sunseri and carried with a voice vote by the Board.

X. EXECUTIVE SESSION

The Chair entertained a motion made by Maryanne Guichard and seconded by Paul DiStefano that the Board go into Executive Session. The motion carried with a voice vote by the Board. A motion was made by Maryanne Guichard and seconded by Paul DiStefano that the Board reconvenes in Open Session. The motion carried with a voice vote.

A. PICC Law Suit

The Executive Board received an update on the PICC legal matter and no action was required.

B. 2010 Budget

Steve Fleetwood made a motion to accept the budget as submitted. The motion was seconded by Lori Howell, and carried with a voice vote by the Board.

C. Personnel Matters

1. The Executive Committee recommended that Ken Moore phase out of the Executive Director position. He will continue to offer guidance and assistance to the current Assistant Executive Director as needed to allow Tom McGee, Acting Executive Director to continually increase his role in managing the Executive Office. The target date for this transition will be the Spring Executive Board Meeting in 2010, or sooner. In the interim Ken Moore will be available as needed on request.

A motion to adopt the recommendation was made by Lori Howell and seconded by Al Sunseri. The motion carried with a voice vote by the Board.

2. The Executive Committee will meet bi-weekly with the Acting Executive Director to provide oversight and review performance.

A motion to adopt the recommendation was made by Lori Howell and seconded by Maryanne Guichard. The motion carried with a voice vote by the Board.

3. The Executive Committee will provide monthly updates via conference calls on the operations of the Executive Office and progress of the transition to the Executive Board.

A motion to adopt the recommendation was made by Lori Howell and seconded by Paul DiStefano. The motion carried with a voice vote by the Board.

4. The Executive Board will make a decision no later than at the spring 2010 meeting as to whether to hire Tom McGee as Executive Director, and if so, to determine his salary.

A motion to adopt the recommendation was made by Lori Howell and seconded by Maryanne Guichard. The motion carried with a voice vote by the Board.

5. The Executive Board recommended that the salary of Tom McGee be increased by \$5,000 effective November 15, 2009, and that the salary of Ken Moore be decreased by \$5,000 effective November 15, 2009.

A motion to adopt the recommendation was made by Lori Howell and seconded by Maryanne Guichard. The motion carried with a voice vote by the Board.

XI. ADJOURN

A motion to adjourn the meeting was made by Maryanne Guichard and seconded by Johnathan Gerhardt. Mike Hickey declared the meeting adjourned at approximately 4:30 PM.