

Minutes Open Session	Monthly Board Meeting	Date: April 25, 2013
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Board members present

RADM. Frank Johnston, Vice President
RADM. Jack Brooks, Commissioner
Capt. Steve Roberts, Commissioner
Mr. Dave Connolly, Commissioner
Capt. Joe Long, Commissioner
Mr. John Schneider, Commissioner
Gabor Morocz, Ex Officio Member
Designee of the Secretary of the Business Transportation and Housing Agency

Staff present

Allen Garfinkle, Executive Director
Dennis Eagan, Board Counsel
Kelly Dolcini, Staff Services Analyst
Sigrid Hjelle, Office Technician

Others present

Capt. Pete McIsaac, Port Agent

Public present

Past President Mike Miller, Ray Paetzold, San Francisco Bar Pilot (SFBP) Capt. Einar Nyborg, General Chester Ward, MD, MPH, John Cinderey, David Stephens, Roy Mathur, and Scott Adams.

1. Call to order and roll call

The meeting was chaired by Vice President Johnston, who has been acting as President in the absence of an elected president. Vice President Johnston called the meeting of the Board to order at 9:30 a.m.

2. Approval of minutes of the March 28, 2013 and April 4, 2013 Board meetings

Commissioner Roberts moved to approve the March 28, 2013 minutes. Commissioner Schneider seconded the motion. Commissioner Connolly pointed out a clerical change to the minutes and asked that Commissioner Roberts rephrase the motion to reflect it. Commissioner Roberts moved to approve the minutes with clerical changes. Commissioner Schneider seconded the motion, which passed unanimously.

Commissioner Connolly moved to approve the April 4, 2013 minutes with clerical changes. Commissioner Roberts seconded the motion, which passed unanimously on a voice vote.

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3. **Announcements**

There were no announcements.

4. **Board member activities**

Vice President Johnston announced that he had attended the April 9, 2013 meeting of the Maritime Security Council. He also attended the April 10, 2013 Change of Command ceremony on Yerba Buena Island where Capt. Gregory Stump succeeded Capt. Cynthia Stowe as the Captain of the Port.

Mr. Morocz reported that Mr. Garfinkle had attended a Directors Meeting in Sacramento at which the BOPC was commended by the Secretary for its handling of the April 4, 2013 hearing regarding the M/T OVERSEAS REYMAR.

5. **Executive Director's report**

Executive Director Garfinkle reported that he attended the Change of Command ceremony on Yerba Buena Island. He also reported that he had audited the week-long session of the continuing education Combination Course, held at California Maritime Academy for the first time.

Mr. Garfinkle then reported on notable correspondence received by staff since the February 2013 meeting.

It was announced that SFBP Capt. David Chapman had completed the bridge resource management course ordered by the Board in response to the incident involving the M/T OVERSEAS TAMPA in the vicinity of the Richmond Long Wharf.

The Board received a check for \$92,780.80 for surcharges collected by the SFBP, which broke down as follows:

Board Operations Surcharge: \$23,497.80

Continuing Education Surcharge: \$55,335.00

Trainee Training Surcharge: \$13,948.00

Between the February and March Board meetings, staff renewed licenses for Capts. Aune, Bridgman, Martin, Melvin, Pate, Pinder, and Kirk. Since March, the Board has renewed licenses for Capts. Livingstone and Gabe.

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Ms. Dolcini gave the report on contractual matters. She described the contracts that Board staff have recently completed and are currently working on. These include an extension of the manned model training contract, and several revolving around the anticipated 2014 trainee program entrance exam.

Vice President Johnston responded to PMSA's letter of April 4, 2013, which challenged the Board's authority to go into closed session for deliberation of IRC reports. He thanked PMSA Vice President Mike Jacob for his letter and gave assurances that the Board would consider the matter.

6. Port Agent's report

Capt. McIsaac reported that there are currently six pilots Absent for Medical Reasons (AFMR). He reported that there had been nine Minimum Rest Period exceptions since the March meeting, largely due to the combination of a large number of pilots who were AFMR and others who were attending the Combination Course training. He also reported on billed vessel moves during the month in February and gave an update on Pilot Boat maintenance and repairs.

7. Pilot Evaluation Committee

Capt. Nyborg reported that there are currently three trainees in the pilot trainee training program, all of whom are progressing well. He advised the Board that the Pilot Evaluation Committee (PEC) will recommend that one of the trainees be made a pilot in the coming months.

8. Reported safety standard violations

There were no safety standard violations to report.

9. Reportable piloting events

On the matter of the M/V SOPHIE OLDENDORFF December 14, 2012 allision with a mooring dolphin at the Port of Redwood City, Mr. Garfinkle requested an extension until the May Board meeting. Commissioner Connolly moved to approve the extension of the M/V SOPHIE OLDENDORFF report. Commissioner Long seconded the motion, which passed unanimously.

On the matter of the M/V TANCRED, which contacted berth #2 at the Benicia Auto Terminal on January 26, 2013, Mr. Garfinkle requested an extension until the May Board meeting.

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Commissioner Connolly moved to approve the extension of the M/V TANCRED report. Commissioner Long seconded the motion, which passed unanimously.

Mr. Garfinkle reported that there had been an incident on April 23, 2013, wherein the M/V NYK LYNX, moored in Oakland Outer Harbor, experienced interaction with either or both the M/V APL TOKYO and the M/V BEAR MOUNTAIN BRIDGE. That incident is currently under investigation.

10. Rules and Regulations Committee

Commissioner Roberts reported that the Joint Rules and Regulations Committee and Pilot Fitness Committee had its meeting on April 17, 2013. Mr. Garfinkle introduced the final copy of a market survey prepared by the U.C. San Francisco, which assessed the potential cost of the proposed pilot fitness regime. Past President Miller had analyzed the market survey data and prepared a report on the fiscal impact, which will be attached to the regulatory package. He thanked Ms. Hjelle for her assistance in gathering the data.

Commissioner Connolly commended the sophisticated analysis and asked specific questions about the numbers involved. He remarked that it is important to view the data in light of the new medical regime and the impact it could have on pilot manning levels.

ACTION: Motion duly made by Commissioner Connolly, seconded by Commissioner Roberts and carried to unanimously approve adding the market survey and the fiscal impact report to the regulatory package.

11. Pilot Fitness Committee

The independent Committee has not met recently. The business of the Pilot Fitness Committee was discussed under the heading of the Rules and Regulations Committee.

Commissioner Roberts thanked everyone who had been involved for their hard work on the new fitness regulations.

12. Low Sulfur Fuel Report

Mr. Garfinkle pointed out the table of loss of propulsion incidents related to fuel switching, which had been provided by Capt. Jeff Cowan of the California Fish and Game Office of Spill Prevention and Response. He enquired of the Commissioners and audience if they had any questions. There were none.

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13. Continuing Education Committee

There was no report.

14. Report of the Attorney General's Office

Mr. Eagan reported that oral arguments in the matter of PMSA v. BOPC and Capt. Pete McIsaac in his capacity as Port Agent are set for June 19 or 20, 2013.

In the Matter of the accusation against SFBP Capt. Guy Kleess, Mr. Garfinkle reported that an accusation had been filed and a 60-day extension had been granted to the original 40 days in which to have the hearing. A hearing date has not yet been set. Commissioner Roberts stated that he would like the Board to sit as the trier of facts in this case, rather than an administrative law judge (ALJ) sitting alone. There was a discussion of the procedure for this stipulation and the possibility that the specialized knowledge of pilotage might be lost if an ALJ made the recommendation rather than the Commissioners hearing the case in full.

15. Board Officer elections

Vice President Johnston called for an officer election. He reminded the board members that the officer election was postponed from the March 28, 2013 meeting.

ACTION: RADM Brooks moved to elect RADM Johnston president of the Board. Commissioner Connolly seconded the motion. The motion was carried by a unanimous voice vote, electing RADM Francis Johnston as president of the Board.

ACTION: Commissioner Roberts moved to elect Commissioner Connolly as vice president. Commissioner Long seconded the motion. The motion was carried by a unanimous voice vote, electing Commissioner David Connolly as Vice President of the Board.

It was noted that the board officer terms are for two years.

16. Board Committee Structure, membership in Committees

President Johnston had polled Commissioners for interest in Committees and created a new committee structure based on the structure suggested by Past President Miller. There was a brief discussion and clerical changes were noted on membership in the committees. Commissioners approved of the committee structure and membership with clerical changes. President Johnston asked for finalizing the rosters and implementing the changes.

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17. Public comment on matters not on the agenda

Past President Miller asked a question regarding the retirement survey, which was duly answered by Commissioner Roberts.

18. Proposals for next month's agenda

There were no proposals for next month's agenda.

19. Adjournment

The meeting adjourned at 11:22 a.m.

Allen Garfinkle, Executive Director

Prepared by: Kelly Dolcini