

<p><b>Meeting Date:</b>  <b>January 28, 2016</b></p>	<p><b>Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun 660 Davis Street, San Francisco, CA 94111</b></p> <p><b>BOARD MEETING MINUTES</b></p>	<p><b>Page 1 of 15</b></p>
--	---	----------------------------

**Board Members Present**

RADM. Francis Johnston, President, Public Member  
 Dave Connolly, Vice President, Public Member  
 Captain George H. Livingstone, Pilot Member  
 Captain Joe Long, Pilot Member  
 Jennifer Ferrera Schmid, Public Member  
 John Schneider, Wet Cargo Industry Member  
 Benjamin De Alba, Assistant Secretary for Rail and Ports,  
 representing the Secretary of the California State Transportation Agency (CalSTA)

**Board Members Absent**

Vacant, Dry Cargo Industry Member

**Staff Present**

Allen Garfinkle, Executive Director  
 Roma Cristia-Plant, Assistant Director  
 Dennis Eagan, Board Counsel  
 Kelly Dolcini, Staff Services Analyst  
 Sigrid Hjelle, Office Technician

**Public Present**

Port Agent Peter McIsaac; San Francisco Bar Pilots (SFBP) Business Manager-General Counsel Ray Paetzold; SFBP Captain Randall Pinetti; Past Board President Knute Michael Miller; Rex Clack, Esq.; and Rollie Caabe and Cesar Bartolome of the State Lands Commission.

**OPEN MEETING:**

**1. Call to Order and Roll Call – President Johnston**

President Johnston called the meeting to order at 9:30 a.m. Staff Services Analyst Dolcini called the roll and confirmed a quorum.

**2. Review and approval of Board meeting minutes – President Johnston**

**Board action to approve Board meeting minutes from the meeting held on December 17, 2015.**

Board members were presented with the minutes of the meeting held on December 17, 2015, for approval. Board Counsel Egan stated he provided staff some technical, non-substantive changes. There was no discussion and no public comment.

<b>Meeting Date:</b>  <b>January 28, 2016</b>	<b>Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun 660 Davis Street, San Francisco, CA 94111</b>  <b>BOARD MEETING MINUTES</b>	<b>Page 2 of 15</b>
---	--	---------------------

**MOTION:** Commissioner Livingstone moved to approve the minutes of the meeting held on December 17, 2015. Vice President Connolly seconded the motion.

**VOTE:** YES: Johnston, Connolly, Livingstone, Long, Schneider and Schmid.  
NO: None.  
ABSTAIN: None.

**ACTION:** The motion was approved.

**3. Announcements – President Johnston**

**Announcement of events affecting Board business since the last Board meeting.**

President Johnston congratulated Port Agent McIsaac on being selected president of the American Pilots’ Association.

**4. Board Member Activities – Board Members**

**Reports by Board Members having Board business-related activities since the last monthly Board meeting or planned prospectively.**

There were no reports from Board members.

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

**A) Correspondence and activities since the Board meeting held on December 17, 2015.**

Executive Director Garfinkle reported on correspondence received by the Board since the December Board meeting as follows:

- December 18, 2015, the Board staff received a signed return on the Writ of Mandate and Complaint for Declaratory Relief. The writ states that the FPPC will take no further action to amend the Board’s conflict of interest code as instructed by the superior court, which was further confirmed in January, following the deadline for the FPPC to file an appeal of the superior court’s decision.
- December 21, 2015, Board staff received notice from the Court of Appeal, First Appellate District, that Craig E. Reeder is appealing the Superior Court judgment in favor of the Board, which denied Captain Reeder’s pension application.
- December 30, 2015, he received a letter from the Department of Finance granting the Board’s request to raise the Board Operations Surcharge from 1% of all pilotage fees, which has been the amount of the surcharge since January 1, 2013, to 2% of all pilotage fees. He further stated that while the new surcharge amount is not projected to fully fund Board operations for this fiscal year, the surcharge increase will provide an incremental step to fully funding the Board’s fiscal year operations costs while smoothing the impact to the shipping industry.

<p><b>Meeting Date:</b> <b>January 28, 2016</b></p>	<p><b>Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun 660 Davis Street, San Francisco, CA 94111</b></p> <p><b>BOARD MEETING MINUTES</b></p>	<p><b>Page 3 of 15</b></p>
---	---	----------------------------

- January 3, 2016, Board staff was provided with an article from the *Journal of Commerce* titled, “Supply chain cooperation marks beginning of trans-pacific mega-ship era.” The article described the efforts that have been made to provide support for the new classes of mega-ships.
- January 4, 2016, Board staff received an article from the *Sacramento Bee* titled “Big Ben delivers in a big way.” The article described the arrival of the BENJAMIN FRANKLIN in California and the projected impact on trade of the new class of ultra large container vessels.
- January 5, 2016, Board staff was provided with a letter to the Port Agent dated December 28, 2015, in which Alan Miciano, District Manager of General Steamship Corporation, protested the short notice of the change in SFBP’s policy requiring shipping agents to provide eight-hour notice when requesting pilots for nighttime ship movements. The letter requested the reason for the policy change, and asked if the implementation of the change could be delayed to discuss alternative solutions.
- January 12, 2016, he received a letter from Port Agent and SFBP President McIsaac detailing some of the steps the San Francisco Bar Pilots are taking to implement a Fatigue Risk Management System. These steps are the result of an SFBP self-funded study conducted by Drs. Charles Czeisler and Laura Barger, nationally recognized experts in the fatigue management field. Some of the recommendations derived from this work are:
  - Education on the principle of sleep and circadian science.
  - Revision to or enhancement of work-rest policies, including:
    - Personal responsibility by pilots to come to work rested and fit for duty, and ensuring that in the event a pilot reports he or she is fatigued, the pilot will not be penalized.
    - Limiting consecutive work hours to 13 during daytime and 9 hours during nighttime.
    - Minimum rest periods of 12 hours, or 11 hours if at least six consecutive hours are between 2200 and 0800.
    - Establish limits on total hours worked per seven-day week.
    - Work a maximum of 15 consecutive days on the board.
    - Institute pilot assignment practices to stabilize work hours and minimize uncertainty and maximize consistency particularly during nighttime hours.
- January 12, 2016, Board staff received a copy of a letter to Governor Brown from Mr. Christopher Hart, Chairman of the National Transportation Safety Board (NTSB), thanking him for his letter of November 25, 2015, wherein he responded to the NTSB recommendation M-11-19 that stated the Board should ensure that local pilot oversight organizations effectively monitor and, through their rules and regulations, oversee the practices of their pilots to promote and ensure the highest level of safety. The letter further stated Safety Recommendation M-11-19 is classified “Closed – Exceeds Recommended Action.”

<p><b>Meeting Date:</b> <b>January 28, 2016</b></p>	<p><b>Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun 660 Davis Street, San Francisco, CA 94111</b></p> <p><b>BOARD MEETING MINUTES</b></p>	<p><b>Page 4 of 15</b></p>
---	---	----------------------------

- January 14, 2016, Assistant Director Roma Cristia-Plant received word that the Board received an award at the State Agency Recognition Award ceremony for exceptional achievement in Small Business (SB) and Disabled Veteran Business Enterprise (DVBE) contracting. The goals achieved were 34% SB and 30% DVBE. The Board was also awarded an award for most improved DVBE participation for an extra small agency for increasing our DVBE utilization from .68% to 30 % in the prior fiscal year. (Executive Director Garfinkle presented President Johnston with the award and a certificate at the end of his presentation.)
- January 20, 2016, he met with two trainees, Captains Lowe and Billingsley, because each was approaching his twelfth month in the Pilot Trainee Training Program. Such meeting with trainees are routine, and are conducted to review a trainee’s performance and receive feedback on the program from the trainee’s perspective. The meeting is scheduled just prior to the end of a trainee’s twelfth month in the program to coincide with the closing of the period during which a trainee can be discharged from the program without a stated cause.
- January 20, 2016, he received a request from Captain David Chapman for a disability pension, and Board staff had begun processing the request.
- January 21, 2016, Board staff received a copy of an article from the *Journal of Commerce* titled, “Ports America, joint venture partner end Oakland lease to focus on other terminals.” The article detailed how Ports America will end its 50 year lease of terminal space to concentrate their business on the “four corners” of the United States.

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

- Between the November and December Board meetings, staff renewed the licenses of Captains Favro, Johnson, McIsaac, Ridens, Robinson, Rocci, Teague, Carlson, and Coppo.
- Since the December Board meeting staff renewed the licenses of Carlier, Kelso, Kellerman, Ruff, and Pinetti.

**C) Report on Board surcharges.**

Executive Director Garfinkle reported the Board received a check from the SFBP for \$88,397.22 for the December 2015 surcharge revenues as follows:

- Board Operations Surcharge: \$33,887.22
- Pilot Continuing Education Surcharge: \$ 3,280.00
- Trainee Training Surcharge: \$51,230.00

<p><b>Meeting Date:</b> <b>January 28, 2016</b></p>	<p><b>Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun 660 Davis Street, San Francisco, CA 94111</b></p> <p><b>BOARD MEETING MINUTES</b></p>	<p><b>Page 5 of 15</b></p>
---	---	----------------------------

**D) Report on legislative activities and contractual matters.**

Assistant Director Cristia-Plant reported there was no legislative report, and reported the following on Board contracts activity since the last Board meeting:

- Since the last Board meeting, staff has been working diligently with the California Highway Patrol (CHP) contract analyst to finalize the manned model Request for Proposal and template contract. The Request for Proposal is currently scheduled for release the end of February.
- Staff submitted a final draft of the interagency agreement with the State Controller’s Office for the SFBP pilotage and surcharge revenue audit to the CHP contract analyst this week. The State Controller’s Office anticipates conducting the 2014 and 2015 audits this spring.
- Since the last Board meeting, staff has met with staff of the California Health and Human Services Agency’s Office of Health Information Integrity (OHII). She explained that this office is statutorily required to assume leadership and oversight responsibilities for determining which health information privacy provisions of state law are applicable to state agencies conducting activities that collect private health information. She further stated that Drs. Hobbs and Flynn-Evans have provided information on medical information expected to be collected during the study, which she passed on to the OHII staff for their advice and guidance on medical information privacy matters.

Commissioner Long stated that he and Commissioner Livingstone worked closely with staff to provide the pertinent criteria for the manned model Request for Proposals document. He stated that training is a core element of the Board’s responsibilities, and that it is important to keep the standards high when selecting a pilot training facility and curriculum for the training to be meaningful. He further stated that he believes the manned model contracting process is receiving a high level of scrutiny by Board and CHP staff.

Vice President Connolly stated that safety is very important to the Board, and that the manned model training contract is a very key training contract for the Board. He also congratulated Executive Director Garfinkle on the “exceeds recommendations” response from the NTSB in regards to the Board’s efforts to address Safety Recommendation M-11-19. The Assistant Director responded to a question from Vice President Connolly, and confirmed that the Board spent approximately \$85,000 on the outside law firm that assisted the Board with the lawsuit against the FPPC.

Assistant Director Cristia-Plant also confirmed for Commissioner Schmid that the fatigue study contract is next in priority after the manned model procurement.



<p><b>Meeting Date:</b> <b>January 28, 2016</b></p>	<p><b>Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun 660 Davis Street, San Francisco, CA 94111</b></p> <p><b>BOARD MEETING MINUTES</b></p>	<p><b>Page 7 of 15</b></p>
---	---	----------------------------

thanked Port Agent McIsaac for instituting the peer review process as it related to the NTSB's review of the M/V OVERSEAS REYMAR incident. Port Agent McIsaac also confirmed for Commissioner Schmid that he uses a peer review checklist that contains standard items to be reviewed, and that although he had a demanding goal of five peer reviews a month, it likely will take him a bit longer to complete all of the peer reviews. Commissioner Livingstone stated that the SFBP peer review process is the first of its kind in the nation.

Port Agent McIsaac responded to a query from Vice President Connolly and stated that, in his opinion, the closure of the Ports of America in Oakland should not have a significant impact since the originally promised infrastructure investment did not materialize, and there currently are only three cranes that can support ultra large container vessels.

- C) Monthly confidential written report of 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 Einar Nyborg**

- A) Report on the Pilot Evaluation Committee meeting held on January 20, 2015.**

The Pilot Evaluation Committee (PEC) Chairman, Captain Nyborg, could not attend the meeting. Executive Director Garfinkle read Chairman Nyborg's written report on his behalf.

Captain Nyborg's report stated the PEC met on January 20, 2016, and individually interviewed all trainees in closed session. His report listed the current trainees in the Pilot Trainee Training Program included Captains Kasper, Hirschfeld, Lowe, Billingsley, Murray, Rubino, Cvitanovic and Epperson, that their time in the program ranges from 5-17 months, and that there are four trainees in the evaluation stage who are approaching program completion.

- B) Report on SFBP Policy Committee discussion concerning changes to policy of when trainees can train offshore in heavy weather.**

Captain Nyborg's report stated that there was serious heavy weather in December, with swells peaking on the Bar at 23 feet at a period of 17 seconds causing breaking surf to 35

<p><b>Meeting Date:</b> <b>January 28, 2016</b></p>	<p><b>Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun 660 Davis Street, San Francisco, CA 94111</b></p> <p><b>BOARD MEETING MINUTES</b></p>	<p><b>Page 8 of 15</b></p>
---	---	----------------------------

feet on the face, and that waves of enormous size will break across the entire Bar Channel even in the middle of the channel in 60 feet of water.

His report further stated that in the last 10 years or so, it has been SFBP policy to prohibit trainees from going to sea under “Barcon Red” conditions in order to limit the physical hazard the trainees are exposed to. His report included a statement that in the prior month, it was the PEC’s recommendation that this policy should change since trainees are missing the heavy weather training experience that they will need as new pilots. Captain Nyborg’s report informed the Board that the SFBP Policy Committee has amended its heavy weather trainee policy to not allow trainees with less than 135 training jobs (three months) to go to sea in Barcon Red conditions, and that after the 135-jobs mark, trainees will not be dispatched to sea with wind in excess of 50 knots.

Lastly, Captain Nyborg’s report apprised the Board that the PEC will recommend his replacement as Chairman on the Committee since he will be termed out after eight years on the committee.

- C) Possible 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 were no recommendations for a determination that a trainee has completed the Pilot Trainee Training Program.

- 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 pilot.**

There were no recommendations from the Executive Director for the appointment of a new pilot.

Captain Nyborg’s report stated that the next PEC meeting is scheduled for February 17, 2016.

- 8. Reported safety standard violations – Executive Director Garfinkle  
No reported Safety Standard Violations since the last meeting. (Reports received between the issuance of this notice and the meeting will be reported on.)**

Executive Director Garfinkle reported that there we no reported safety standard violations since the last Board meeting.

<p><b>Meeting Date:</b> <b>January 28, 2016</b></p>	<p><b>Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun 660 Davis Street, San Francisco, CA 94111</b></p> <p><b>BOARD MEETING MINUTES</b></p>	<p><b>Page 9 of 15</b></p>
---	---	----------------------------

**9. Reportable Piloting Events – Executive Director Garfinkle (Reports received between the issuance of this notice and the meeting will be reported on.)**

**A) Status report on the allision of the M/V JIANGMEN TRADER with San Joaquin River lighted marker 47 on June 27, 2015. Possible Board action to grant an extension to present the M/V JIANGMEN TRADER Incident Review Committee incident report at the February 2016 Board meeting. If an extension is requested, the delay in presenting the report will be due to heavy staff workload.**

Executive Director Garfinkle stated that the Incident Review Committee (IRC) report for this incident is complete and included as part of agenda item 18. He reviewed the timeline for the IRC investigation that was included as part of agenda item 9, and pointed out the multiple Freedom of Information Act (FOIA) requests that were deemed necessary to obtain sufficient information for this particular investigation.

Executive Director Garfinkle stated that while the IRC was prepared to present its investigation report at this meeting, the pilot’s counsel has requested a delay until next month’s Board meeting to allow him and the pilot sufficient time to review FOIA information that was recently received, and that he believes in fairness to the pilot the Board should approve a one month extension for the IRC to present its investigation report.

Board Counsel Eagan confirmed for the Board that the IRC report is complete, was provided to the Board members in the Board meeting materials, and the IRC is ready to be formally present its investigation report today. He further stated that any delay of the Board’s consideration of this investigation report is a continuance as opposed to an extension. Executive Director Garfinkle recommended that a continuance be considered as part of agenda item 18.

Commissioner Long proposed that a continuance be discussed as part of agenda item 18. President Johnston agreed and no action was taken on this agenda item.

**B) Status report on the event on December 11, 2015, involving containers lost overboard from the M/V MANOA while approaching the pilot station.**

Executive Director Garfinkle reported to the Board that the IRC investigation produced evidence that the pilot was not on the bridge at the time of the incident, nor was he conning when the containers went overboard. Therefore the IRC concluded that there was clearly no pilot error in this event, and the investigation was discontinued as an incident review. He stated that an investigation will continue into the circumstances that

<p><b>Meeting Date:</b> <b>January 28, 2016</b></p>	<p><b>Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun 660 Davis Street, San Francisco, CA 94111</b></p> <p><b>BOARD MEETING MINUTES</b></p>	<p><b>Page 10 of 15</b></p>
---	---	-----------------------------

lead to the containers going overboard, but as a safety standard violation as opposed to an incident investigation.

**C) Status report on the event on December 15, 2015, involving the assist tug VALOR landing hard on the ATB VISION/Barge 650-10 resulting in damage to the barge.**

Executive Director Garfinkle reported that this IRC investigation has been discontinued since the investigation led to the conclusion that there was clearly no pilot error and that an error was made by the tug operator. He stated the IRC received a detailed incident investigation report completed by Crowley Maritime that found the assist tug, being driven by a trainee made an error, causing the tug VALOR to land heavy while coming alongside the barge, and that there was damage to the barge hull, but no hull breach.

Lastly, Executive Director informed the Board that an incident occurred after the agenda was disseminated. On January 19, 2016, the vessel STAR LUSTER was shifting from one berth to another in the Port of Stockton, and while underway, a crane left in the boomed-up position knocked down power lines, impacting power to approximately 5,000 Pacific Gas and Electric customers. He reported that power was restored within a couple of hours, and that an IRC investigation has been initiated for this incident.

**10. Loss of Propulsion/low sulfur fuel report – Executive Director Garfinkle  
Report on loss of propulsion events arising since last meeting, including those events suspected to be due to low sulfur fuel issues.**

Executive Director Garfinkle reported that he did not attend the January Harbor Safety Committee meeting at which he collected loss of propulsion/low sulfur fuel event reports due to a conflict with a meeting at CalSTA. He will provide the December and January loss of propulsion/low sulfur fuel reports at the next Board meeting.

**11. Pilot Fitness Committee – Committee Chairman Miller  
Report on the Pilot Fitness Committee meeting held on January 14, 2016.**

The Pilot Fitness Committee (PFC) Chairman Miller reported that the PFC met on January 14, 2016, having most recently met on August 25, 2015. He reported that the PFC discussed a number of matters but took no actions and does not at this time have recommendations to forward to the Board.

He reported the PFC continued its oversight of the implementation of the new regulations concerning licensee fitness determination protocols, and the Committee heard reports from the Executive Director, Commissioner Long, and pilots in attendance of concerns with respect to certain elements of the new protocols. In addition, the Executive Director reported that the University of California San Francisco campus medical staff believe that in some

<p><b>Meeting Date:</b> <b>January 28, 2016</b></p>	<p><b>Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun 660 Davis Street, San Francisco, CA 94111</b></p> <p><b>BOARD MEETING MINUTES</b></p>	<p><b>Page 11 of 15</b></p>
---	---	-----------------------------

cases a determination of fit for duty should be rendered for a period of less than one year, permitting a review following a period of recovery, rehabilitation, or further examination. The PFC discussed the reports and agreed that it would continue the oversight items on its agendas for future meetings. It was further agreed by PFC members that after additional experience with the new protocols, the PFC likely would propose amendments to the existing fitness regulations for Board consideration.

PFC Chairman Miller reported that Executive Director apprised the Committee that the U.S. Coast Guard had published a new version of the medical history form, CG-719K, but had effectively withdrawn it because of flaws in the form pointed out by representatives of maritime unions and by the American Pilots' Association, and that the prior version of the form will be accepted until additional modifications are published. PFC Chairman Miller stated the Board's regulations mandate use of the CG-719K as part of the fitness determination process.

Assistant Director Cristia-Plant reported on the process of contracting with San Jose State University Research Foundation. The process is moving forward albeit slowly.

PFC Committee Chairman Miller stated that Commissioner Long shared with the Committee fatigue mitigation measures that resulted from the study conducted by Harvard Medical School's Work Hours, Health and Safety Group researchers at the behest of the SFBP.

Commissioner Long then reviewed for the Board the January 22, 2016, letter to Executive Director Garfinkle from Port Agent and SFBP President Captain McIsaac and discussed the fatigue mitigation recommendations identified in that letter. Commissioner Long also stated that the SFBP is implementing the fatigue measures identified in the letter during a six-month test period, and that the SFBP will then evaluate the efficacy of the implemented measures, and will consider additional measures resulting from the study in the future. He concluded by stating that it is the SFBP's desire that its pilot fatigue study complement the pilot fatigue study that will be conducted by the Board.

Vice President Connolly stated that the SFBP's fatigue mitigation measures are a remarkable step forward and the SFBP should be commended for a job well done.

## **12. Pilot Power Committee – Committee Chairman Livingstone**

### **A) Report on the Pilot Power Committee meeting held on January 19, 2016.**

The Pilot Power Committee Chairman Livingstone reported that the Committee met earlier that morning, assessed the recent pilot retirement survey results and the status of trainees in the Pilot Trainee Training Program, and recommend to the Board that two new trainees be brought into the training program on or about April 1, 2016.

<b>Meeting Date:</b>  <b>January 28, 2016</b>	<b>Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun 660 Davis Street, San Francisco, CA 94111</b>  <b>BOARD MEETING MINUTES</b>	<b>Page 12 of 15</b>
---	--	----------------------

**B) Possible recommendation from the Pilot Power Committee to Board to direct Board staff to commence contracting with one or more additional applicants for entry into the trainee training program. Possible Board action to direct staff to commence contracting with one or more applicants for entry into the trainee training program.**

**MOTION:** Commissioner Livingstone moved to approve the Pilot Power Committee recommendation that two new trainees be enrolled in the Pilot Trainee Training Program with a target start date of April 1, 2016. Commissioner Long seconded the motion.

**VOTE:** YES: Johnston, Connolly, Livingstone, Long, Schneider and Schmid.  
NO: None.  
ABSTAIN: None.

**ACTION:** The motion was approved.

**13. Board Rulemaking status report – Executive Director Garfinkle/Assistant Director Cristia-Plant/Board Counsel Eagan**

**Report on the status and progress of various Board rulemaking efforts, including the following sections in Title 7 California Code of Regulations:**

**A) Section 222 – Conflicts of Interest (add Port Agent Conflict of Interest regulation).**

**B) Section 211.5 – Commission Investigator Minimum Standards (amend minimum qualifications standards).**

**C) Section 213 – Pilot Trainees (add exam fee and clean-up of regulations).**

**D) Section 215 – Pilot and Inland Pilot Training (add fatigue management and radar navigation in low/restricted visibility training and clean-up).**

**E) Section 218 – Duties of Port Agent (amend requirement for assignments of pilots with under 12 and 18 months experience).**

Executive Director Garfinkle reported that the rulemaking package for Section 222, Pilot Conflicts of Interest, was at CalSTA for review and approval, and that the rulemaking package containing proposed regulation amendments to sections 211.5, 213, 215 and 218 have been approved by CalSTA, have been transmitted to the Department of Finance for its review of fiscal impacts, and will be sent to Office of Administrative Law prior to the Board noticing the proposed regulatory amendments to the public.

<p><b>Meeting Date:</b> <b>January 28, 2016</b></p>	<p><b>Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun 660 Davis Street, San Francisco, CA 94111</b></p> <p><b>BOARD MEETING MINUTES</b></p>	<p><b>Page 13 of 15</b></p>
---	---	-----------------------------

- 14. Report on the status of Public Records Act litigation – Board Counsel Eagan**  
**Status report on Public Records Act litigation: Pacific Merchant Shipping Association vs. BOPC and Peter McIsaac as Port Agent, Writ of Mandate. 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 was nothing to report.

- 15. Report on Board of Pilot Commissioners vs. Fair Political Practices Commission litigation initiated by the Board on March 3, 2015 – Executive Director Garfinkle/Assistant Director Cristia-Plant**  
**Progress report on Board of Pilot Commissioners vs. Fair Political Practices Commission. The Board may go into closed session to discuss with the Executive Director/Assistant Director any matters subject to attorney-client privilege as per Government Code §11126(e) of the Bagley-Keene Open Meeting Act.**

Executive Director Garfinkle reported on this item as part of his Executive Director’s report.

- 16. Report on Craig E. Reeder vs. State Board of Pilot Commissioners litigation initiated by Captain Craig Reeder on December 17, 2014 – Board Counsel Eagan**  
**Progress report on Reeder vs. Board of Pilot Commissioners. 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 reported that there is an appeal pending in the San Francisco Appellate Court, 1<sup>st</sup> District.

- 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 safety policies and procedures.**

Vice President Connolly stated that the Board has come a long way on several safety issues, and is still working on additional and updated restricted visibility training, that peer review is underway, and the Board will soon contract for a pilot fatigue study.

<p><b>Meeting Date:</b> <b>January 28, 2016</b></p>	<p><b>Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun 660 Davis Street, San Francisco, CA 94111</b></p> <p><b>BOARD MEETING MINUTES</b></p>	<p><b>Page 14 of 15</b></p>
---	---	-----------------------------

**18. Incident Review Committee incident report on the M/V JIANGMEN TRADER - President Johnston**

**A presentation of the Incident Review Committee incident report concerning the allision of the M/V JIANGMEN TRADER with San Joaquin River lighted marker 47 on June 27, 2015. 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).**

Continuing the discussion of this issue presented under agenda item 9, Executive Director Garfinkle requested the Board grant a continuance of the hearing on the IRC report to give the pilot's counsel additional time to review the IRC report and confer with his client.

**MOTION:** Commissioner Long moved to continue the hearing on the Incident Review Committee investigation report on the M/V Jiangmen Trader to the February Board meeting. Vice President Connolly seconded the motion.

**VOTE:** YES: Johnston, Connolly, Livingstone, Long, Schneider and Schmid.  
NO: None.  
ABSTAIN: None.

**ACTION:** The motion was approved.

**19. Public comment on matters not on the agenda.**

The Board members thanked Kelly Dolcini for her dedicated service to the Board over the past five years, and wished her much success in her new position with the Public Utilities Commission.

**20. Proposals for additions to next month's agenda.**

There were no recommendations for next month's agenda.

<b>Meeting Date:</b> <b>January 28, 2016</b>	<b>Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun 660 Davis Street, San Francisco, CA 94111</b>  <b>BOARD MEETING MINUTES</b>	<b>Page 15 of 15</b>
---	--	----------------------

**21. Adjournment.**

**MOTION:** Commissioner Schneider moved to adjourn the meeting. Vice President Connolly seconded the motion.

**VOTE:** YES: Johnston, Connolly, Livingstone, Long and Schmid.  
NO: None.  
ABSTAIN: None.

**ACTION:** The motion was approved. The meeting was adjourned at 10:52 a.m.



---

Allen Garfinkle, Executive Director

Prepared by: Roma Cristia-Plant