

<p>Meeting Date: November 17, 2015</p>	<p>Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun 660 Davis Street, San Francisco, CA 94111</p> <p>RULES AND REGULATIONS COMMITTEE MEETING MINUTES</p>	<p>Page 1 of 3</p>
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Committee Members Present:

Captain Joe Long, Commissioner and Committee Chairman
 Dave Connolly, Commissioner
 John Schneider, Commissioner

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:

Captain Peter McIsaac, Port Agent; Ray Paetzold, San Francisco Bar Pilots (SFBP) Business Director-General Counsel; Mike Jacob, Pacific Merchant Shipping Association (PMSA) Vice President and General Counsel; and Ricardo Martinez, Chevron.

OPEN MEETING

1. Call to Order and Roll Call.

Chairman Long called the open meeting to order at 11:52 a.m., and confirmed a quorum.

2. Approval of minutes of the September 17, 2015, meeting. (Chairman Long)

There was no discussion of or edits to the minutes.

MOTION: Commissioner Schneider moved to approve the minutes for the Committee meeting held on September 17, 2015. Commissioner Connolly seconded the motion.

VOTE: YES: Long, Connolly and Schneider.
 NO: None.
 ABSTAIN: None.

ACTION: The motion was approved.

3. Review and possibly approve draft of Rulemaking Calendar (see attached) to be submitted to the Office of Administrative Law (OAL) for publishing. Possible approval of draft Rulemaking Calendar and recommendation to Board. (Executive Director Garfinkle/Assistant Director Cristia-Plant)

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Executive Director Garfinkle reviewed the Board’s draft Rulemaking Calendar to be submitted to the Office of Administrative Law as part of its annual workload assessment process, and noted that the Board is not precluded from working on regulations not cited in the calendar. He reported that there is presently no legislation affecting the Board. Board Counsel Eagan requested an edit to Schedule B to delete “and §218,” and to change §213 to §214 for the reference to Pilot Trainees regulations on the last page.

MOTION: Commissioner Connolly moved to approve the Rulemaking Calendar to be submitted to the Office of Administrative Law as amended by Board Counsel Eagan. Commissioner Schneider seconded the motion.

VOTE: YES: Long, Connolly and Schneider.
NO: None.
ABSTAIN: None.

ACTION: The motion was approved.

4. Review and discuss, and possibly commence drafting of, amendments to 7 CCR §214 to establish regulations that address trainee resignations from the program.

Board Counsel Eagan presented proposed regulation language to add to 7 CCR §214 (i) to formally address the resignation of a trainee from the Pilot Trainee Training Program (Program). He stated the draft regulation tracks the Board’s recent action reinstating Captain Rubino to the Program at its meeting on October 19, 2015.

The Committee discussed topics that should be addressed when crafting a regulation for dealing with a trainee resigning from the training program including: length of time in the Program; Program performance; returning to the top or bottom of the eligibility list ; to extend or not the term of the trainee’s contract; whether to amend §213(J)(4) or §214(i); whether to require a trainee to disclose if he has applied to another training program; or, work with the trainee for a leave of absence rather than a resignation without an impact to the trainee’s place in the Program.

Mr. Jacob stated that the Board already has regulations that deal with trainee admission to the Program, that the Board is required to consider whether there is an available spot in the Program, and to look to the next candidate on the list to fill that spot. Board Counsel Eagan stated that the Committee and the Board could look at the issue in one of two ways—as a Program admission decision or as a Program reinstatement decision. Both Chairman Long and Commissioner Connolly commented that reinstatement and admission are two different decisions.

Mr. Jacob also commented that the Board may want to consider affirmative disclosure by the former trainee of whether or not the he has or is applying for other training programs.

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Commissioner Connolly and Mr. Paetzold commented that maybe some sort of disclosure would be a good item to consider and discuss further.

All three Committee members stated that they thought Board Counsel Eagan did a good job crafting the start of a proposed regulation on the subject. Chairman Long requested that this item remain on the agenda for further discussion at a future Committee meeting. Board Counsel Eagan requested clearer direction of which regulation section to amend--§213(J)(4) or 214(i), or to cross-reference the two sections. He also stated that a trainee's total time under contract in the Program cannot exceed three years.

5. Public comment on matters not on the agenda.

There were no public comments.

6. Proposals for additions to the next committee meeting agenda.

Chairman Long requested to keep agenda item 4 on the next Committee meeting agenda.

7. Adjournment.

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

VOTE: YES: Long, Connolly and Schneider.

NO: None.

ABSTAIN: None.

ACTION: The motion was approved and the meeting was adjourned at 1:05 p.m.



Allen Garfinkle, Executive Director