

<p>Meeting Date: April 28, 2016</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>BOARD MEETING MINUTES</p>	<p>Page 1 of 17</p>
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Board Members Present

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
 Vacant, Public Member

Staff Present

Allen Garfinkle, Executive Director
 Roma Cristia-Plant, Assistant Director
 Dennis Eagan, Board Counsel
 Sigrid Hjelle, Office Technician

Public Present

Port Agent Peter McIsaac; Ray Paetzold, San Francisco Bar Pilots (SFBP) Business Director-General Counsel; SFBP Captains George Dowdle, Richard Hurt, Dustin Slack; John Carlier, David Cvitanovic, Drue Kasper, Andrew Murray, Neil Billingsley, and Michael Rubino; SFBP Intern Daniel Tuten; Rollie Caabay, State Lands Commission; George Nowell, Esq.; Patrick O'Halloran, Vice President of Marine Operations, and Kris Kubiak, Marine Manager of OSG Ship Management, Inc.; Dr. Robert Kosnik; and, friends and families of Captains Billingsley and Murray.

OPEN MEETING:

1. Call to Order and Roll Call – Vice President Connolly

Vice President Connolly called the meeting to order at 9:30 a.m. Assistant Director Cristia-Plant called the roll and confirmed a quorum.

2. Board Officer Elections – Executive Director Garfinkle and Board Counsel Eagan

A) Explanation of rules and customs applicable to Board officer elections.

Board Counsel Eagan provided the Board members with a brief background on past Board officer election traditions, and confirmed that four votes are needed to elect an officer.

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B) Board members to elect a President of the Board. Possible Board action to elect a President of the Board.

Vice President Connolly stated that Commissioner Schmid is very qualified, and that her education and professional background are a perfect combination for the Board. There was no further discussion from the Commissioners or the public.

- MOTION:** Vice President Connolly moved to elect Commissioner Schmid as President of the Board. Commissioner Livingstone seconded the motion.
- VOTE:** YES: Connolly, Livingstone, Long, and Schneider.
NO: None.
ABSTAIN: Schmid.
- ACTION:** The motion was approved.

After the vote, President Schmid presided over the meeting.

C) Board members to elect a Vice President of the Board. Possible Board action to elect a Vice President of the Board.

President Schmid called for discussion and a motion for the election of a new Vice President of the Board. There was no discussion from the Commissioners or the public.

- MOTION:** Commissioner Long moved to re-elect Vice President Connolly as Vice President of the Board. Commissioner Schneider seconded the motion.
- VOTE:** YES: Schmid, Livingstone, Long, and Schneider.
NO: None.
ABSTAIN: Connolly.
- ACTION:** The motion was approved.

3. Review and approval of Board meeting minutes – Board President or Vice President Board action to approve Board meeting minutes from the meeting held on March 24, 2016.

Board members were presented with the minutes of the meeting held on March 24, 2016. Commissioner Long requested a minor edit to agenda item 9. There was no further discussion of the minutes and no public comment.

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MOTION: Vice President Connolly moved to approve the minutes of the meeting held on March 24, 2016, as amended by Commissioner Long. Commissioner Long seconded the motion.

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

ACTION: The motion was approved.

**4. Announcements – Board President or Vice President
Announcement of events affecting Board business since the last Board meeting.**

President Schmid discussed her education and background, stating that she graduated from the California Maritime Academy (CMA) in 1993, worked small boats and tug boats in the San Francisco Bay, worked at sea to achieve her Second Mate/1600 Ton Master’s license, has worked at the Oakland Fire Department for past seventeen years, and currently is an engineer with the department and responsible for operating the department’s fire boat. She further added that she has conducted five training cruises with CMA as an instructor, that she has been on the Board for just over a year, and thanked her fellow Commissioners for the vote of confidence. She assured the members of the Board and the public that she will be a positive spokesperson for the Board, will continue the Board’s tradition of developing challenging goals, ground-breaking policy and reforms that have had industry-wide impact over the years, and that she was very proud to be part of the Board.

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

Vice President Connolly reported that he attended a maritime roundtable meeting at CMA with Congressman John Garamendi on April 25, 2016. There were no other reports.

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

A) Correspondence and activities since the Board meeting held on March 24, 2016.

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

- On April 4, 2016, Vice President Connolly provided Board staff with a copy of a bridge poster produced by the International Maritime Pilots Association and the Marine Accident Investigators International forum on the topic of cooperation between the bridge team and the pilot.

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- On April 6, 2016, Board staff received a copy of a letter from Michael Cohen, Director of the Department of Finance addressed to State Senator Mark Leno, Chair of the Budget and Fiscal Review Committee, and State Assemblyman Phil Ting, Chair of the Assembly Budget Committee, notifying them of an amendment to the Budget Bill item to provide for an additional \$298,000 of budgetary authority to the Board for fiscal year 2016-17 to cover increased costs related to a Pilot Trainee Training Program entrance exam, pilotage rate and surcharge audits, mandated pilot medical assessments and rent.
- On April 6, 2016, Board staff sent a letter to Mark Tollefson, the Board's assigned budget analyst at the Department of Finance, requesting approval as required by statutes to raise the Board Operations Surcharge rate from the current 2% to 3%, effective July 1, 2016 as previously approved by the Board at the March meeting.
- On April 15, 2016, Board staff submitted the Board of Pilot Commissioners' 2015 Annual Legislative Report to the Legislature.
- On April 18, 2016, Board staff received an invitation to the May Day/Maritime Day celebration hosted jointly by the Marine Exchange and the Port of San Francisco. The event will be held on Thursday, May 12th at Pier 27.
- On April 20, 2016, Commissioner Schmid provided Board staff with an article titled, "Container weight Compliance to boost cost for shippers," from the *Journal of Commerce*. The article discusses how the International Maritime Organization's new weight verification requirements will impact the cost of moving goods. The new weight requirements are designed to protect ships against overloaded containers that can create unbalanced stowage and endanger vessels.
- Also on April 20, 2016, Board staff received an email from SFBP Captain Dave McCloy, notifying the staff that he had completed his medical assessment at the University of California, San Francisco Campus (UCSF), and expressed that he was impressed with how smooth the exam was, and that it took about one hour. He also noted that since the physicians use the CG 719K as a template for the assessment, it would be helpful if each licensee brought with them a CG 719k already completed with personal information. Board staff will modify the Medical Assessment Guide in the near future and add that information.

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

Executive Director Garfinkle reported the following"

- Between the February and March Board meetings, staff renewed the licenses of Captains Aune, Bridgman, Lemke, Melvin and Pate.
- Since the March Board meeting staff renewed the licenses of Captains Kirk, Livingstone, Fuller, Tylawsky and Weiss.

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C) Report on Board surcharges.

Executive Director Garfinkle reported the Board received a check from the SFBP for \$121,443.91 for the March 2016 surcharge revenues as follows:

- Board Operations Surcharge: \$68,248.91
- Pilot Continuing Education Surcharge: \$3,325.00
- Trainee Training Surcharge: \$49,870.00

D) Report on legislative activities and contractual matters.

Assistant Director Cristia-Plant reported the following legislative activities and contractual matters had occurred since the last Board meeting:

- SB 1312 (Wieckowski) was scheduled to be considered by the Senate Governmental Organization Committee on April 12, 2016, but was subsequently pulled from the agenda. Since the bill missed the deadline to be heard by the Senate's fiscal committee, it is likely that this bill is dead.
- Staff has been in contact with the State Controller's Office (SCO) to provide the SCO staff with audit information and will schedule the 2014 and 2015 pilotage and surcharge audit in the near future.
- The interagency agreement with CMA for Pilot Continuing Education Program training was completed in early April, and the 2016 class was held earlier this month.
- An executed copy of a new interagency agreement with CMA for Pilot Trainee Training Program services has been sent to the Department of General Services for review and approval. The contract effective date is July 1, 2016.
- The Request for Proposal for manned model shiphandling training was sent out on April 21, 2016. An electronic copy of proposals are due May 9, 2016. On the agenda today is an item to delegate to the Executive Director the proposal selection decision. The proposal evaluation committee will consist Assistant Director Cristia-Plant and former Board President, Knute Michael Miller.
- Board Staff are working with staff at the Department of Human Resources (CalHR) and the California Highway Patrol contract staff to finalize the edits to the interagency agreement for Pilot Trainee Training Program entrance examination support services. The projected contract start date is July 1, 2016.
- The current contract with UCSF for pilot and trainee medical services expires April 30, 2016. Contract staff at UCSF recently provided edits to a draft of a new interagency agreement prepared by Board staff. The intent is to have a May 1, 2016, hard start date for the new agreement so there is no gap between contracts.
- Board staff sent a draft of the pilot fatigue study contract to the San Jose State University Research Foundation (Foundation) contracts staff on April 7, 2016. Foundation staff are still reviewing the draft contract. Board staff are projecting to complete a contract with the Foundation before the end of the fiscal year.

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- The current contract with the SFBP expires June 30, 2016. Staff sent a draft of a new 5-year contract for surcharge and Pilot Trainee Training Program fiscal and administrative services to SFBP Business Director-General Counsel, Ray Paetzold for his review and comment.
- No work was done on a potential Pilot Pension Plan contract for CPA services since the last Board meeting. Board staff prepared the April monthly pension allocation report and will do so until the next pension plan CPA contract is in place.
- Board Staff started paperwork on a renewal contract with the California Department of Transportation for continued information technology support services. The current contract expires June 30, 2016.
- As stated at prior meetings, the California Public Employee Retirement System (CalPERS) has confirmed that the Board can utilize one of the firms in their pool of actuaries. Staff will work with CalPERS upon direction from the Board to contract with an actuary.

Executive Director Garfinkle and Assistant Director Cristia-Plant confirmed for Commissioner Long that staff are working with CMA to ensure that the next Pilot Trainee Training Program entrance exam goes smoothly, including revisiting the division of work between CMA and the Board. They also stated that Board staff are considering a small contract between the prior psychometrician and CalHR to aid the transition of this work to the new psychometric staff, and that Board staff will need to conduct advertising for the examination, and to contract with simulator evaluators.

Vice President Connolly thanked Executive Director Garfinkle for sharing the article about container weight requirements, and clarified that the article mentions a placard not a poster. He also mentioned that there appears to be varying weight measurement compliance methods, and commented that shippers tend to stuff containers to reduce shipping costs.

7. Port Agent's Report – San Francisco Bar Pilot (SFBP) Port Agent Capt. Peter McIsaac

A) Monthly report on pilot availability and absences.

Port Agent McIsaac reported Captain Coney has been absent for medical reasons (AFMR) since March 16, 2016, that Captain Burger has been AFMR from March 30, 2016, through April 21, 2016, and that Captain Burger is awaiting medical clearance from the Medical Review Officer.

Port Agent McIsaac stated that the SFBP continually monitors the dispatch list for possible minimum rest period (MRP) exceptions, and identified a variety of mitigating measures employed if circumstances are likely to result in a rest period of less than ten hours. He reported that these measures include, but are not limited to, suspending continuing professional development protocols, cancelling scheduled meetings, cancelling previously

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- The current trainees in the program include Captains Lowe, Billingsley, Murray, Rubino, Cvitanovic, Epperson, Alfes and Vogul.
- The trainees' time in the program ranges from 1 to 18 months.
- There are no trainees in the Evaluation Status, and that all trainees were progressing satisfactorily.
- In May, the PEC will recommend a replacement to the Board for Captain Dan Larwood since he is nearing the end of his second four-year term in June 2016.
- The PEC will next meet on May 18, 2016.

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 were no recommendations.

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.

PEC Chairman Captain Dowdle reported that the PEC completed its final assessment of trainee Captain Andrew Murray at its meeting on April 20, 2016, and determined that Captain Murray successfully completed all elements of Section 214 (c) and (h) of the Pilot Trainee Training Program requirements listed in the Board's regulation. PEC Chairman Captain Dowdle provided the Board with the following:

- To date, Captain Murray has a total of 592 training jobs with the SFBP—224 jobs were as observer, 365 jobs were handled or partially handled, directing the navigation and control of the vessel under the direct supervision of a pilot.
- Captain Murray has worked extensively with the PEC, acquiring 71 rides, 21 of which were in the last 90 days.
- As required by regulation, Captain Murray maintained an average score over 4.0 in each of the last 3 months during jobs with PEC members, resulting in a 3 month average score of 4.71.
- The PEC used detailed trip reports and personal observations to ensure Captain Murray demonstrated a working knowledge of the fundamentals of ship handling in each of the categories listed in subsection 214 (c) and (h) of Title 7, California Code of Regulations, and has demonstrated the skills and knowledge necessary to become a Board-licensed pilot.
- It is the determination of the PEC that Captain Murray has successfully completed the Pilot Trainee Training Program, and recommended the Board issue to Captain

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Murray, a Certificate of Completion from the Board's Pilot Trainee Training Program effective April 28, 2016.

Executive Director Garfinkle confirmed that trainee Captain Murray has completed all of the Pilot Trainee Training Program requirements. There was no further discussion.

MOTION: Commissioner Long moved to award a Pilot Trainee Training Program Certificate of Completion to Captain Andrew Murray. Vice President Connolly seconded the motion.

VOTE: YES: Schmid, Connolly, Livingstone, Long, and Schneider.

NO: None.

ABSTAIN: None.

ACTION: The motion was approved.

PEC Chairman Captain Dowdle reported that the PEC completed its final assessment of trainee Captain Neil Billingsley at its meeting on April 20, 2016, and determined that Captain Billingsley successfully completed all elements of Section 214 (c) and (h) of the Pilot Training Training Program requirements listed in the Board's regulation. PEC Chairman Captain Dowdle provided the Board with the following:

- To date, Captain Billingsley has a total of 439 training jobs with the SFBP—179 jobs were as observer, 260 jobs were handled or partially handled, directing the navigation and control of the vessel under the direct supervision of a pilot.
- Captain Billingsley has worked extensively with the PEC, acquiring 60 rides, 21 of which were in the last 90 days.
- As required by regulation, Captain Billingsley maintained an average score over 4.0 in each of the last 3 months during jobs with PEC members, resulting in a 3 month average score of 4.63.
- The PEC used detailed trip reports and personal observations to ensure Captain Billingsley demonstrated a working knowledge of the fundamentals of ship handling in each of the categories listed in subsection 214 (c) and (h) of Title 7, California Code of Regulations, and has demonstrated the skills and knowledge necessary to become a Board-licensed pilot.
- It is the determination of the PEC that Captain Billingsley has successfully completed the Pilot Trainee Training Program, and recommended the Board issue to Captain Billingsley, a Certificate of Completion from the Board's Pilot Trainee Training Program effective April 28, 2016.

Executive Director Garfinkle confirmed that trainee Captain Billingsley has completed all of the Pilot Trainee Training Program requirements. There was no further discussion.

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MOTION: Commissioner Livingstone moved to award a Pilot Trainee Training Program Certificate of Completion to Captain Neil Billingsley. Commissioner Schneider seconded the motion.

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

ACTION: The motion was approved.

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.

Executive Director Garfinkle reported to the Board that he has received an application for licensing from Captain Andrew Murray, and that all requirements for licensing have been met. He recommended to the Board that a license be issued to Captain Murray. There was no further discussion.

MOTION: Vice President Connolly moved that the Board issue a license to Captain Andrew Murray. Commissioner Long seconded the motion.

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

ACTION: The motion was approved.

Executive Director Garfinkle reported to the Board that he has received an application for licensing from Captain Neil Billingsley, and that all requirements for licensing have been met. He recommended to the Board that a license be issued to Captain Billingsley. There was no further discussion.

MOTION: Commissioner Long moved that the Board issue a license to Captain Neil Billingsley. Vice President Connolly seconded the motion.

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

ACTION: The motion was approved.

President Schmid called for a break to issue the oaths to the newly licensed pilots.

RECESS START TIME: 10:18 A.M.
RETURN TO OPEN SESSION: 10:40 A.M.

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President Schmid noted that Dr. Robert Kosnik, UCSF physician and Medical Review Officer for the Board, was available to discuss agenda item 18. She elected to next consider this agenda item to be mindful of the cost to the Board for Dr. Kosnik's time.

President Schmid then granted the members request for a closed session on agenda item 18.

CLOSED SESSION BEGAN: 10:41 A.M.

18. Presentation and discussion of a request for a disability pension from the San Francisco Bar Pilot Pension Plan by San Francisco Bar Pilot (SFBP) Captain David Chapman – Executive Director Garfinkle.

Presentation and discussion of disability pension request by SFBP Captain David Chapman.

Possible Board deliberation and finding on:

A) Whether Captain Chapman is disabled within the meaning of Harbors and Navigation Code section 1164(b).

B) If the Board determines that Captain Chapman is disabled as defined in section 1164(b), the Board must determine the date of that permanent disability.

The Board may go into Closed Session to discuss Captain Chapman's confidential medical or disability information as authorized by Harbors and Navigation Code, §1157.1.

RETURN TO OPEN SESSION: 11:35 A.M.

Board Counsel Eagan reported that the Board determined in closed session that Captain Chapman is disabled as defined within the meaning of Harbors and Navigation Code section 1164(b). He also reported that the Board determined the date of the permanent disability was March 3, 2016.

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9. 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 reported to the Board that as a result of the Pilot Boarding Arrangements Deficiency Report filed by Captain Pinetti from the M/T OVERSEAS BOSTON on March 17, 2016, which he reported on at the last Board meeting, the SFBP held discussions with OSG Ship Management, Inc. (OSG) regarding pilot ladder rigging, and that the two parties have agreed to a new standard of operation for OSG U.S. flag ships calling at San Francisco. Subject to agreement between the pilot and the master, OSG ships will use new pilot ladder equipment consisting of an accommodation ladder platform fitted with a trapdoor through which the pilot passes, and a ten foot section of pilot ladder is to be shackled to the bottom of the platform. Executive Director Garfinkle also stated that there may be certain weather conditions in which this new pilot ladder rigging will not be used. There was no further discussion of this item.

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

Status report on the event involving the M/V STAR LUSTER allision with overhead power cables in the Port of Stockton on January 19, 2016. Possible Board action to grant an extension to present the M/V STAR LUSTER Incident Review Committee incident report at the May Board meeting.

Executive Director Garfinkle reviewed the Incident Review Committee (IRC) status report and events that have occurred to date for the incident involving the M/V STAR LUSTER, and stated the incident evidence gathering phase is complete. He reported the IRC received legal input on April 12, 2016, regarding this incident from an attorney at the Department of Justice. He stated the IRC is still evaluating the evidence, and requested an extension of the due date of the IRC report. He noted the 90-day deadline date for the IRC report has passed.

MOTION: Commissioner Long moved to approve an extension of the Incident Review Committee report for the event involving the M/V STAR LUSTER until the next Board meeting on April 28, 2016. Vice President Connolly seconded the motion.

VOTE: YES: Schmid, Connolly, Livingstone, Long, and Schneider.

NO: None.

ABSTAIN: None.

ACTION: The motion was approved.

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**11. Loss of Propulsion/low sulfur fuel report – Executive Director Garfinkle
Report on loss of propulsion events arising in March 2016, including those events
suspected to be due to low sulfur fuel issues.**

Executive Director Garfinkle provided the Board with the United States Coast Guard Prevention/Response San Francisco Harbor Safety Statistics report for March 2016, and noted the report reflects that there were two loss of propulsion events, but neither event was attributable to fuel switching or the use of low sulfur fuel.

**12. 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 211.5 – Commission Investigator Minimum Standards (amend minimum qualifications standards).**
- B) Section 213 – Pilot Trainees (add exam fee and clean-up of regulations).**
- C) Section 215 – Pilot and Inland Pilot Training (add fatigue management and radar navigation in low/restricted visibility training and clean-up).**
- D) Section 218 – Duties of Port Agent (amend requirement for assignments of pilots with under 12 and 18 months experience).**
- E) Section 222 – Conflicts of Interest (add Port Agent Conflict of Interest regulation).**

Executive Director Garfinkle reported that the Omnibus Rulemaking Package covering Code of Regulations (CCR) Sections 211.5, 213, 215 and 218 is out for public comment, that the comment period expires on May 9, 2016, and that no comments have been received as of the date of the Board meeting. He further stated that staff is still working on the rulemaking package for CCR Section 222.

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13. Board delegation to Executive Director of selection and contracting authority to enter into a contract for Manned Model Pilot Continuing Education training– Executive Director

Board to consider delegating, to the Executive Director, selection and contracting authority for the purpose of selecting a manned model training provider from the Request for Proposals received, and entering into a contract with the selected provider. Possible Board action to delegate, to Executive Director, selection and contracting authority for the purposes of obtaining a Manned Model training provider for the Pilot Continuing Education and Pilot Trainee Training Programs.

Executive Director Garfinkle apprised the Board that the Request for Proposal for the manned model shiphandling services has been issued as reported on earlier in the meeting, and that to ensure that a contract has the best chance of being in place before the end of the fiscal year in time to provide training to five pilots needing training this fiscal year, Board staff recommend to the Board that the Board delegate the training facility selection decision to him. Assistant Director Cristia-Plant and past President Knute Michael Miller will comprise the proposal evaluation committee.

Commissioner Long commented that the entire process has been extremely involved and has taken much longer than anticipated. Commissioner Long confirmed for Commissioner Connolly that he worked with the staff to update the course curricula listed in the proposed contract attached to the Request for Proposal document.

Commissioner Long discussed whether or not the delegation should be for an indeterminate period, or a one-time delegation of authority, and stated that he believed a one-time delegation would be appropriate.

MOTION: Commissioner Long moved to delegate to the Executive Director the authority to select a manned model training provider from the proposals resulting from a Request for Proposal, and the authority to contract with the selected training provider. Commissioner Livingstone seconded the motion.

VOTE: YES: Schmid, Connolly, Livingstone, Long, and Schneider.

NO: None.

ABSTAIN: None.

ACTION: The motion was approved.

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14. Report on the status of Public Records Act litigation – Board Counsel Eagan

Status report on 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 that there was no report.

15. Report on the status of 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 reported that Captain Reeder has filed an opening brief, and that a response brief from the Board is due June 7, 2016.

16. Board discussion of best practices in maritime safety – Commissioner 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 commended the pilots for their peer review evaluations while underway and additional efforts towards new restricted visibility pilot training. Port Agent McIsaac responded to a query from Vice President Connolly, and stated that the pilots’ provisional fatigue mitigating work hours scheduling system is working well, and the pilots are considering different night time scheduling options, including having pilots who start working nights stay working nights. Port Agent McIsaac stated that he would keep the Board apprised of any pilot work hours scheduling changes and the results of those changes.

Vice President Connolly referred back to the bridge communication placard previously discussed as part of the Executive Director’s report, and stated that the Marine Accident Investigators’ International Forum has a casualty investigation manual that might be worthy of consideration by the IRC, and he has forwarded this information to the IRC.

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Since agenda item 17 pertained to the annual performance evaluation of the Executive Director in closed session, President Schmid announced that agenda item 17 would be moved to the end of the meeting.

19. Public comment on matters not on the agenda.

Mr. O’Halloran requested an opportunity to clarify the discussion of item 9 pertaining to the M/T OVERSEAS BOSTON ladder safety issue. He explained that when Captain Laakso boarded the M/T OVERSEAS BOSTON inbound at the pilot station, he had requested only a pilot ladder, and not the rigging of a combination pilot ladder-accommodation ladder. He further explained that upon pilot boarding at 0500, Captain Laakso advised that he would need to be relieved at 0600 due to work-rest hour restrictions, and that this short time frame did not allow sufficient time for the vessel’s crew to plan and complete permits and callouts required by OSG to rig a combination pilot ladder-accommodation ladder for the next pilot. He concluded by stating that OSG and the pilots agreed that improved communication between the pilot and a ship’s master would be a corrective and preventative action to ensure vessels are able to comply with SOLAS requirements as well as pilot work rest hours.

20. Proposals for additions to next month’s agenda.

There were no proposals for additions to next month’s agenda.

President Schmid then called for a closed session to consider agenda item 17.

CLOSED SESSION BEGAN: 12:00 P.M.

**17. Performance Evaluation of the Executive Director – Commissioner Connolly
Annual Performance Evaluation of Executive Director. The Board may go into closed session pursuant to 11126(a)(1) of the Bagley-Keene Open Meeting Act to discuss the evaluation.**

CLOSED SESSION ENDED: 12:29 P.M.

President Schmid reported out of closed session that the performance evaluation of the Executive Director was completed.

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21. Adjournment.

President Schmid called for a motion to adjourn.

MOTION: Commissioner Livingstone moved to adjourn the meeting. Commissioner Long seconded the motion.

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

ACTION: The motion was approved. The meeting was adjourned at 12:30 p.m.



Allen Garfinkle, Executive Director