

<p>Meeting Date:</p> <p>May 26, 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 14</p>
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Board Members Present

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

Board Members Absent

John Schneider, Wet Cargo Industry Member (Commissioner Schneider arrived for the meeting,
but was called away to attend to other business)
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; Mike Jacob, Pacific Merchant Shipping Association (PMSA) Vice
President and General Counsel; San Francisco Bar Pilot (SFBP) Captain George Dowdle; Rollie
Caabay and Esubio Fabia, State Lands Commission; and George Nowell, Esq.

OPEN MEETING:

1. Call to Order and Roll Call – President Schmid

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

2. Review and approval of Board meeting minutes –President Schmid

**Board action to approve meeting minutes from the Board meeting held on
April 28, 2016.**

Board members were presented with the minutes of the meeting held on April 28, 2016.
Board Counsel Eagan provided Board staff with non-substantive edits to the minutes. Vice
President Connolly questioned whether or not there was a time limit on the motion for
agenda item 13, the Board delegation to the Executive Director for the selection and

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contracting authority to enter into a contract for manned model training. Board Counsel Eagan stated that the discussion prior to the motion in the minutes is clear that the delegation was a one-time delegation. There was no further discussion of the minutes and no public comment.

MOTION: Commissioner Livingstone moved to approve the minutes of the meeting held on April 28, 2016, amended to reflect Board Counsel’s proposed non-substantive edits. Vice President Connolly seconded the motion.

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

ACTION: The motion was approved.

3. Announcements –President Schmid

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

There were no announcements by President Schmid.

4. Board Member Activities – Board Members

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

Commissioner Livingstone reported that he has been invited by *gCaptain* to be a contributing writer for the maritime and offshore news website, and that he would not receive compensation for his articles.

Commissioner Long stated that he recently had a very good experience with his annual fitness examination at the University of California, San Francisco Campus (UCSF) that was required for his annual BOPC license renewal. He stated the examination was quick and one of the most thorough he has ever had. He thanked Board staff for continuing to work with the UCSF staff to resolve contract service issues as they arise.

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

A) Correspondence and activities since the Board meeting held on April 28, 2016.

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

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- April 29, 2016, Board staff issued a press release announcing the election of Commissioner Schmid as President of the Board.
- May 3, 2016, Board staff received a copy of the SFBP and SFBP Benevolent and Protective Association Consolidating Financial Statement for the year ending December 31, 2015.
- May 3, 2016, he received a copy of the SFBP Section 237(d) data for the calendar year 2015. Section 237(d) of the Board’s regulations provides that the SFBP provide to the Board annually (or more often if directed by the Board) various shipping activity and pilot manpower data.
- May 9, 2016, Board staff received written comments from PMSA and the SFBP in response to the Board’s Notice of Proposed Rulemaking for Board regulations §§211.5 Investigator Minimum Standards, 213. Pilot Trainees, 215. Pilot Training, and 218. Duties of the Port Agent. He reported PMSA’s letter was supportive of the proposed regulations and encouraged adoption of the regulations as proposed. Further, with respect to the proposed changes to the Duties of the Port Agent, PMSA’s letter stated that PMSA has no objection to the intended outcome of the proposed regulatory amendment to this regulatory section, but did register several concerns for the record, including:
 - The Board did not review any pilot assignment data during this rulemaking.
 - The Board did not review vessel size data during this rulemaking.
 - The Board did not explore any other reasonable alternatives.
 - Without any substantive data to rely on the proposed changes are unnecessarily arbitrary.

The letter received from the SFBP indicated that the SFBP had no objection to the proposed regulatory amendments and encouraged adoption. The SFBP letter also stated the proposed amendments to §218(d)(1) Duties of the Port Agent, were necessary since pilot trainees are now routinely obtaining experience training on substantially larger vessels than the lengths listed in this regulatory section that were last amended in 2011.

- May 10, 2016, Assembly Bill 1693 was amended to include \$387,088 appropriated to the Department of Justice to pay the judgment in PMSA v. Board of Pilot Commissioners. The bill includes an urgency provision ensuring the provisions of the bill will go into immediate effect if enacted.
- May 12, 2016, Board staff received a copy of the latest version of Assembly Bill 1432, which now has been edited to authorize the Board to approve a navigation technology surcharge not to exceed a cumulative amount of \$1.2 million. He stated the surcharge revenues are to be used to recover the pilot’s costs for navigation technology hardware, software and ancillary equipment purchases approved by the Board and purchased on or after January 1, 2017. The bill states the surcharge would become inoperative on January 1, 2021.

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- May 12, 2016, he attended the Harbor Safety Committee meeting at which the United States Coast Guard (USCG) distributed copies of a Marine Safety Information Bulletin (009/16) wherein the USCG has determined that there are U.S. laws equivalent to Regulation VI/2 of the Safety of Life at Sea (SOLAS) Convention, which provides for a system for verification of container weights. The SOLAS requirement comes into effect on July 1, 2016. The bulletin indicates that the USCG determined the requirements of 29 CFR 1918.85(B) are acceptable for the purpose of complying with SOLAS.
- May 12, 2016, Board staff received a letter from Commissioner Long, Chairman of the Rules and Regulation Committee, responding to PMSA's May 9, 2016, written comments on the Board's rulemaking endeavor that included a claim that the Board's proposed regulatory amendments concerning the duties of the Port Agent were arbitrary and failed to consider vessel data or reasonable alternatives. He reported Commissioner Long's letter stated that the Rules and Regulations Committee reviewed and considered data provided by the SFBP on the number of ship calls and the size of each ship and discussed the rationale the Committee relied upon when developing the proposed amendments to the Port Agent's regulatory duties, and that Commissioner Long's letter goes on to state that PMSA's criticism of the rulemaking process and its contention that the proposed rule changes are arbitrary is unwarranted.
- May 16, 2016, the Board staff received a letter from Kristin Shelton, Program Budget Manager for the Department of Finance, stating that the Department of Finance has approved the Board's request to increase the Board Operations Surcharge from 2 percent to 3 percent effective July 1, 2016.
- May 17, 2016, the Senate Budget Subcommittee met and voted 3-0 to approve the Board's Spring Finance Letter requesting \$298,000 in expanded budget authority beginning with the 2016-17 fiscal year.
- May 18, 2016, *Bryant's Maritime Newsletter* posted a Marine Notice issued by the Australian Maritime Safety Authority titled, "Bridge Resource Management (BRM) and Expected Actions of Bridge Teams in Australian Pilotage Waters." He stated the notice covered topics including include bridge resource management and the passage plan, expectations in pilotage waters, training in the use of all equipment, human performance, and the use of standard communication phrases.
- May 20, 2016, Board staff received a copy of an article written by Commissioner Livingstone that was published on the website *gCaptain* titled, "International Shipping Crisis – What about the Professional Mariner?" The article highlights the effect the international shipping crisis of oversupply of ships and the related drop in demand on the maritime professional.
- May 20, 2016, Board staff received a copy of an article authored by Dennis Bryant titled, "Automated Skills Erosion," and published in *New Wave Media Business Navigator*. The article cites several marine casualties caused by overreliance by the bridge crew on a single electronic navigation aid, including a grounding that

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- happened due to reliance on a non-working GPS receiver, a passage plan that ran through an island, and the striking of a reef while relying entirely on autopilot to pass within one mile of the reef. He stated the point of the article was that just because electronic means of navigation are convenient, it may be negligent to ignore radar, fathometer, and other navigation means including a good lookout.
- May 22, 2016, Board staff received an article written by Carl Nolte in the *San Francisco Chronicle* about women owning and operating Westar Marine Services in San Francisco.
 - May 24, 2016, Board staff were notified that AB 1693, the claims bill, was read a third time on the Assembly floor and passed, and the bill will next move over to the Senate for consideration.

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

Executive Director Garfinkle reported the following:

- Between the March and April Board meetings staff renewed the licenses of Captains Kirk, Livingstone, Fuller, Tylawsky and Weiss.
- Since the April Board meeting staff renewed the licenses of Captains Horton, McCloy, Wehr, D'Aloisio, Fawcett, Larwood, Kenyon, Haggerty and Carr.

C) Report on Board surcharges.

Executive Director Garfinkle reported the Board received a check from the SFBP for \$102,980.97 for the April 2016 surcharge revenues as follows:

- Board Operations Surcharge: \$60,331.97
- Pilot Continuing Education Surcharge: \$2,965.00
- Trainee Training Surcharge: \$39,684.00

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:

- AB 1693 (Gonzalez) would appropriate funds from the General Fund for the payment of specific claims against the State, including the payment of \$387,088 to pay the judgment in *Pacific Merchant Shipping Association v. The Board of Pilot Commissioners*. On May 23, 2016, this bill was read for the first time in the Senate and referred to the Senate Rules Committee.
- AB 1432 (Bonta; Wieckowski) was amended on May 11, 2016, to delete all provisions and create a new statutory section for a navigation surcharge not to exceed \$1.2 million. This bill was ordered to a third reading in the Senate on May 12, 2016,

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and after being heard on the Senate floor, will be considered by a joint conference committee for concurrence of the amendments.

- SB 1312 (Wieckowski) principally called for an amendments to the pilotage rate hearing process inserting the involvement of an administrative law judge. This bill was scheduled to be considered by the Senate Governmental Organization Committee on April 12, 2016, but was subsequently pulled from the agenda. This bill is dead since the bill missed the deadline to be heard by the Senate’s fiscal committee.
- Staff has been working with the State Controller’s Office (SCO) staff to provide audit information for the audit of the pilotage rates and surcharges handled by the SFBP in 2014 and 2015. Board and SCO staff held a conference call on May 16, 2016, and an audit entrance meeting is scheduled for June 3, 2016, with the SCO and the SFBP’s Controller. The dates for the 2014 and 2015 audit will be discussed at that meeting.
- Contract staff at the California Highway Patrol (CHP) are working with the Department of General Services to get the interagency agreement with California Maritime Academy for the Pilot Trainee Training Program entrance examination services approved and fully executed. The contract is drafted to have an effective date of July 1, 2016.
- The Request for Proposal (RFP) for manned model shiphandling training was sent out on April 21, 2016. The RFP was amended twice to allow extensions of the proposal due date, and to allow for alternate electronic proposal submittal options. One proposal from Artelia Eau & Environment was received by the revised due date of May 13, 2016. The Executive Director has elected to proceed with the one proposal.
- The California Department of Human Resources (CalHR) and the Board have agreed to a final interagency agreement terms and conditions for Pilot Trainee Training Program entrance examination psychometrician services, and the agreement will be finalized in the near future. The next Trainee Program entrance examination is tentatively scheduled for mid-June 2017.
- On May 13, 2016, Board staff submitted to our CHP Contract Analyst a final draft of the interagency agreement with UCSF for pilot and trainee fitness determinations. The amount of this two-year, two month contract will be \$359,875. Board staff also submitted supporting information to CHP requesting a hard contract start date of May 1, 2016.
- Board staff have been working with contract staff at the San Jose State University Research Foundation and principal researcher Dr. Hobbs to finalize the agreement for the pilot fatigue study. A near final draft of the agreement was sent to our CHP Contract Analyst for review on May 25, 2016. Board staff are projecting to complete a contract with the Foundation before the end of the fiscal year.
- The current contract with the SFBP expires June 30, 2016. Board staff have been working with the SFBP’s Business Director-General Counsel to finalize a new 5-year contract with the SFBP for surcharge administration services, travel assistance related to the Pilot Continuing Education Program, and assistance with administering the

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Pilot Trainee Training Program. The amount of the contract has not yet been determined.

- Staff started paperwork on a renewal contract with California Department of Transportation for information technology support services. The current contract expires June 30, 2016.
- Board staff have inquired about contracting with CalHR for trainee random and incident drug testing. Board staff were made aware that CalHR has a master agreement with a firm to provide these services for state employees, and that the drug testing services can also be provided to trainees in the Pilot Trainee Training Program. CalHR has provided Board staff with the drug testing program information and an interagency agreement template. Staff will endeavor to complete an interagency agreement for these services as soon as possible.
- No work was done on a potential Pilot Pension Plan contract for CPA services since the last Board meeting. Staff prepared the April monthly pension allocation report for pension monies that were distributed earlier this month, and will continue to perform pension plan calculations until the next pension plan CPA contract is in place.
- As stated at prior meetings, CalPERS has confirmed that the Board can utilize one of the firms in its pool of actuaries. Staff will work with CalPERS upon direction from the Board to contract with an actuary.

Executive Director Garfinkle responded to a question from President Schmid and explained that the Board conducts random drug testing of trainees as part of the requirement for the trainee to maintain his federal maritime license while in the Pilot Trainee Training Program, and that trainees are also tested after an incident along with the pilot and the bridge crew. He also stated that he did not believe that UCSF could provide these services to the Board.

Commissioner Livingstone commented on the Marine Safety Notice issued by the Australian Maritime Safety Authority concerning bridge resource management and pilots, commenting that the Nautical Institute declined to re-print the same notice. He also stated that he believed that the word "challenge" as used to describe bridge team members communicating to the pilot when they believe there has been a deviation from the plan is an unfortunate choice of words. He noted that the word challenge is aggressive, implying conflict and inappropriate for the bridge of a ship. He suggested the use of the phrase "question the pilot" for situations where there is doubt.

6. 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 since March 16, 2016, and that he was placed on medical disability status effective May 18th.

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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 granted compensating time off requests, suspending SFBP internal working rules, or calling in off-watch pilots.

He reported the SFBP currently has 57 licensed pilots, and that there were 55 licensed pilots for most of April. He further reported that there were 27 MRP exceptions in April, and that the shortest rest period was 8 hours, with 5 of exceptions for river pilots being called back to work early.

B) Monthly report on SFBP ship piloting business activity.

Port Agent McIsaac reported that the P/V GOLDEN GATE was taken out of service on April 18, 2016, for major maintenance at the Bay Ship Richmond yard, and the vessel was returned to service on May 20, 2016.

Port Agent McIsaac reported the following vessel move data when compared to a three-year average for April 2016:

- Bar Crossings 542 moves/+6.1%
- Bay Moves 113 moves/-10.0%
- River Moves 46 moves/+4.0%
- Total Moves 687/+2.7%
- Gross Registered Tons (GRT): 31.3M/+11.7% year to date (YTD)

He reported that when comparing April 2016 year-to-date with the same period in 2015, total moves were up 13.1%, and GRTs were up 36%.

Lastly, he reported that the M/V ULTRA LASCAR, a lite draft bulk carrier, lost propulsion on May 20, 2016, while approaching the pilot station, and that the ship dropped anchor approximately two miles off Ocean Beach. Captain Dan Bridgeman was boarded on, and once tugs arrived, the vessel was safely towed into the bay.

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.

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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 George Dowdle

A) Report on the Pilot Evaluation Committee (PEC) meeting held on May 18, 2016.

PEC Chairman Dowdle reported that the PEC met on May 18, 2016, all trainees were interviewed individually in closed session. He reported the six current trainees include Captains Lowe, Rubino, Epperson, Cvitanovic, Alfors and Vogel, and that their time in the program ranges from 2 to 20 months. He stated that no trainees are in the evaluation stage of the program, and that all trainees are progressing satisfactorily. He stated the PEC will next meet on June 15, 2016.

B) Possible Committee recommendation to Board of a new Committee member to replace termed out member Capt. Daniel Larwood. Possible Board action to appoint new Committee member to the PEC.

PEC Chairman Dowdle reported that after two terms totaling eight years on the PEC, Captain Dan Larwood has termed out, and that during his term on the Committee, Captain Larwood has trained and recommended more than 20 new pilots for completion of the Pilot Trainee Training Program. He stated the PEC would like thank Captain Larwood for his dedicated service to the State of California.

PEC Chairman Dowdle stated the Committee deliberated extensively regarding who should fill the newly vacant seat on PEC, and recommends to the Board that Captain Larwood's position be filled by Captain Daniel Boriolo. He reported the following background information regarding Captain Boriolo to the Board:

- He graduated from the California Maritime Academy in 1983.
- After graduation, he worked on tugs and supply vessels for three years out of two Southern California ports—Port Hueneme and Long Beach.
- His work experience also included towing oil field equipment, setting mooring systems and delivering supplies to various rigs along the California coast.
- He started working for Bay Delta Tugboat Co. in 1987, doing ship assist and escort work in San Francisco.
- He worked for several other companies in San Francisco through early 1993, including American Navigation, Crowley and Exxon.
- In 1993, he returned to offshore towing with Sause Brothers Ocean Towing moving oil barges throughout the Pacific Northwest.
- In April of 1994, he entered the Board's Pilot Trainee Training Program, and was first licensed by the Board in October 1995.

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Lastly, PEC Chairman Dowdle stated the PEC unanimously recommends to the Board that Captain Daniel Boriolo fill the vacant PEC position.

President Schmid stated that she knows Captain Boriolo, and believes that he will make a good addition to the PEC. Executive Director Garfinkle expressed his gratitude to Captain Larwood for service to the PEC.

MOTION: Commissioner Long moved to approve the appointment of Captain Daniel Boriolo to the Pilot Evaluation Committee. Vice President Connolly seconded the motion.

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

NO: None.

ABSTAIN: None.

ACTION: The motion was approved.

- C) 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.

- D) 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.**

There were no recommendations.

- E) 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.**

There were no recommendations.

- 8. 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 stated that there no safety standard violations to report.

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9. 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 provided the Board with a brief review of the timeline of Investigation Review Committee (IRC) work on the M/V LUSTER incident, including that the incident took place in January, 2016, and that evidence gathering involving obtaining information from the Department of Justice took place through April, 2016. He further reported that the pilot’s counsel requested a postponement of the IRC report to the June, 2016 meeting so that he could obtain and review information he requested directly from the USCG. Executive Director requested that the Board grant the pilot’s counsel’s request for an extension of the IRC report for this incident to the June meeting.

MOTION: President Schmid 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 scheduled for June 23, 2016. Commissioner Livingstone seconded the motion.

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

NO: None.

ABSTAIN: None.

ACTION: The motion was approved.

10. Loss of Propulsion/low sulfur fuel report – Executive Director Garfinkle

Report on loss of propulsion events arising in April 2016, including those events suspected to be due to low sulfur fuel issues.

Executive Director Garfinkle provided the Board with the USCG’s Prevention/Response San Francisco Harbor Safety Statistics report for April, 2016, and noted the report reflects that there was one loss of propulsion event that was not attributable to fuel switching or the use of low sulfur fuel.

11. 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:

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- 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 comment period for the omnibus rulemaking activity involving Board regulations §§211.5, 213, 215 and 218 was May 9, 2016, and that the Board received the two responses, which he reported on in his Executive Director’s report. He stated that Board staff have not yet moved forward on a notice for the proposed regulatory changes to §222, and will do so when time permits.

Executive Director Garfinkle responded to a questions from Commissioner Long, and confirmed that staff will need to complete a Final Statement of Reasons for Board review and approval for the omnibus regulatory amendments, and that he believes the new regulations can be in place as soon as September, 2016, in time for advertising by the end of the year for the 2017 Pilot Trainee Training Program entrance examination.

Executive Director Garfinkle was queried by Mr. Jacob about Commissioner Long’s May 12, 2016 letter about the Board’s rulemaking endeavor regarding the proposed regulations impacting the Port Agent’s duties reported on as part of the Executive Director’s report. He noted that the letter was written on Board letterhead, was received outside of the timeline set forth in the Board’s notice to receive public comments, and since the comment period has expired, receipt of the letter by the Board does not afford PMSA an opportunity to respond. Mr. Jacob suggested that such additional comment outside the Board’s formal rulemaking endeavors should be part of the rulemaking process, potentially could be considered in the Final Statement of Reasons, or alternately the Board could conduct a second public comment period and include the letter in the formal rulemaking process. Mr. Jacob stated that his comments are directed to the Board about its efforts to properly follow rulemaking procedures, and are not meant to be controversial.

President Schmid commented that the Final Statement of Reasons could be an appropriate place to address Commissioner Long’s comments. Vice President Connolly commented that he did not view Commissioner Long’s letter as part of the rulemaking process.

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Executive Director Garfinkle agreed to look into the matter further to determine a fair and equitable way for all parties to submit comments through the official rulemaking process.

12. 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. Executive Director Garfinkle stated that he received a query about this agenda item from Mr. Jacob, and confirmed that since this litigation is completed, there is no need to include this agenda item on future Board meeting agendas.

13. 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 stated that the Board will file a brief for this case sometime in June, 2016.

14. 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 commented on the anchoring event involving the M/V ULTRA LASCAR and reported on earlier by Port Agent McIsaac, and stated that he rather would have seen the vessel anchored farther away from Ocean Beach. Port Agent McIsaac confirmed that the USCG determines where a ship shall anchor in such situations.

Commissioner Livingston commented that it is very important for regulatory agencies to communicate horizontally, not vertically in silos, during emergency events, and if that would have happened in the M/V ULTRA LASCAR incident, the ship's anchor would have been

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dropped immediately after the onset of loss of propulsion, placing the vessel much further from the coast.

15. Public comment on matters not on the agenda.

There was no public comment.

16. Proposals for additions to next month's agenda.

It was noted that the semi-annual pilot retirement survey needs to be disseminated in the near future, along with the scheduling of Finance, Pilot Power, and Rules and Regulation Committee meetings in June, 2016.

17. Adjournment.

President Schmid called for a motion to adjourn.

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

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

NO: None.

ABSTAIN: None.

ACTION: The motion was approved. The meeting was adjourned at 10:36 a.m.

Submitted by:



Allen Garfinkle, Executive Director