

**Board of Pilot Commissioners for the Bays
of San Francisco, San Pablo, and Suisun**

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**BOARD OF PILOT COMMISSIONERS
BOARD MEETING
MINUTES
June 28, 2012 9:30 a.m.**

OPEN MEETING:

1) Call to Order and Roll Call – President Miller

President Knute Michael Miller called the meeting to order at 9:32 a.m. Vice President Frank Johnston and Commissioners David Wainwright, John Cronin, and John Brooks were present, constituting a quorum. Business, Transportation and Housing Agency Acting Secretary Brian P. Kelly was represented by Business, Transportation and Housing (BTH) Deputy General Counsel Gabor Morocz. Members of staff present were Executive Director Allen Garfinkle, Board Counsel Dennis Eagan, and Staff Services Analyst Kelly Dolcini. San Francisco Bar Pilots Acting Port Agent Capt. Peter McIsaac also was seated at the Commission table. Commissioner Steve Roberts and SFBP Port Agent Capt. Bruce Horton were absent from the meeting and from the State of California due to Board-mandated continuing education training. Commissioner Eric Osen observed the meeting telephonically from a venue outside the State of California. He did not speak or otherwise participate in the meeting.

President Miller invited Member Morocz to introduce his colleague from the BTH Agency, Benjamin De Alba. Member Morocz introduced Mr. De Alba who serves as Special Assistant to Secretary Kelly and who, effective May 30, 2012, was designated by Secretary Kelly to serve as his alternate delegate member of the Board.

President Miller welcomed Mr. De Alba on behalf of the Board.

2) Request Approval of Minutes – President Miller

President Miller requested approval of the minutes of the May 24, 2012 Board meeting. Executive Director Garfinkle reported that Commissioner Osen had requested certain amendments be made to the draft minutes to reflect his views as stated during the May 24, 2012 meeting. Mr. Garfinkle stated that he had made those amendments to the draft minutes that were before each Board member. Commissioner Wainwright moved approval of the minutes with authority to Board staff to make clerical, non-substantive changes. Vice President Johnston seconded the motion, which passed unanimously on a voice vote.

3) Announcements – President Miller

There were none.

4) Board Member Activities – Board Members

President Miller announced that he will attend the Coast Guard 11th District change of command ceremony on July 19, 2012 at Coast Guard Island in Alameda.

There were no other reports.

5) Executive Director's Report – Executive Director Garfinkle

A) Correspondence and activities since the May 24, 2012 meeting.

On June 4, 2012, Board Staff received a copy of the Condition and Valuation Survey of the PILOT VESSEL PITTSBURGH.

On June 5, 2012, Board staff received a copy of a letter to Vice President Johnston from Darrell Steinberg, Chairman of the Senate Rules Committee notifying Vice President Johnston of a confirmation hearing and requesting written responses to a series of questions regarding key issues before the Board.

On June 6, 2012, Board staff received a copy of a letter from Deborah A.P. Hersman, of the National Transportation Safety Board (NTSB) to Oregon Governor John Kitzhaber, responding to the January 23, 2012 letter to NTSB from Kim Duncan, Chairman of the Oregon Board of Maritime Pilots responding to the three NTSB recommendations. From the three responses, two were classified as “open – acceptable response,” and one was classified as “closed – reconsidered.”

On June 8, Board staff received a copy of a letter from SFBP Business Director, John Cinderey to CMA CGM America, Inc. notifying it of open invoices over 30 days old and requesting payment by June 29, 2012.

On June 11, staff received a letter from Darrell Steinberg, Chairman of the Senate Rules Committee, congratulating Commissioner Brooks on being confirmed as a Board member.

Also on June 11, staff received a letter from Tim Brown, President of the International Organization of Masters, Mates, and Pilots, and also signed by Vice President George Quick of the Pilot Group, opposing Assembly Bill (AB) 2042 (Huber). The letter cites a number of points, including the need for an effectively regulated pilotage system, the Board's role in effective regulation, the adverse impact of AB 2042 on the state budget, and the need for experience and checks within the regulatory system.

On June 13, Executive Director Garfinkle received a letter from Brian Kelly, Acting Secretary of BTH designating Gabor Morocz, Deputy General Counsel of BTH and Ben De Alba, Special Assistant to the Secretary of BTH, as his representatives to exercise the powers, authorities, and rights as a member of the Board and granted to the Secretary, and delegating to them the authority to act in his place and serve on the Board in his absence.

Executive Director Garfinkle reported that he had attended the Harbor Safety Committee meeting in Oakland on June 14 and that a new Harbor Safety Plan was adopted at the meeting.

On June 21, staff received a copy of a letter from Chairman Hersman of the NTSB to California Governor Edmund G. Brown Jr., responding to the January 12, 2012 letter to the NTSB from Traci Stevens, Acting Secretary of BTH, which responded to the three NTSB recommendations. In this letter, Ms. Hersman acknowledges that the state exercises regulatory authority over the Bays of San Francisco, San Pablo, and Suisun, Monterey and tributaries to Sacramento and Stockton, and does not exercise control over regulatory control over Humboldt Bay, Port Hueneme, or the Ports of Los Angeles, Long Beach, or San Diego. From the California responses to the three recommendations, one was classified as “open – acceptable response,” one was classified as “closed – acceptable response” and one was classified as “closed – reconsidered”

Also on June 21, the Board received a letter from the Port of Stockton renewing commissions and re-appointments to qualified pilots for the Stockton District. These re-appointments went to Captains Alden, Cloes, Haggerty, Hurt, Kleess, Miller, Pinetti, Robinson and Sweeney.

Also on June 21, Board staff received a copy of a letter from Chairman Hersman of the NTSB to Washington Governor Christine O. Gregoire, responding to her January 31, 2012 letter to the NTSB that responded to the three recommendations. Of the three responses, all were classified as “closed – reconsidered.”

On June 22, Board staff received a copy of a letter from Augustin R. Jimenez, General Counsel for BTH to Conte C. Cicala respectfully declining Mr. Cicala’s invitation to intervene in the current dispute between Mr. Cicala’s client, PMSA, the Board and the Port Agent involving documents PMSA believes are disclosable under the provisions of the California Public Records Act.

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

Between the April and May Board meetings, Board staff renewed licenses for the following Captains Hurt, McCloy, Horton, Chapman, Tylawsky, Sweeney, and Wehr.

Since the May Board meeting, Staff has renewed licenses for Captains Kenyon, Alden, Haggerty, Larwood, Wainwright, Gabe, Cloes, Long, Slack, and Nyborg.

C) Report on surcharges received by the Board.

For the month of May, Board Staff received a check for \$202,310.64 broken down as follows:

1. Board Operations Charge: \$95,099.64;
2. Continuing Education Surcharge: \$70,350;
3. Trainee Training Surcharge: \$36,861.

D) Report on legislative activities and contractual matters.

Executive Director Garfinkle reported that three bills are being considered in the Legislature that may be of interest to the Board:

AB 2042, sponsored by Assembly member Huber, which if enacted would sunset the Board and transfer all of its functions to the Secretary of BTH in year 2022 if no further action is taken. The hearing regarding AB 2042 was cancelled at the request of the author.

SB 1408, sponsored by Senator Blakeslee, which seeks to establish several new provisions in the Harbors and Navigation Code with regard to pilot safety. The last action was on June 20 when it was re-referred to the Committee on Appropriations.

AB 2287, sponsored by Assembly member Swanson, which would change pilotage rates for certain classes of vessels. The last action was on May 5, which it was re-referred to the Committee on Appropriations.

Executive Director Garfinkle noted that staff had received approximately 30 applications for the Office Technician job, now vacant three months. Staff is hoping to set up interviews for mid-July.

Staff Services Analyst Dolcini reported that Port Revel Shiphhandling Academy had changed its name since the initial contract was awarded and that the contract had to be amended in order for the facility to receive payment. She also reported she had begun the contracting process for simulator training at California Maritime Academy and will begin contracting for trainee applicant program exam soon.

6) Port Agent's Report – SFBP Acting Port Agent Captain Peter McIsaac

A) Monthly report on SFBP ship piloting business activity.

Recommended Minimum Rest Period Exceptions: Zero

Pilot Boat Report: P/V GOLDEN GATE was out of service for 6 hours on June 17 due to a fouled propeller and was out of service June 26th for scheduled preventive maintenance

Capt. McIsaac reported that billed vessel moves in May, when compared to a three year average were as follows: 548 bar crossings (down 4.1%), 76 bay moves (down 11.7%), 37 river moves (up 35.6%), making total billed moves 661 (down 3.5%), with a gross registered tonnage of 29,244,632 million (up 4.2%). When compared to a three year average, bar crossings are down 8.1%, total moves are down 7.3% and gross registered tonnage is down 2.2%.

B) Monthly report on pilot availability and absences.

Capt. McIsaac reported that Capt. Morgan Hoburg has been on disability leave since Nov. 7, 2011 per the BOPC.

C) Monthly confidential written report of pilots who have been absent for medical reasons (AFMR) presented to Board.

The Board reviewed the confidential written report. After all Board members had had the opportunity to review the report, President Miller asked whether any member wished to go into closed session to discuss the report. There were no requests.

7) Retirement of California Maritime Academy President William B. Eisenhardt – Commissioner Wainwright

Review and discussion of draft letter prepared by Board staff to honor Dr. William B. Eisenhardt, RADM, USMS, who is stepping down from the presidency of California Maritime Academy at the end of the 2011-2012 academic year.

Executive Director Garfinkle discussed a letter honoring Dr. Eisenhardt drafted by Board staff which had been provided to each Board member for review. President Miller read the text of the draft letter as follows:

Dr. William B. Eisenhardt, President
California Maritime Academy
200 Maritime Academy Drive
Vallejo, CA 94590

Dear Dr. Eisenhardt,

On the occasion of your retirement, we at the Board of Pilot Commissioners would like to extend our sincere thanks to you for your years of service to the Board, the State of California and the broader maritime community.

Your service on the Board of Pilot Commissioners' Ad Hoc Advisory Committee on Pilot Selection provided an important contribution to our efforts to add diversity to the Pilot Training Program and the future of pilotage on the San Francisco Bay and its tributaries.

The Board of Pilot commissioners and the greater maritime community have also benefitted from the high standards you have set during your tenure as president of the California Maritime Academy. As a testimony to your leadership and the leadership of presidents before you, graduates of California Maritime Academy go forth to serve as leaders of the maritime industry, and now, thanks to the diversified curriculum offered at the Academy, the wider business community, with distinction.

We appreciate your service to the Board, the State of California, and the Maritime community. We wish you all the best in your retirement.

Fair winds and following seas,

The Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun

Vice President Johnston moved that the Board accept the draft letter prepared by staff and that it be signed and transmitted to Dr. Eisenhardt. Commissioner Wainwright seconded the motion. President Miller called for further discussion by the Board and comments from the public. There were none. Whereupon the motion passed unanimously on a voice vote.

8) Reported Safety Standard Violations and Investigations – Executive Director Garfinkle

Executive Director Garfinkle Reported that on June 9, 2012 there was a pilot ladder deficiency on the M/V EVER EXCEL filed by Capt. Einar Nyborg.

A video clip of the split ladder ropes was shown and Capt. Nyborg was invited to give the details of his near-miss incident. He reported that the ropes appeared to have chemical burns or have been otherwise altered.

Capt. McIsaac suggested checking with the shipping line to ensure all fleet lines are checked for safety.

After Capt. Nyborg spoke, Capt. Jeff Cowan of the Office of Spill Prevention and Response, Department of Fish and Game, noted that he was disturbed by this report and wondered openly what other deficiencies a ship might have if they did not maintain the pilot ladder.

Commissioner Miller suggested on behalf of Commissioner Osen that the SFBP could submit a checklist to shipping lines to ensure ladders are checked before a pilot boards.

9) Reportable Piloting Events – Executive Director Garfinkle

No reportable piloting events since last meeting.

- A) Status report of the November 28, 2011 soft grounding of the M/V TATJANA at berth 10/11 in Stockton. Request for an extension from the Board to present this report at the July Board meeting.

Executive Director Garfinkle reported on the status of the IRC investigation and stated that he had been unable to complete the report in time for today's meeting because of the press of other Board business, the transfer of the Board's staff services analyst to the California Public Health Service, and because the Board staff is operating at 50 percent of authorized strength. Commissioner Wainwright moved to grant an extension to July 26, 2012. Commissioner

Cronin seconded the motion. President Miller called for discussion by the Board and comments by the public. There were none. Whereupon the motion passed unanimously on a voice vote, Vice President Johnston abstaining.

- B)** Status report of the M/V BERLIN TRADER interaction with the M/V GLOBAL PIONEER while approaching berth 19-20 in Stockton on January 19, 2012. Request for an extension from the Board to present this report at the July Board meeting.

Executive Director Garfinkle reported on the status of the IRC investigation and stated that he had been unable to complete the report in time for today's meeting because of the press of other Board business, the transfer of the Board's staff services analyst to the California Public Health Service, and because the Board staff is operating at 50 percent of authorized strength. Commissioner Wainwright moved to grant an extension to July 26, 2012. Commissioner Cronin seconded the motion. President Miller called for discussion by the Board and comments by the public. There were none. Whereupon the motion passed unanimously on a voice vote, Vice President Johnston abstaining.

- C)** Status report of the M/V MULBERRY WILTON interaction with the M/T OVERSEAS TAMPA while passing Plains Terminal, Martinez, on January 27, 2012. Request for an extension from the Board to present this report at the July Board meeting.

Executive Director Garfinkle reported on the status of the IRC investigation and stated that he had been unable to complete the report in time for today's meeting because of the press of other Board business, the transfer of the Board's staff services analyst to the California Public Health Service, and because the Board is operating at 50 percent of authorized strength. Commissioner Wainwright moved to grant an extension to July 26, 2012. Commissioner Cronin seconded the motion. President Miller called for discussion by the Board and comments by the public. There were none. Whereupon the motion passed unanimously on a voice vote, Vice President Johnston abstaining.

- D)** Status report of the OVERSEAS TAMPA alleged near miss while departing Richmond Long Wharf Berth #2 on February 18, 2012. Request for an extension from the Board to present this report at the July Board meeting.

Executive Director Garfinkle reported on the status of the IRC investigation and stated that he had been unable to complete the report in time for today's meeting because of the press of other Board business, the transfer of the Board's staff services analyst to the California Public Health Service, and because the Board is operating at 50 percent of authorized strength. Commissioner Wainwright moved to grant an extension to July 26, 2012. Commissioner Cronin seconded the motion. President Miller called for discussion by the Board and comments by the public. There were none. Whereupon the motion passed unanimously on a voice vote, Vice President Johnston abstaining.

10) Rules and Regulations Committee – Commissioner Wainwright

Commissioner Wainwright reported that the Rules and Regulations Committee had met jointly with the Pilot Fitness Committee on June 5, 2012 and June 20, 2012. They will meet again on July 17, 2012 and are actively discussing Section 217 of the Harbors and Navigation Code.

President Miller announced that the Board would take up Agenda Item #11 after considering Agenda items #19 and 21.

12) Pilot Fitness Committee – Commissioner Roberts

Executive Director Garfinkle gave the Pilot Fitness Committee Report on Capt. Roberts' behalf. He reported that the Committee had met June 12, 2012 and discussed Minimum Rest Period reporting. The Committee is busy working on a comprehensive report on which will include all the materials considered by the Pilot Fitness Committee and by the Board up to the present time.

13) Low Sulfur Fuel – Executive Director Garfinkle

There was no report.

14) Ad Hoc Working Group on Trainee Recruitment – Commissioner Wainwright

There was no report.

15) Continuing Education Committee – Commissioner Roberts

There was no report.

16) Pilot Power Committee – Commissioner Roberts

Executive Director Garfinkle reported on behalf of Commissioner Roberts that the Committee will meet July 17, 2012.

17) Ad Hoc Committee on Blue Card Rates – Vice President Johnston

There was no report.

18) Report of the Attorney General's Office – Board Counsel Eagan

There was no report.

President Miller announced that the Board would take a 10 minute recess. The Board recessed at 10:43 a.m.

The Board reconvened in open session at 10:55 a.m.

President Miller announced that, by inspection, all Commissioners except Commissioners Roberts and Osen had returned and that a quorum was present. He also noted that Member Morocz was present.

The Board then took up Agenda Item #19.

19) Pilot Evaluation Committee – Captain E. Nyborg

A) Report on June 20, 2012 Committee meeting.

The Pilot Evaluation Committee met on June 20, 2012.

In closed session, all 5 trainees were interviewed individually. The current trainees include: Carr, Johnson, Manes, Lingo and Favro. Their time in the program ranges from 9 to 18 months. All trainees are progressing well at this time.

Next month's meeting is scheduled for July 25.

B) Possible recommendation for a determination that a trainee has or trainees have completed the pilot trainee training program; **Possible Board action.**

Captain Nyborg introduced Captain Mark Manes, and proceeded to detail the Pilot Evaluation Committee's recommendation that Capt. Manes be issued a Certificate of Completion of the Board training program:

The Pilot Evaluation Committee (PEC) met on June 20, 2012 at which time it completed a final assessment of whether trainee Captain Mark Manes has successfully completed all elements of Section 214(c) and (h) of the training requirements in the Board's regulations. The Committee has unanimously agreed in this matter and has authorized me to present this recommendation to you today.

Capt. Nyborg introduced Capt. Mark Manes. He noted that also attending were Capt. Manes' wife Heather, and daughter Heidi. Also attending were Mark's parents and many close friends and family.

Mark grew up in New York, graduated from the California Maritime Academy in 1995 and gained towboat experience with Seaway Towing, Westar, and Foss. He currently hails from Alameda.

Trainee Performance Pursuant to Title 7 CCR Sectiona 214(c) and (h):

Capt. Manes entered the Training Program on January 1, 2011. To date, Capt. Manes has a total of 539 training jobs with the San Francisco Bar Pilots. 159 jobs were as observer, 280 jobs were handled or partially handled, directing the navigation and control of the vessel under the direct supervision of a San Francisco Bar Pilot.

Capt. Manes has worked extensively with the PEC, acquiring 105 PEC rides, 26 of which were in the last 90 days. As required by regulation, Mark maintained an average score over 4.0 in each of the last three months with PEC members, resulting in a three-month average score of 4.23.

The Committee used detailed trip reports and personal observations to ensure that Captain Manes 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, and has demonstrated the skills and knowledge necessary to become a Board-licensed pilot. It is the decision of the Pilot Evaluation Committee that Capt. Manes has successfully completed the Pilot Trainee Training Program.

On behalf of the Pilot Evaluation Committee, Capt. Nyborg stated that it was his great pleasure to recommend that the Board issue to Captain Mark Manes, a Certificate of Successful Completion of the Board's Pilot Trainee Training Program effective today, June 28, 2012.

At the conclusion of Capt. Nyborg's report and upon receiving the PEC recommendation, President Miller inquired of Executive Director Garfinkle whether he had verified that Trainee Manes had met the requirements for being issued a Certificate of Completion.

The Executive Director responded that he had verified that Trainee Manes had completed all requirements specified in Board Regulation 214, that he had been in the training program more than one but not more than three years as required by Harbors and Navigation Code section 1171.5(c) and that he had maintained average scores from PEC members on trips handled of 4.0 or better on a scale of 5.0 during each of the last three months. He stated that that it was his opinion that the Board should grant a Certificate of Completion of the Trainee Training Program to Trainee Manes.

Commissioner Wainwright moved that the Board grant a Certificate of Completion to trainee Manes. Vice President Johnston seconded the motion. President Miller called for discussion by the Board. There was none. President Miller called for the yeas and nays. The motion carried on a roll call vote: 5 yeas, 0 nays.

C) Possible Executive Director recommendation for the appointment of a new pilot or pilots;
Possible Board action.

President Miller inquired of Executive Director Garfinkle whether he had received an application for licensing from Capt. Manes. The Executive Director stated that he had, that there currently are vacancies with respect to the number of authorized licenses, that Capt. Manes had completed the Board's trainee training program, that the Board had received a fit for duty determination for Capt. Manes from a Board designated physician, that Capt. Manes held a United States Coast Guard master's license for vessels of 1600 tons or larger, with radar observer's endorsement, and that Capt. Manes held United States Coast Guard endorsements for all pilotage grounds in San Francisco Bay and its tributaries. The Executive Director stated that in his opinion Capt. Manes was eligible to be licensed as a San Francisco Bar Pilot.

Commissioner Wainwright moved that the Board grant an initial license as a San Francisco Bar Pilot to Capt. Manes. Vice President Johnston seconded the motion. President Miller called for discussion. There was none. President Miller called for the yeas and nays. The motion carried on a roll call vote: 5 yeas, 0 nays.

President Miller presented to Capt. Manes a Certificate of Completion of the Trainee Training Program. President Miller then administered the oath of office to Capt. Manes.

The Board offered Capt. Mark Manes, newly licensed as a San Francisco Bar Pilot, and his family and friends who were present in the audience, its congratulations.

President Miller announced that the Board would take a 10 minute break. The Board stood in recess at 11:05 a.m.

The Board reconvened in open session at 11:21 a.m.

President Miller stated that, by inspection, all Commissioners except Commissioner Roberts and Osen had returned and that a quorum was present. He noted that Member Morocz also was present.

The Board then moved to consideration of Agenda Item # 20.

20) IRC Incident Report on the M/V OAKLAND's December 3, 2011 encounter with a small boat in the Sacramento River Deep Water Ship Channel – Vice President Johnston and Executive Director Garfinkle.

Executive Director Garfinkle and Vice President Johnston presented the details of a December 3, 2011 event during which a ship encountered a small boat in the Sacramento River.

As the ship proceeded on a night time passage down the Sacramento River, the Pilot was alerted to a problem when crew members were speaking excitedly in Tagalog. He later learned that they were indicating a small boat, whose lights did not become apparent until shortly after it passed

the ship. The lookout of the M/V OAKLAND spotted someone from the boat dive into the water. The Pilot alerted VTS and requested they contact Coast Guard Station Rio Vista to investigate a possible man-overboard. He also called the Coast Guard Station at Rio Vista directly and requested that they dispatch a response to a potential emergency, and keep him abreast of the situation.

The Coast Guard responded and retrieved two people from the water. Once recovered the crew of the small boat, a man and his brother, reported that their boat was anchored in the channel but they could not get their motor started and they abandoned it when the M/V OAKLAND passed. The Coast Guard later returned for the boat but it was missing and later recovered down river with no apparent damage.

Executive Director Garfinkle concluded by stating that the IRC recommended that the case be closed with a finding of no Pilot error.

Members of the Board questioned members of the IRC regarding various aspects of the investigation and the report.

President Miller inquired of the Pilot's Counsel, Rex Clack, whether he would like to make a statement.

Mr. Clack accepted the invitation to speak and explained that the matter was thoroughly investigated by the IRC and the Coast Guard, that no one on board had seen the small boat in the channel and that no further investigation was needed.

Commissioner Brooks moved that the Board accept the recommendation with no further investigation. Commissioner Wainwright seconded the motion.

President Miller inquired whether any Commissioner wished to go into closed session for the deliberation of the pilot incident report. There were no requests.

President Miller called for further discussion by the Board. There was none.

The motion passed on a vote of three to one, with Commissioner Brooks voting nay.

The Board then turned to Agenda Items #22 and 23

22) Public Comment on Matters not on the Agenda

There were none.

23) Proposals for Additions to Next Month's Agenda

There were none.

The Board then turned to Agenda Item #21.

21) Presentation of a request for a disability pension by San Francisco Bar Pilot Capt. Morgan Hoburg – Executive Director Garfinkle

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

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

C) Based on the findings in A) and B), the Board must determine the initial target benefit amount pursuant to Harbors and Navigation Code section 1163(a)(1)(B).

Board may go into Closed Session to discuss Capt. Hoburg's confidential medical reports as authorized by Harbors and Navigation Code, section 1157.1.

President Miller announced that the Board would go into closed session as authorized by Harbors and Navigation Code, section 1157.1 for the presentation and discussion of a disability pension request by SFBP Capt. Morgan Hoburg. The Board will discuss Capt. Hoburg's confidential medical reports. President Miller stated that the Board may act to grant a disability pension to Capt. Hoburg.

CLOSED SESSION

The Board went into closed session at 12:30 p.m.

The Board returned to open session at 12:56 p.m.

OPEN SESSION

President Miller announced that the Board in closed session had taken three actions:

1. The Board determined that Capt. Hoburg is disabled as defined in Harbors and Navigation Code section 1164(b);
2. The Board determined that the date of permanent disability is May 10, 2012; and
3. The Board determined an initial target benefit amount pursuant to Harbors and Navigation Code section 1163(a)(1)(b), and that the Board had directed the Executive Director to communicate that determination to Ghirardo, CPA which serves as San Francisco Pilot Pension Plan fiduciary for calculations.

President Miller called for questions and comments from the public. There were none.

The Board then took up Agenda Item #11.

11) Finance Committee – Commissioner Cronin

A) Report on Finance Committee activities since last Board meeting.

The Finance Committee has not met since the last Board meeting; There was no report.

B) Review of the number of licensed bar pilots anticipated on July 1, 2012 and recommendation for possible adjustment to pilotage rates for the calendar quarter beginning on that date as specified in Harbors and Navigation Code section 1190(a)(1). **Possible Board action to specify bar crossing mill rate to be charged by licensees during the calendar quarter beginning July 1, 2012 pursuant to Harbors and Navigation Code section 1191(a)(1)(A).**

Commissioner Cronin reported that the Finance Committee discussed the number of pilots in the roster (57) and determined that it will remain at or below 58 for the calendar quarter beginning July 1, 2012. The Committee recommended no change to the mill rate at this time.

Commissioner Wainwright moved to make no change to the mill rate. Commissioner Johnston seconded the motion. President Miller called for discussion by the Board and comments from the public. There were none.

Whereupon the motion passed unanimously on a voice vote.

C) Review Board Operations Surcharge (currently 3% but reducing to 1.5% on July 1, 2012), Pilot Continuing Education Surcharge (currently \$105/move), Trainee Training Surcharge (currently \$11/trainee/move), and Pilot Vessel Surcharge (currently at 3.27 mills or \$0.00327).

There were no changes to the above surcharges.

The Board then returned to Agenda Items #22 and 23.

22) Public Comment on Matters not on the Agenda

There were none.

23) Proposals for Additions to Next Month's Agenda

Member Morocz requested that the Board review the recently-received letter from the National Transportation Safety Board concerning NTSB recommendation M-11-19 which reads "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 NTSB classified the previous response from Traci Stevens, Acting Secretary of Business, Transportation and Housing, as "Open – Acceptable Response" pending their receipt and review of the BOPC's report. Member Morocz requested the board consider a response at the next Board meeting.

24) Adjournment

There being no further business to come before the Board, it adjourned at 1:05 p.m.