

## **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 February 21, 2013 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 RADM Frank Johnston, Commissioners Capt. David Wainwright, Capt. Steve Roberts, Capt. John Cronin, and RADM Jack Brooks, and Eric Osen were present – constituting a quorum. Business, Transportation, and Housing (BTH) Agency Acting Secretary Brian P. Kelly was represented by BTH Special Assistant to the Secretary Ben DeAlba. Members of staff present were Executive Director Allen Garfinkle, Board Counsel Dennis Eagan, Staff Services Analyst Kelly Dolcini, and Office Technician Sigrid Hjelle. San Francisco Bar Pilots (SFBP) President Capt. Peter McIsaac was also seated at the Commission table.

#### **2. Request Approval of Minutes – President Miller**

President Miller requested approval of the minutes of the January 17, 2013 Board meeting. Vice President Johnston moved approval of the minutes with authority to Board staff to make clerical, non-substantive changes. Commissioner Cronin seconded the motion, which passed unanimously on a voice vote.

#### **3. Announcements – President Miller**

President Miller announced that the Washington State Board of Pilotage Commissioners has set a tentative date for the next regional pilotage regulators meeting. The Washington State Board has proposed that the meeting take place in Seattle on Thursday, April 18 and Friday, April 19, 2013. While the regional meetings are intended to serve as meetings of regulators, historically they have been open to the public and attended by pilots, as well as representatives of shipping companies. The first such meeting was hosted by the Oregon Board in Portland in 2008; the second was hosted by the Pacific Pilotage Authority Canada (British Columbia) in Vancouver in 2010. Pilotage authorities from Alaska, British Columbia, Washington, Oregon, and California participated, including our Board. Captain Harry Dudley, Chair of the Washington State Commission hopes to expand participation to other West Coast pilotage oversight organizations.

Ms. Dolcini reminded members of the Board that FPPC Form 700, the annual financial disclosure document, is required to be completed and filed with Board staff not later than April 2, 2013.

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

President Miller announced that he had attended the February 13, 2013 monthly meeting of the Bay Area Maritime Trades Counsel. The speaker was William B. Gould IV, Stanford Professor, and former Chairman of the National Labor Relations Board.

#### **5. Executive Director's Report – Executive Director Garfinkle**

##### **A) Correspondence and activities since the January, 2013 monthly meeting.**

Executive Director Garfinkle reported the significant correspondence that staff had received since the last Board Meeting.

On January 18, 2013, Board staff received notice from the U.S. Coast Guard that on January 4, 2013, the Office of Management and Budget approved a new version of the forms used to apply for a merchant mariner credential, including the CH-719K, medical evaluation. The letter indicated that an implementation of policy that all applications dated after April 30, 2013 must be on the new forms. At the time of the meeting, the forms were not available.

On January 24, 2013, Board staff received a letter from Elvin Nazareno at the California Department of Motor Vehicles stating that the BOPC Employer Pull Notice account had been activated.

On January 25, 2013 Board staff received a notice of decision not to proceed from the State Lands Commission concerning the proposed performance standards and assessment protocols for the discharge of ballast water for vessels operating in California waters. The notice indicated that State Lands intends to reintroduce a revised draft of the regulations in the near future.

Also on January 25, staff received a copy of a response from Public Information Officer Tracy Ruth, Department of Transportation, responding to a Public Records Act request from Jaxon Vanderbeken of the San Francisco Chronicle.

Also on January 25, Board staff received a copy of a response to a Public Records Act request from Tracy Ruth, responding to a January 10, 2013 request from Mike Billings of the San Francisco Examiner.

On January 30, 2013, Executive Director Garfinkle received a letter from Mr. Forrest Booth, Counsel for Capt. David Chapman, advancing Capt. Chapman's position with regard to the March 13, 2012 letter from Capt. Bruce Horton. Mr. Booth requested a meeting with the Executive Director and Board Counsel to discuss the matter.

On February 11, 2013, Board staff received a copy of a complaint seeking judicial review in the case of Capt. John Cota v. United States Dept. of Homeland Security and the United States Coast Guard, wherein Capt. Cota seeks return and reinstatement of his federal merchant mariner credential.

Also on February 11, staff received an agenda for a meeting of the California State Lands Commission to be held February 22, 2013 at 10 a.m. in room 447 of the State Capitol.

On February 14, 2013, members of the Board staff attended the Harbor Safety Committee meeting wherein one of the items discussed was the Navigation Work Group recommendations on temporary safety guidelines for navigating in reduced visibility. The full Harbor Safety Committee adopted the recommendations which include, for vessels 1600 tons or greater, or tugs with tows 1600 tons or greater, and all tugs with tows in the petroleum service:

Nothing in this guidance should preclude vessel Masters, Pilots, and operators from taking proactive measures to ensure the safety of their vessel at all times.

1. Vessels should make visibility reports as part of their sailing plan report to the VTS and at any point in the transit when visibility conditions change substantially and navigation safety allows the report to be made.
2. Vessels transiting the San Francisco-Oakland Bay Bridge (West of Yerba Buena Island) in any condition of reduced visibility should generally do so via the A-B or D-E spans, unless vessel traffic, environmental or other safety factors dictate otherwise.
3. Outbound /northbound vessels should not transit the San-Francisco Oakland Bay Bridge (West of Yerba Buena Island) when visibility is less than 0.5 nautical mile.
4. Outbound/northbound vessels transiting the San Francisco-Oakland Bay Bridge in restricted visibility are advised to exercise extreme caution during their transit.

On February 19, 2013 Board staff received word that Port Revel had received payment for previous courses, which were held up due to a change in company name requiring amendments to the contract.

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

Between the December and January meetings, Board staff renewed Capt. Carlier's License.

Since the January Board meeting, staff renewed licenses for Capts. Kellerman, Lemke, Wagner, Ruff, Pinetti, Greig, and Stultz.

**C) Report on surcharges received by the Board.**

For the month of January, the Board received a check \$155,273.02 broken down as follows:

Board Operations Surcharge: \$49,039.02  
Continuing Education Surcharge: \$81,690.00  
Trainee Training Surcharge: \$24,544.00

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

Executive Director Garfinkle stated that to date there were no legislative developments affecting the Board or related issues.

He announced that President Miller, Board staff, and SFBP Comptroller Julie Yasuda had met with CPA Michael Blanks, who was awarded the surcharge audit contract to audit the 2012 surcharge collection and disbursements by SFBP. The scope of work was reviewed, Mr. Blanks was provided with copies of previous audit reports, and a plan to begin the audit was established.

Board staff is working with UCSF Medical Center for the market analysis of the fitness regulations.

Executive Director Garfinkle also reported that contracts for two new trainees were being processed and would be completed in time for a March 1, 2013 start date for one and April 1, 2013 for the other.

Staff continues to work with CHP on contracting for exam professionals, psychometricians, and the California Maritime Academy (CMA) for the trainee applicant exam preparation. Investigator contracts are also being amended for time extensions.

**6. Port Agent's Report – San Francisco Bar Pilot (SFBP) Port Agent Captain Peter McIsaac**

**A) Monthly report on SFBP ship piloting business activity.**

Capt. McIsaac reported that the P/V GOLDEN GATE was out of service on January 31, 2013 for hand rail repair.

He also reported that billed vessel moves were at 527 bar crossings, up 5.7% when compared to a three year average; there were 100 bay moves, up 9.9% compared to a three year average and there were 36 river moves, up 18.7% compared to a three year average. When compared to a three year average, total moves were up 7.0% at 663 and gross registered tonnage was up 9.1% at 26,548,042.

**B) Monthly report on pilot availability and absences.**

Capt. McIsaac reported that Capt. Hugo Kenyon has been absent for medical reasons (AFMR) since August 29, 2012. He was placed on medical disability leave effective October 3, 2012; Capt. Tim Holl has been AFMR since October 11, 2012, he was placed on medical disability leave effective October 30, 2012; Capt. Randy Pinetti has been AFMR since December 21, 2012.

He further reported that the SFBP “continually monitor[s] the dispatch list for possible MRP exceptions. If the potential exception is likely to result in a rest period of less than 10 hours, mitigating measures are employed. These measures include, but are not limited to, suspending continuing professional development protocols, cancelling scheduled meetings, cancelling previously granted comp time requests, suspending internal working rules, or calling in off-watch pilots.”

There were eight MRP exceptions during the month of January:

January 19: There were two exceptions of 11.3 and 11.5 hours with 24 assignments and one pilot AFMR, one on administrative leave and one on comp time.

January 20: There were three exceptions with the shortest being 11.5 hours. There were 23 pilots, one pilot AFMR, one on comp time and one on administrative leave.

January 26: There were three exceptions, the shortest being 8.6 hours. There were 26 assignments, two pilots AFMR, and one pilot on comp time. Two exceptions were for pilots called in early for a river move.

**C) Monthly confidential written report of pilots who have been absent for medical reasons (AFMR) presented to Board. Board may go into closed session to discuss contents of the Port Agent’s confidential report as authorized by Harbors and Navigation Code, section 1157.1.**

The Board reviewed the confidential written report. After all Board members 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.

**The Board next addressed Agenda Item 8.**

**8. Reported Safety Standard Violations and Investigations – Executive Director Garfinkle**

Executive Director Garfinkle reported that on January 26, 2013 San Francisco Bar Pilot Capt. Bill Greig was departing the M/V TOSCA and noticed that the pilot ladder was not tied down. The ship’s agent was notified but no further action could be taken as the ship had sailed shortly after Capt. Greig’s departure.

**9. Reportable Piloting Events – Executive Director Garfinkle**

**A) Report of contact between M/T OVERSEAS REYMAR and the Bay Bridge on January 7, 2013.**

Executive Director Garfinkle informed the Board that the M/V OVERSEAS REYMAR incident is under investigation and there was nothing to report at this time.

President Miller suggested that the Board schedule a separate meeting to consider the report of the Incident Review Committee into the M/T OVERSEAS REYMAR allision. There was consensus to schedule a meeting on Thursday, April 4, 2013 at 9:30 a.m. Board staff was directed to alert all interested parties and the public of the additional meeting.

**B) Report of contact between the M/V SOPHIE OLDENDORFF and a dolphin in the Port of Redwood City on December 14, 2012.**

Executive Director Garfinkle had no report as the M/V SOPHIE OLDENDOFF was under investigation.

**10. Rules and Regulations Committee – Commissioner Wainwright**

**A) Report on Rules and Regulations Committee activities since the last Board meeting.**

Commissioner Wainwright reported that the Committee had met jointly with the Pilot Fitness Committee on February 6, 2013 to review additions and supporting documents to the new fitness regulations. The Committee is awaiting the UC San Francisco Medical Center market survey that will be an integral part of the package to be submitted to the Office of Administrative Law (OAL). The next Joint Committee meeting is scheduled for Tuesday, February 26, 2013 at 9:30 a.m.

**B) Presentation of completed portions of regulatory package on the pilot medical review regime for submission to the Office of Administrative Law (OAL). Possible Board action to approve the portions of the regulatory package that are completed and to direct staff to proceed with formal rulemaking based on draft pilot fitness regulations and completed regulatory package.**

Board Counsel Eagan advised that it would be preferable to defer action until all portions of the regulatory package are completed and can be brought before the Board. Members of the Board concurred and took no action on completed portions of the regulatory package.

**C) Presentation of 2013 Rulemaking Calendar to be submitted to the Office of Administrative Law. Possible Board action to approve draft Rulemaking Calendar and to direct staff to submit final version to the Office of Administrative Law.**

Commissioner Roberts moved that the Board approve the draft Rulemaking Calendar and that staff be directed to submit the final version to the Office of Administrative Law. Vice President Johnston seconded the motion. President Miller called for further discussion by the Board and comments from the public. PMSA Vice President Mike Jacob stated his association's disappointment that the draft calendar did not include rulemaking with respect to pilot pension benefit determination, and with respect to the

Board's incident review procedures. President Miller responded that Mr. Jacob's views were duly noted. Whereupon the motion passed unanimously on a voice vote.

#### **11. Finance Committee – Commissioner Cronin**

Commissioner Cronin reported that the Finance Committee had not met since the last meeting, but a meeting has been scheduled for February 25, 2013.

#### **12. Pilot Fitness Committee – Commissioner Roberts**

There was no report.

#### **13. Low Sulfur Fuel – Executive Director Garfinkle**

Executive Director Garfinkle reported that Capt. Jeff Cowan of the Office of Spill Prevention and Response provided to the Board a report of all loss of propulsion incidents that had occurred during 2013.

#### **14. Ad Hoc Working Group on Trainee Recruitment – Commissioner Wainwright**

Board to consider recommendations from Ad Hoc Working Group on Trainee Recruitment to approve draft of changes to Board regulations, section 213, modifying selection criteria for applicants to pilot trainee training program. **Possible Board action to approve recommendations for modifying section 213 of Board regulations and possible Board action to direct staff to commence formal rulemaking.**

Commissioner Wainwright addressed the Board and recalled that Ms. Barbara Price, Chair of the Ad Hoc Working Group, had addressed the Board at its January 17, 2013 meeting and presented recommendations for modifying section 213 of the Board's regulations. The agenda for that meeting did not include notice of an action item, and accordingly, the Board could not act on the recommendations. Commissioner Wainwright pointed out that the opportunity is available today.

Commissioner Roberts moved that the Board approve recommendations presented at the January 17, 2013 meeting for modifying section 213 of the Board regulations and that Board staff be directed to commence formal rulemaking. Commissioner Cronin seconded the motion. President Miller called for discussion by the Board and comments from the public. Mr. Jacob announced his association's support for the motion but urged that, as it prepares the regulatory package, Board staff research any possible limitations on declarations under penalty of perjury. The motion carried unanimously on a voice vote.

#### **15. Continuing Education Committee – Commissioner Roberts**



Commissioner Roberts reported that he, Executive Director Garfinkle, and members of the San Francisco Bar Pilots would meet with staff at the California Maritime Academy to discuss the fatigue management section of the combination course.

#### **16. Pilot Power Committee – Commissioner Roberts**

Board to consider recommendations from Pilot Power Committee to contract with two new trainees from the list established as a result of the 2010 pilot trainee exam, to the trainee training program. **Possible Board action to direct staff to contract with two new trainees to enter the pilot trainee training program as soon as practical.**

Commissioner Roberts moved that staff be directed to contract with two new trainees to enter the pilot trainee training program as soon as practical. Commissioner Wainwright seconded the motion. President Miller called for discussion by the Board and comments from the public. There were none. The motion carried unanimously on a voice vote.

#### **17. Ad Hoc Committee on Blue Card Rates – Vice President Johnston**

Vice President Johnston reported that the Committee had been unable to establish consensus on the date for the next meeting. Staff continues to poll the members in an effort to establish a meeting date.

#### **18. Report of the Attorney General’s Office – Board Counsel Eagan**

Board Counsel Eagan reported that a briefing had been completed in the lawsuit by PMSA against the Board and that oral arguments were set for April 18, 2013.

#### **19. Report on progress with regard to correspondence dated March 13, 2012 from former Port Agent Bruce Horton with respect to Board licensee #2538, Capt. David Chapman and Board response – Executive Director Garfinkle**

Executive Director Garfinkle reported that Board staff is investigating the allegations made in Capt. Horton’s letter.

#### **20. Update on progress of Employer Pull Notice Program. – President Miller**

Executive Director Garfinkle reported that the BOPC had been approved to begin the pull notice program and has received the first round of notices.

#### **21. Board Officer Elections – Executive Director Garfinkle**

**A) Election of Board President to a two year term of office. Possible Board action to elect a Board member to the office of Board President for a two year term.**



The Board took no action on this item.

**B) Election of Board Vice President to a two year term of office. Possible Board action to elect a Board member to the office of Vice President for a two year term.**

President Miller addressed the Board and stated that his term of office and that of Vice President Johnston would expire at midnight on February 23, 2013 and that it is important for the Board to ensure that there is continuity by electing at least one officer who can carry out the duties of the Board president, such as the signing of pilot licenses. President Miller stated that it was his view that the President of the Board should be elected by the new Board members once they are appointed, rather than by the current Board members – several of whom are termed out or are not seeking reappointment. Vice President Johnston stated that he concurred with respect to election of the President and Vice President of the Board.

President Miller proposed that the Board not elect a new Board President at the current meeting, but that it should elect a Vice President. After discussion and consideration of various alternatives, Commissioner Roberts nominated Commissioner Johnston to a second term as Vice President. Commissioner Wainwright seconded the motion. Vice President Johnston stated that, if elected, he would serve as Vice President but would resign once the new Board members were in office, in order that they could elect both a Board President and Vice President.

President Miller called for the yeas and nays. The vote was five yeas and one nay, Vice President Johnston abstaining. President Miller congratulated Vice President Johnston on his reelection. Commissioner Osen explained that his “no” vote did not reflect a lack of confidence in Vice President Johnston. He simply wished to call attention to the need for appointments to replace termed out members of the Board.

**The Board next addressed Agenda Items 23 and 24.**

**23. Public Comment on Matters Not on the Agenda**

There were none.

**24. Proposals for Additions to Next Month’s Agenda**

There were none.

**The Board next addressed Agenda item 7**

**7. Pilot Evaluation Committee – Capt. Dan Larwood for Capt. Einar Nyborg**

**A) Report on February 13, 2013 Committee Meeting**

The Board considered Agenda Item 7(A) later in the meeting.

**B) Recommendation from Committee to replace outgoing Committee member Capt. Will Lemke with proposed Committee member Capt. Pete Fuller. Possible Board action to appoint Capt. Fuller to a four year term as a member of the Pilot Evaluation Committee.**

Executive Director Garfinkle addressed the Board and read a letter dated from Port Agent McIsaac in which he recommended that Capt. Pete Fuller be appointed to the Board's Pilot Evaluation Committee, replacing Capt. Will Lemke who is completing his eighth year of service on the PEC and will be termed out, pursuant to Harbors and Navigation Code section 1171.5(e).

President Miller recognized Capt. Larwood and inquired of him whether the current membership of the Pilot Evaluation Committee supported the Port Agent's recommendation. Capt. Larwood stated that the PEC does support the recommendation and introduced Capt. Fuller who was in the audience.

President Miller welcomed Capt. Fuller and invited him to address the Board, discuss his experience as a mariner and as a pilot, and state the reasons why he wishes to be selected to serve on the PEC.

Capt. Fuller discussed his experience on both small and large vessels and his interest in training and mentoring young mariners who aspire to become San Francisco Bar Pilots. President Miller invited questions from other members of the Board. There were none.

President Miller then stated that Harbors and Navigation Code section 1171.5(e) requires that the Board shall select the members of the Pilot Evaluation Committee and that the Committee consist of five active pilots, each of whom have at least ten years experience on the Bays of San Francisco, San Pablo, and Suisun. President Miller then inquired of Executive Director Garfinkle whether Capt. Fuller is an active pilot with ten years experience on the Bays of San Francisco, San Pablo, and Suisun.

Executive Director Garfinkle stated that Capt. Fuller is an active pilot with over 14 years experience on the waters under the Board's jurisdiction and is, accordingly, fully qualified for selection as a member of the Pilot Evaluation Committee.

Vice President Johnston moved that Capt. Pete Fuller be selected for membership in the Pilot Evaluation Committee, effective immediately. Commissioner Wainwright seconded the motion. President Miller called for discussion by the Board and comments from the public. There were none.

President Miller asked for a roll call vote. The motion carried, seven yeas and no nays.

President Miller congratulated Capt. Fuller and wished him well with his new responsibilities.

President Miller then expressed for himself, and for the Board, his appreciation for Capt. Lemke's eight years of service on the PEC. He noted that during Capt. Lemke's tenure on the Committee, 24 trainees had completed the program and been licensed. He stated that this was a remarkable accomplishment and one of which Capt. Lemke and other members of the PEC should rightly be proud.

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

Capt. Larwood introduced Capt. Matt Lingo, and proceeded to detail the Pilot Evaluation Committee's recommendation that Capt. Lingo be issued a Certificate of Completion of the Board training program. Capt. Larwood read the following:

The PEC met on Feb 13, 2013 at which time it completed a final assessment of whether trainee Captain Matt Lingo has successfully completed all elements of Section 214(c) and (h) of the training requirements in the Board's regulation. The Committee has unanimously agreed in this matter and has authorized me to present this recommendation to you today.

I would like to introduce to you Capt. Matt Lingo. Also attending are his wife, Megan, their new born daughter Wren, and parents Tom and Pat Lingo. Capt. Lingo graduated from the California Maritime Academy in 2004, after which he worked for Foss Maritime and American Navigation Maritime services. Matt served as Captain on tugboats for six years.

Trainee Performance under Title 7, 214(c) and (h):

Capt. Lingo entered the training program on October 1st, 2011. To date, Capt. Lingo has a total of 500 training jobs with the San Francisco Bar Pilots. 196 jobs were as observer, 304 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. Lingo has worked extensively with the PEC, acquiring 87 evaluation rides, 20 of which were in the last 90 days. As required by regulation, Captain Lingo maintained an average evaluation score over 4.0 in each of the last three months with PEC members, resulting in a 3-month average score of 4.31.

The Committee used detailed trip reports and personal observation to ensure Captain Lingo 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 opinion of the Pilot Evaluation Committee that Capt. Lingo has successfully completed the Pilot Trainee Training Program. On behalf of the Pilot Evaluation Committee, it is my great pleasure to recommend that the Board issue to Captain Matt Lingo, a Certificate of Completion of the Board's Pilot Trainee Training Program effective today, February 21, 2013.

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

The Executive Director responded that he had verified that Trainee Lingo 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 Lingo.

Commissioner Wainwright moved that the Board grant a Certificate of Completion to Trainee Lingo. Commissioner Roberts 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: seven yeas, no nays.

**D) 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. Lingo. The Executive Director stated that he had, that there currently are vacancies with respect to the number of authorized licenses, that Capt. Lingo had completed the Board's trainee training program, that the Board had received a fit for duty determination for Capt. Lingo from a Board designated physician, that Capt. Lingo held a United States Coast Guard master's license for vessels of 1600 tons, with radar observer's endorsement, and that Capt. Lingo 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. Lingo 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. Lingo. Commissioner 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: seven yeas, no nays.

President Miller presented Capt. Lingo with a Certificate of Completion of the Trainee Training Program and administered the oath of office as a San Francisco Bar Pilot to Capt. Lingo.

The Board offered its congratulations to SFBP Capt. Matt Lingo, and to his family who were present in the audience.

**President Miller announced that the Board would stand in recess for 20 minutes, after which it would reconvene to consider Agenda Item 7 A) and to conduct the annual performance appraisal of the Executive Director.**

**The Board stood in recess at 10:55 a.m.**

**At 11:19 the Board reconvened.**

President Miller noted that by inspection all Commissioners were present and that a quorum was established. President Miller also noted that Alternate Member DeAlba was present.

**The Board then addressed agenda item 7(A)**

## **7. Pilot Evaluation Committee – Capt. Dan Larwood for Capt. Einar Nyborg**

### **A) Report on February 13, 2013 Committee Meeting**

Capt. Larwood reported as follows:

The Pilot Evaluation Committee met on February 13, 2013. In closed session, both trainees were interviewed individually. The current trainees include Matt Lingo and Bob Carr. Their time in the program ranges from 17 to 26 months. Both trainees are progressing satisfactorily at this time.

PEC will welcome two new trainees to the program. It is anticipated that one trainee will start March 1, 2013 and the other will delay until April 1, 2013 at his request. The trainees will be given a thorough introduction to the program, the operation of SFBP, and the safety issues for boarding ships. They are expected to commence training pending contracts from the State.

PEC would like to thank Capt. Will Lemke for completing two terms as a member of PEC. In the past eight years Capt. Lemke has been involved in the training, evaluation, and eventual recommendation of about 24 new pilots. He has been instrumental in key changes in the program that are the foundation of the Pilot Trainee Training program today. We would like to thank him for his service to the BOPC.

Next month's PEC meeting is scheduled for March 20, 2012.

President Miller inquired whether there were questions from the Board or comments from the public. There were none.

## **22. Performance Evaluation of Executive Director – President Miller**

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.**

**President Miller announced that the Board would go into closed session to consider the annual performance evaluation of the Executive Director.**

**CLOSED SESSION**

**The Board went into closed session at 11:19 a.m.**

**OPEN SESSION**

**The Board returned to open session at 12:13 p.m.**

President Miller announced that in the closed session the Board considered the annual performance evaluation of the Executive Director and took no other actions.

**25. Adjournment**

There being no further business to come before the Board, the meeting adjourned at 12:15 p.m.

Respectfully submitted,

Kelly Dolcini  
Staff Services Analyst