

<p><b>Meeting Date:</b></p> <p><b>June 25, 2015</b></p>	<p><b>Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun</b></p> <p><b>660 Davis Street, San Francisco, CA 94111</b></p> <p><b>Monthly Board Meeting Minutes</b></p>	<p><b>Page 1 of 14</b></p>
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**Board Members Present**

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

**Board Members Absent**

John Schneider, Wet Cargo Industry Member  
 Vacant, Dry Cargo Industry Member

**Staff Present**

Allen Garfinkle, Executive Director  
 Roma Cristia-Plant, Assistant Director  
 Dennis Eagan, Board Counsel  
 Kelly Dolcini, Staff Services Analyst  
 Sigrid Hjelle, Office Technician

**Public Present**

Acting Port Agent Capt. John Carlier; San Francisco Bar Pilot (SFBP) Capt. Dan Bridgman; Pacific Merchant Shipping Association (PMSA) Vice President Mike Jacob; Rollie Caabay of the California State Lands Commission; Jon Lane, United States Coast Guard (USCG) ; Knute Michael Miller; and, Rex Clack, Esq.

**OPEN MEETING:**

**1. Call to Order and Roll Call – President Johnston**

President Johnston called the meeting to order at 9:45 a.m. Staff Services Analyst Dolcini called roll and confirmed a quorum.

**2. Review and approval of Board meeting minutes – President Johnston**

**Approval of Board meeting minutes from May 28, 2015. Board action to approve the May 28, 2015 minutes.**

Board members were presented with the minutes of the meeting held on May 28, 2015, for

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approval. Vice President Connolly requested a clarification to the minutes regarding the Executive Director's report reference to the NTSB response. There was no discussion or public comment.

**MOTION:** Vice President Connolly moved to approve the minutes of the meeting held on May 28, 2105, as clarified. Commissioner Livingstone seconded the motion.

**VOTE:** Yes: Johnston, Connolly, Livingstone, Long, and Schmid.  
No: None.  
Abstain: None.

**ACTION:** The motion was approved.

### **3. Announcements – President Johnston**

#### **A) Announcement of events affecting Board business since the last monthly Board meeting.**

There were no announcements.

#### **B) Commendation of Capt. Daniel Bridgeman for his actions in the incident involving the M/V OCEAN LIFE.**

President Johnston and Vice President Connolly presented Capt. Bridgeman with a certificate of Commendation for his exemplary seamanship in the incident of the M/V OCEAN LIFE. Capt. Bridgeman thanked the Board, and expressed his gratitude for the experience he had in in the Pilot Trainee Training Program, which he credited with giving him the ability to make the necessary successful shiphandling decisions in this instance.

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

There were no reports.

### **5. Directors' Report – Executive Director Garfinkle/Assistant Director Cristia-Plant**

Executive Director Garfinkle announced that the 2015-2016 budget has been approved by the Governor, and that the Board has received an extra \$100,000 in its budget earmarked for the Pilot fatigue study.

#### **A) Correspondence and activities since the April, 2015 monthly meeting.**

Executive Director Garfinkle reported the following correspondence to the Board:

- On June 1, 2015, Board staff received notice from Pilot Evaluation Committee (PEC) chairman Capt. Einar Nyborg indicating his committee would be nominating Capt.

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Mark Haggerty to replace Capt. Fuller on the PEC and that he, Capt. Alden, and Capt. Larwood would term out in 2016.

- On June 4, 2015, he received a letter from Norman J. Ronneberg, Jr. reminding him that he has yet to receive a “pertinent response” to his March 31, 2015, letter about Rene Peinado’s contractual right to take the 1993 Pilot Trainee Training Program exam. In the letter, he requested to be notified when Capt. Peinado can take the agreed-upon examination. He also requested a tally of how many pilots are Latino, African-American, Asian, or Native American. Mr. Garfinkle previously responded that the Board does not track the race or heritage of the licensees, trainees, or applicants, and had provided this information to Mr. Ronneberg, Jr.
- On June 8, 2015, staff received an e-mail link to a Panama Canal Authority Advisory to shipping notice, A-14-2015 titled, “2015 Safe Boarding Week,” wherein it advises owners, operators, and agents that there will be inspections of boarding facilities by teams representing personnel who regularly board vessels. A checklist detailing what items will be inspected was attached.
- Also on June 8, 2015, he attended a directors’ meeting at California State Transportation Agency (CalSTA) headquarters in Sacramento.
- On June 11, 2015, Mr. Garfinkle attended a Harbor Safety Committee meeting at the Port of Oakland. At the meeting the USCG distributed two Marine Safety Alerts and a Marine Safety Information Bulletin (MSIB) involving anchoring equipment, fire extinguishing systems, and water jet devices
- On June 15, 2015, he received a subpoena to produce documents related to the OCEAN LIFE event involving the Trans Bay Cable. The subpoena was from attorneys representing the cable insurance company.
- On June 16, 2015, he received an email from the Port Agent that contained a pilot statement concerning a pilot ladder incident that happened when he was disembarking the SINGAPORE VOYAGER on June 5, 2015. The event was discussed in further detail under agenda item 8.
- Also on June 16, he and Assistant Director Cristia-Plant and he attended a CalSTA Director’s social at the Leland Stanford historical mansion in Sacramento hosted by Secretary Kelly. They were treated to a tour of the mansion during the event.
- On June 17, 2015, he provided a response from Board staff to the May 28, 2015, PMSA letter that raised procedural and substantive concerns regarding the proposed amendment to § 222 of the Board’s regulations.
- On June 18, 2015, he attended a CalSTA consultation meeting with California Tribal leaders in Lincoln. Secretary Kelly hosted the meeting wherein all CalSTA constituent department heads gave a short overview of their department followed by a discussion of tribal and state perspectives on relevant transportation issues.
- On June 19, 2015, at the Rules and Regulations Committee meeting, PMSA Vice president Mike Jacob presented the Rules and Regulations Committee with a letter detailing the association’s perspective on the proposed amendment to regulation 7 Cal. Code of Reg. § 222.

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

Executive Director Garfinkle reported that between the April and May Board meetings, he reported that staff renewed the licenses of Captains Weiss, Kirk, Tylawsky, McCloy, Aune, Alden, Hurt, Fawcett and Cloes.

Since the May meeting, staff renewed the licenses of Captains Nyborg, Haggerty, D’Aloisio, Kenyon, Slack, Carr, Manes, Larwood, Miller, Long, and Wainwright.

**C) Report on Board surcharges.**

The Board received a check from the San Francisco Bar Pilots for \$82,616.79 for May 2015 revenues as follows:

- Board Operations Surcharge: \$33,216.79
- Continuing Education Surcharge: \$ 7,060.00
- Trainee Training Surcharge: \$42,340.00

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

There has been no legislation affecting the Board since the last meeting, other than the 2015-2016 budget item discussed earlier.

Assistant Director Cristia-Plant reported the following on Board contracts:

- San Jose State University Research Foundation (SJSURF) staff are currently working with Dr. Hobbs to divide the pilot fatigue study budget by task. The SJSURF staff also have indicated that they may not be contracting with the National Aeronautics and Space Administration researcher as originally proposed, but utilizing university or foundation staff instead.
- All State Controller’s Office (SCO) internal approvals have been received to proceed with an interagency agreement with the SCO for the SFBP revenue/surcharge audit. The SCO has requested to proceed with utilizing their own contract template, and have been delayed in sending a draft interagency agreement to the Board due to fiscal year end work.
- Staff worked with Capts. Livingstone and Long this past month to finalize the manned model request for proposal (RFP) contractor minimum qualifications and sent the criteria to the California Highway Patrol (CHP). Work has begun with the commissioners to develop the RFP point scoring criteria.
- The Board and CHP staff agreed to an annual administrative support cost of \$60,000. Although CHP calculated its costs much higher, the final contract amount was predicated on the capacity of the Board’s 2015-2016 budget. The interagency

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agreement should be completed by the end of the month and will be effective through June 30, 2016.

- A contract amendment to the legal services contract with Remcho, Johansen & Purcell, has been executed and sent to the Department of General Services for review and approval. The amendment will augment the \$50,000 contract by \$25,000, for a total contract amount of \$75,000.
- Negotiations are complete on the interagency agreement with the California Department of Transportation, and a final agreement was sent for signature earlier this week. The interagency agreement will be effective upon signing and run through June 30, 2016.
- Staff has begun working on renewing the interagency agreement with the California Maritime Academy (CMA) for trainee training program examination support services, and will also soon begin the process of renewing the interagency agreement with CMA for pilot continuing education.

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

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

Acting Port Agent Carlier reported that three pilots—Captains Chapman, Martin, and Kelso—have been absent this month, or a portion thereof, for medical reasons.

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

Acting Port Agent Carlier reported the SFBP continually monitors the dispatch list for possible minimum rest period exceptions, and the variety of mitigating measures employed if a rest period exception is likely to result during a rest period of less than ten hours. He reported that the SFBP currently has 58 licensed pilots, that there were 27 minimum rest period exceptions in May, principally due to work roster being short of three pilots who were in training. He also reported on pilot vessel repairs and down time.

Acting Port Agent Carlier reported the following vessel move data when compared to a three-year average:

- Bar Crossings 562 moves/-15%
- Bay Moves 145 moves/+24%
- River Moves 44 moves/+27%
- Total Moves 751/-7%
- Gross Registered Tons (GRT): 32.5 million/-12.2% year to date (YTD)

He further reported that when comparing YTD piloting activity in 2015 to 2014, total moves were down 12.1%, and GRT was down 16.6%. He announced that the SFBP held Man Overboard drills on June 9, 2015, and that Commissioner Schmid was able to attend.

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- 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, §1157.1.**

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 – Capt. Einar Nyborg**

- A) Report on the June 17, 2015, Pilot Evaluation Committee (PEC) meeting.**

Executive Director Garfinkle gave the PEC report on behalf of Capt. Nyborg. He reported that all trainees are progressing well at this time and that none of them are currently in the evaluation stage.

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

Executive Director Garfinkle reported that Capt. Fuller resigned his PEC duties, and the Committee seeks to replace him with Capt. Mark Haggerty, who has been a pilot for 18 years exceeding the requisite 10 years to be on the Committee, and that he comes highly recommended.

**MOTION:** Commissioner Long moved that the Board appoint Capt. Mark Haggerty to the Pilot Evaluation Committee. Vice President Connolly seconded the motion.

**VOTE:** Yes: Johnston, Connolly, Livingstone, Long, and Schmid.

No: None.

Abstain: None.

**ACTION:** The motion was approved.

**8. Reported safety standard violations – Executive Director Garfinkle**

- A report on reported safety standard violations since the last Board meeting. (Reports received between the issuance of this notice and the meeting will be reported on.)**

Executive Director Garfinkle reported that he had received a report that, while disembarking a ship, the pilot ladder had broken off in Capt. Haggerty’s hand, resulting in him falling roughly four feet onto the deck of the pilot boat. Capt. Haggerty was assisted by the crew and uninjured. He indicated the Port Agent reported this event to the American Pilots Association for possible

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inclusion in their newsletter, and that the Port Agent noted that not all pilot groups use manropes, but it is an important component of the SFBP disembarkation system.

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

Mr. Garfinkle reported that he will be out of the office for the July meeting and would be seeking an extension on all of the open Incident Review Committee investigations since the Committee is still gathering information in all open investigations.

**A) Status report on the passage of the M/V ROOK to Stockton on March 22, 2015, where once docked, the vessel was detained by the USCG Port State Control for lacking navigation charts for the passage from New York Point to Stockton. Possible Board action to grant an extension to present the M/V ROOK Incident Review Committee incident report at the June Board meeting. If an extension is requested, the delay in presenting the report will be due to Board staff workload.**

**MOTION:** Vice President Connolly moved to grant an extension to the investigation until the meeting on August 27, 2015. Commissioner Schmid seconded the motion.

**VOTE:** Yes: Johnston, Connolly, Livingstone, Long and Schmid.  
No: None.  
Abstain: None.

**ACTION:** The motion was approved.

**B) Status report on the grounding of the USNS MATTHEW PERRY (T-AKE 9) on March 20, 2015, during a flat tow from Berth 4E at BAE Systems Ship Repair facility to their Dry dock #2. Possible Board action to grant an extension to present the USNS MATTHEW PERRY Incident Review Committee incident report at the June Board meeting. If an extension is requested, the delay in presenting the report will be due to Board staff workload.**

**MOTION:** Vice President Connolly moved to grant an extension to the investigation until the meeting on August 27, 2015. Commissioner Long seconded the motion.

**VOTE:** Yes: Johnston, Connolly, Livingstone, Long, and Schmid.  
No: None.  
Abstain: None.

**ACTION:** The motion was approved.

**C) Status report on the interaction between the M/V FUJI GALAXY, underway into the Port of Stockton and the M/V CS SARAFINA moored at berth 10, Port of Stockton, on April, 28, 2015, wherein the M/V CS SARAFINA suffered damage to her gangway.**

**MOTION:** Vice President Connolly moved to grant an extension to the investigation until

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the meeting on August 27, 2015. Commissioner Livingstone Long seconded the motion.

**VOTE:** Yes: Johnston, Connolly, Livingstone, Long and Schmid.  
No: None.  
Abstain: None.

**ACTION:** The motion was approved.

## **10. Report of the Rules and Regulations Committee – Commissioner Long**

### **A) Report on the June 19, 2015 Rules and Regulations Committee meeting.**

Commissioner Long reported that the Committee had met on Tuesday, June 19, 2015 to consider a proposed draft of a Port Agent conflict of interest regulation. He briefed the Board on the draft regulation language and reported that the Committee had met four times at public meetings on this subject. He further stated the development of the proposed draft regulations was done in a workshop setting before presenting the language to the Board, and noted that Mr. Jacob has been involved in the process. He also acknowledged the May 28 and June 18, 2015, letters from PMSA that recognize the Board’s efforts at transparency, and express, among other things, a concern about the lack of enforcement in the proposed regulation being considered should a conflict arise. Commissioner Long stated that there were a variety of issues the Committee considered with regard to determining the requirements of a Port Agent conflict of interest code, and that he would like the opportunity for the Committee to review what is actually being reported by the Port Agent before considering any enforcement conditions in a regulation.

### **B) Review possible recommendation from Committee to accept draft of amendment to 7 CCR § 222, Pilot Conflict of Interest Code to specifically include the Port Agent, to mandate that the Port Agent file statements of economic interest with the Board, and to direct staff to commence formal rulemaking. Possible Board action to accept recommendations and approve draft of 7 CCR § 222, Pilot Conflict of Interest Code amendment to specifically include the Port Agent, to mandate that the Port Agent file statements of economic interest with the Board, and to direct staff to commence formal rulemaking.**

Board Counsel Eagan confirmed that in the Board’s litigation against the Fair Political Practices Commission (FPPC), the Board asserts that the Port Agent is not a public official, and he noted the Board is being represented by outside counsel. He also stated the Port Agent provisions for disclosure stem from the Board’s independent authority to require disclosure, and that the Committee considered a disclosure structure similar to the format the FPPC uses for state officials. Board Counsel Eagan reviewed in detail the draft proposed regulation and form considered by the Committee.



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Vice President Connolly applauded staff for the detailed work, and acknowledged that the enforcement issue has some merit. Both Mr. Paetzold and Board Counsel Eagan confirmed that the proposed draft regulation is not final, that this is the first step in which the Board directs staff to commence the rulemaking process, and that there will be opportunities for the public to further comment.

**MOTION:** Commissioner Long moved to recommend to the Board to direct staff to commence the Port Agent conflict of interest regulation rulemaking process. Commissioner Connolly seconded the motion.

**VOTE:** Yes: Johnston, Connolly, Livingstone, Long and Schmid.  
No: None.  
Abstain: None.

**ACTION:** The motion was approved.

## 11. Finance Committee – Commissioner Schneider

### A) Report on June 8, 2015 meeting of the Finance Committee.

Commissioner Livingstone gave the report of the Finance Committee meeting on Commissioner Schneider’s behalf. He indicated that the Committee acknowledged the Board’s 2015-2016 budget is strained on the training/education side, and he reviewed the Committee’s recommendation for each of the surcharges as stated in the agenda.

### B) Review Finance Committee recommendations on the following Board surcharges:

#### a. Board Operations Surcharge (currently 1%): No change recommended by Committee. Possible Board action to affirm recommendation, change, or not change the Board Operations Surcharge.

**MOTION:** Commissioner Livingstone moved to maintain the Board Operations Surcharge at 1%. Commissioner Long seconded the motion.

**VOTE:** Yes: Johnston, Connolly, Livingstone, Long, and Schmid.  
No: None.  
Abstain: None.

**ACTION:** The motion was approved.

#### b. Pilot Continuing Education surcharge (currently \$10 per move): The Committee recommends reducing Pilot Continuing Education surcharge to \$5.00 per move. Possible Board action to affirm recommendation, change, or not change the Continuing Education Surcharge.

**MOTION:** Commissioner Livingstone moved to reduce the Pilot Continuing Education

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Surcharge from \$10/move to \$5/move. Commissioner Schmid seconded the motion.

**VOTE:** Yes: Johnston, Connolly, Livingstone, Long, and Schmid.  
No: None.  
Abstain: None.

**ACTION:** The motion was approved.

**c. Pilot Trainee Training Surcharge (currently \$10/trainee/move): No change recommended by Committee. Possible Board action to affirm recommendation, change, or not change the Pilot Trainee Training Surcharge.**

**MOTION:** Commissioner Livingstone moved to maintain the Trainee Training Surcharge at \$10/trainee/move. Vice President Connolly seconded the motion.

**VOTE:** Yes: Johnston, Connolly, Livingstone, Long, and Schmid.  
No: None.  
Abstain: None.

**ACTION:** The motion was approved.

**d. Pilot Vessel Surcharge (currently at 3.27 mills or \$0.00327): No change recommended by Committee. Possible Board action to affirm recommendation, change, or not change the Pilot Vessel Surcharge.**

**MOTION:** Commissioner Livingstone moved to maintain the Pilot Vessel Surcharge (currently at 3.27 mills or \$0.00327). Commissioner Long seconded the motion.

**VOTE:** Yes: Johnston, Connolly, Livingstone, Long, and Schmid.  
No: None.  
Abstain: None.

**ACTION:** The motion was approved.

**12. Pilot Safety Committee – Commissioner Livingstone**

**A) Report on the May 4, 2015 Committee meeting.**

Commissioner Livingstone reported that the Pilot Safety Committee had met on May 4, 2015, and discussed the combination course in relation to the recommendations from the USCG investigation into the T/V OVERSEAS REYMAR. He indicated that there is a need to review all of the Bridge Resource Management training modules for possible updating. Commissioner Connolly requested to ensure the “human element” is included in any updates.

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- B) Committee recommendation to direct Continuing Education Committee Chairman to review and possibly modify curriculum of Restricted Visibility Maneuvering Module and Bridge Resource Management Module of Combination Course training by working with California Maritime Academy personnel and the Professional Development Committee of the San Francisco Bar Pilots. Possible Board action to direct Continuing Education Committee Chairman to review and possibly modify curriculum of Restricted Visibility Maneuvering Module and Bridge Resource Management Module of Combination Course training by working with California Maritime Academy personnel and the Professional Development Committee of the San Francisco Bar Pilots.**

**MOTION:** Commissioner Livingstone moved that the Board direct the Continuing Education Committee to work with California Maritime Academy staff and the SFBP Continuing Professional Development Committee to review the combination course curriculum, and for the Committee to recommend to the Board at a future date any training curricula enhancements. Commissioner Long seconded the motion.

**VOTE:** Yes: Johnston, Connolly, Livingstone, Long, and Schmid.

No: None.

Abstain: None.

**ACTION:** The motion was approved.

### **13. Pilot Power Committee – Commissioner Livingstone**

- A) Report on June 19, 2015 Pilot Power Committee meeting.**

Commissioner Livingstone reported that at its June 19, 2015, meeting, the Pilot Power Committee had reviewed the most recent retirement survey and the progress of trainees through the Pilot Trainee Training Program. Executive Director Garfinkle apprised the Board that the retirement survey reflects a spike in retirees in 2017, and that there are currently seven remaining candidates on the list eligible to enter into the Pilot Trainee Training Program.

- B) Possible recommendation by the Committee to direct staff to initiate contracting with additional pilot trainees for entry into the trainee training program. Possible Board action to direct staff to initiate contracting with additional pilot trainees for entry into the Pilot Trainee Training Program.**

Commissioner Livingstone apprised the Board that the Committee recommends bringing two new trainees into the Pilot Trainee Training Program in September to meet future expected piloting needs.

**MOTION:** Commissioner Livingstone moved that the Board enroll two new trainees in the Pilot Trainee Training Program effective September 1, 2015. Commissioner

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**VOTE:** Long seconded the motion.  
Yes: Johnston, Connolly, Livingstone, Long, and Schmid.  
No: None.  
Abstain: None.

**ACTION:** The motion was approved.

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

**Report on loss of propulsion events, including those suspected to be due to low sulfur fuel issues, arising since last meeting.**

Executive Director Garfinkle reported that since the last Board meeting, of the seven marine casualties reported to the Harbor Safety Committee by the USCG, there were two reported loss or reduction of ship propulsion events, none of which were attributable to fuel switching.

**15. Report on National Transportation Safety Board (NTSB) Recommendation M-11-19 to “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.” – Executive Director Garfinkle**

**Report of staff progress on response to NTSB Recommendation M-11-19. Possible submission of draft response to Board for approval. Possible Board action to approve staff response to NTSB Recommendation M-11-19 and direct staff to submit response.**

Executive Director Garfinkle reported that he was is still working on the response to the NTSB.

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

**Report on Public Records Act litigation: 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.**

There was no report. No closed session for this item.

**17. Report on Fair Political Practices Commission decision to include Port Agent in Board’s Conflict of Interest Code – Executive Director Garfinkle**

**Report regarding the decision of the Fair Political Practices Commission concerning appeal by Pacific Merchant Shipping Association (PMSA) from Board denial of PMSA’s petition to include Port Agent in the Board’s Conflict of Interest Code. The Board may go into closed**

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**session to discuss with the Executive Director, any matters subject to attorney-client privilege as per Government Code §11126(e) of the Bagley-Keene Open Meeting Act.**

Board Counsel Eagan reported that a brief had been heard in the case and that they are awaiting a reply brief. A hearing scheduled for July 24, 2015. No closed session for this item.

**18. Report on litigation, Craig E. Reeder vs. State Board of Pilot Commissioners, initiated by Captain Craig Reeder on December 17, 2014 – Board Counsel Eagan**

**Progress report on Reeder v. Board of Pilot Commissioners. The Board may go into closed session to discuss with the Board Counsel any matters subject to attorney-client privilege as per Government Code §11126(e) of the Bagley-Keene Open Meeting Act.**

Board Counsel Eagan reported that briefing was complete and that the hearing scheduled for June 2, 2015, has been rescheduled to July 6, 2015. No closed session for this item.

**19. Report on Stipulation for Settlement and Mutual Release in PEINADO vs. BOARD OF PILOT COMMISSIONERS, Case No. 964430 – Board Counsel Eagan**

**Report regarding the Stipulation for Settlement and Mutual Release in PEINADO vs. BOARD OF PILOT COMMISSIONS, Case No. 964430. 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).**

Board Counsel Eagan reported that a response to Capt. Peinado’s attorney would be forthcoming. No closed session for this item.

**20. Board discussion of best practices in maritime safety – Vice President 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 development of policies and procedures.**

Vice President Connolly referred the Board back to item 12 on the agenda and reported that the Pilot Safety Committee would be meeting on June 30, 2015. Capt. Livingstone reported that he is in contact with Jorge Viso of the American Pilots’ Association (APA) and will be speaking with him regarding the possibility of auditing any curriculum changes the bridge resource management modules for approval by the APA.

<p><b>Meeting Date:</b></p> <p><b>June 25, 2015</b></p>	<p><b>Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun</b></p> <p><b>660 Davis Street, San Francisco, CA 94111</b></p> <p><b>Monthly Board Meeting Minutes</b></p>	<p><b>Page 14 of 14</b></p>
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**21. Incident Review Committee incident report on the M/V ROOK - President Johnston**

**A presentation of the Incident Review Committee report on the M/V ROOK March 22, 2015 passage to Stockton on March 22, 2015, where once docked, the vessel was detained by the United States Coast Guard Port State Control for lacking navigation charts for the passage from New York Point to Stockton. This report will be presented as report only. Board may review IRC decision to limit investigation based on 7 CCR §210 (b)(3). The Board may go into closed session for the deliberation of the incident report presented under this item pursuant to Harbors and Navigation Code §1180.6(a) and Government Code §11126(c)(3)**

An extension was granted under agenda item number 9.

**22. Public Comment on matters not on the Agenda.**

There were none

**23. Proposals for additions to next month's agenda.**

Commissioner Long requested language in the agenda regarding the status of other draft rulemaking staff is working on. Commissioner Livingstone requested an agenda item for the Pilot Safety Committee.

**24. Adjournment.**

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

**VOTE:** Yes: Johnston, Connolly, Livingstone, Long, and Schmid.  
No: None.  
Abstain: None.

**ACTION:** The motion was approved and the meeting was adjourned at 11:28 a.m.




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Allen Garfinkle, Executive Director

Prepared by: Kelly Dolcini and Roma Cristia-Plant