

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

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**Board of Pilot Commissioners
Monthly Board Meeting
November 18, 2010
9:30 a.m.
MINUTES**

OPEN MEETING**Call to Order and Roll Call-9:30 a.m.**

President Miller called the meeting into order at 9:33 a.m. President Miller, Vice President Johnston, Commissioners Tate, Osen, Sullivan, Wainwright and Roberts were present, constituting a quorum. Business, Transportation and Housing (BTH) Secretary Bonner was represented by BTH Deputy General Counsel Morocz telephonically from Sacramento. Executive Director Garfinkle, Board Counsel (Deputy Attorney General) Dennis Eagan, Port Agent Capt. Horton and Staff Services Analyst Brian Vu also were present.

1) Approval of Minutes

President Miller requested approval of the minutes of the October 21, 2010 Board meeting. Commissioner Roberts moved for approval with authority to Board staff to make clerical, non-substantive changes. Commissioner Tate seconded the motion which passed unanimously on a voice vote.

2) Announcements - President Miller

President Miller announced that through an exchange of e-mails with Kevin Davis, Esq., representing the San Francisco Bar Pilots (SFBP), the SFBP had withdrawn its application for a mill rate increase pursuant to Harbors and Navigation Code section 1190 (a)(1)(c) without prejudice to re-filing at a future date. The Board meeting scheduled for November 15, 2010 at which the application was to have been considered, had been cancelled.

President Miller went on to request that the Rules and Regulations Committee consider questions of the proper interpretation of HNC 1190(a)(1)(c), subsidiary issues bearing on qualifications of a petitioner to invoke that section of the Board's authorizing statute, and appropriate procedures for making application, and for the Board's consideration of an application. President Miller requested that the Committee proceed with all due dispatch and that it report back to the Board with recommendations for rule making.

President Miller also noted that the Committee's meetings would be open to the public and would be conducted in conformance with the Open Meeting Act, and that all interested parties and members of the public would be able to participate.

Rules and Regulations Committee Chairman Wainwright agreed to proceed as President Miller had requested.

3) Board Member Activities – Board Members

President Miller stated that on October 23, 2010 he and Commissioner Sullivan had attended a gala event celebrating the 60th anniversary of the founding of the San Francisco Maritime National Park. The event was sponsored by the San Francisco Maritime National Park Association which honored a number of members of the San Francisco maritime community. Among them were: Capt. (and former Commissioner) Nancy Wagner, the first female pilot in the United States; Dr. William B. Eisenhardt, President of the California Maritime Academy and a member of the Board's Ad Hoc Committee on Pilot Selection; and Mr. Carl Nolte, veteran reporter for the San Francisco Chronicle whose beat includes the San Francisco waterfront, and thus the Board of Pilot Commissioners. President Miller and Commissioner Sullivan concurred that it was a pleasant evening.

President Miller stated that on October 22, 2010 he and Commissioner Roberts had accompanied Mr. Arthur Degraauw of the Port Revel manned-model training center on a familiarization ride on San Francisco Bay aboard an AmNav tractor tug. At the request of the Board, Port Revel constructed a model tractor tug several years ago. This was Mr. Degraauw's first opportunity to observe and operate a real tractor tug.

Vice President Johnston stated that on October 26, 2010, he had attended the pinning ceremony for United States Naval Reserve cadets at the California Maritime Academy.

4) Executive Director's Report – Executive Director Garfinkle

A) Correspondences and activities since October 21, 2010 meeting.

Executive Director Garfinkle reported that on November 5, 2010 he received a letter from Capt. Bruce Horton of the San Francisco Bar Pilots informing him that on November 3, 2010, a majority of the pilots had elected him to act as Port Agent. The letter went on to name pilots who, as members of the SFBP Policy Committee, may from time to time stand in as Acting Port Agent. Those pilots so named are: Daniel Boriolo, Morgan Hoburg, Daniel Larwood, Peter McIsaac, Richard Hurt, and Raymond Ridens.

Executive Director Garfinkle reported that on October 26, 2010, he received a work plan for a Practice Analysis from Comira (psychometric experts who guide the applicant exam preparation), outlining procedures necessary to conduct practice analysis. The work plan contains a tentative schedule for completion, which runs through the first two quarters of 2011. He explained that practice analysis is an essential part of the testing process and the last time it was conducted was in 2006. It was noted that a significant amount of pilot involvement is necessary to complete the practice analysis and Executive Director Garfinkle explained he would work closely with the Port Agent to minimize the impact on the pilots.

Executive Director Garfinkle reported that Kevin Davis, Esq., representing the San Francisco Bar Pilots, withdrew its request of application for a mill rate increase pursuant to Harbors and navigation Code section 1190 subdivision (a)(1)(c) on November 15, 2010 without prejudice to re-filing at a future date.

Executive Director Garfinkle also reported that on November 17, 2010 he received a request from the SFBP to pay additional invoices for the load line modifications to P/V CALIFORNIA and P/V SAN FRANCISCO. These are invoices that were not yet received when the Pilot Boat Committee last met on August 23, 2010 and gave final authorization for payment of \$309,901.00. The invoices are for approximately \$15,000.00 per vessel for a total of approximately \$30,000.00.

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

There was one license renewed in October, Capt. Daniel Boriolo. Captain Guy Kleess' license was due to be renewed; however, the Board awaits renewal of his federal license, which is pending while he appeals denial of a medical waiver. Capt. George Dowdle's license was renewed in November.

C) Report on surcharges received by the Board.

Executive Director Garfinkle reported that the Board collected surcharges from SFBP totaling \$249,317.47 broken down as follows: Pilot Commission charge \$196,397.47, pilot training surcharges of \$29,115.00, and trainee surcharges of \$23,805.00.

D) Report on status of contracting two additional trainees for training program.

Executive Director Garfinkle reported that two new trainees have orally agreed to enter the program. Contracts have been submitted to California Highway Patrol (CHP) for processing so that the trainees can start January 1, 2011.

E) Report on legislative activities and contractual matters.

Executive Director Garfinkle reported on the following contracts:

SFBP: An amendment is in progress, encompassing changes in language including new airfare language and adding Maritime Institute of Technology and Graduate Studies (MITAGs) travel; pending non-competitive bid (NCB) report from staff.

Department of Technology Services: An Inter-Agency Agreement (IAA) is pending with CHP in Sacramento to provide for website services.

Port Revel: The amendment is in progress with an NCB submitted to BTH for approval. Once approved, it will be sent to Department of General Services (DGS) for approval.

BOPC Surcharge Audit: A contract has been signed with Shea Labagh Dobberstein, CPA's to conduct agreed upon procedures.

Commission Investigators: CHP is still perfecting the request for proposal (RFP) contract language.

Alarm Monitoring of BOPC offices: Staff has solicited and received bids for this service, but has placed the contracting process on hold until a lease for the BOPC office space is finalized.

5) Confirmation of New Port Agent Pursuant to Harbors and Navigation Code Section 1130 – President Miller

President Miller welcomed San Francisco Bar Pilots President (Capt.) Bruce Horton, and noted that he was not a stranger to the Board, having served on several occasions as acting Port Agent. President Miller noted the receipt of correspondence from Capt. Horton reported by Executive Director Garfinkle in his report in which Capt. Horton noted that he had been elected by the membership of the SFBP to act as Port Agent.

Capt. Horton confirmed that he had been elected to serve as Port Agent for a term of two years, commencing on November 3, 2010. In response to a question from President Miller, Commissioners Wainwright and Roberts – both members of the San Francisco Bar Pilots – confirmed that the membership of the organization had elected Capt. Horton to act as Port Agent.

President Miller inquired whether Capt. Horton was familiar with the requirements of Harbors and Navigation Code section 1130 which specifies the duties of the Port Agent, and whether he was familiar with Board Regulation 218 which specifies in greater detail the duties of the Port Agent.

Capt. Horton stated that he was familiar with both.

President Miller inquired whether Capt. Horton believed that he could perform the duties so specified.

Capt. Horton stated that he could.

Commissioner Wainwright moved that the Board – pursuant to Harbors and Navigation Code section 1130 – confirm Capt. Bruce Horton as Port Agent, effective November 3, 2010. The motion was seconded by Vice President Johnston. 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.

President Miller offered congratulations to Port Agent Horton on behalf of the entire Board.

President Miller then referred again to the correspondence reported by Executive Director Garfinkle in which Capt. Horton had identified pilots who may be called upon to perform some of his duties as Acting Port Agents when he is unavailable. President Miller noted that the designation from time to time of Acting Port Agents did not relieve Capt. Horton of his legal responsibilities as Port Agent. Capt. Horton acknowledged this fact.

Vice President Johnston moved that the Board acknowledge receipt of correspondence from the Port Agent identifying other pilots who from time to time might be called upon to perform his duties. Commissioner Tate 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.

6) Port Agent's Report - Capt. Bruce Horton

A) Monthly confidential written report on pilots 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 the Harbors and Navigation Code, Section 1157.1.**

Captain Kleess has been absent for medical reasons (AMFR) since August 25, 2010.

Captain Pete Fuller has been AMFR since November 17, 2010.

Captain Lemke has been AMFR since October 7, 2010. He is working in the operations office during the recovery which is expected to last through the end of the year.

Captain Rusty McBride has found NFFD on October 15, 2010 by a BOPC contracted physician.

B) Recommended Minimum Rest Period Exceptions:

There were 75 during the month of October.

C) Pilot Vessel Report:

P/V DRAKE was out of service from October 20, 2010 to November 8, 2010 due to main engine keel cooler failures; the coolers have been replaced. The failure was attributed to a poor installation practice by Foss Maritime and they will absorb all repair costs.

D). Monthly report on SFBP ship piloting business activity.

Billed moves in October 2010 compared to the three year average were as follows: Bar crossings down 5.7% (599), bay moves down 23.4% (114), river moves down 11.6% (28), total moves down 9% (741) and gross registered tons (GRT) down 4.7% (28.7M). When compared to the first ten months of 2009, bar crossings are up 1.4%, total moves are up 1% and GRT up .1%.

All Commissioners were provided with copies of the Port Agent's confidential written report of pilots who have been absent for medical reasons. After the Board had had the opportunity to read the report, President Miller inquired whether any member wished to go into closed session to discuss the contents of the confidential report. There were no requests.

7) Bureau of State Audits Report – 12-Month Status Letter – President Miller and Executive Director Garfinkle

A) Report on status of Board corrective actions in response to BSA recommendations. Report on status letter requirement and development.

President Miller explained to the Board that it was required to submit a One-Year Status Report on corrective action taken in response to the Bureau of State Audits recommendations in its report. He stated that of the 27 recommendations, the Board had taken corrective action with respect to 19, and that corrective action would be complete on all but three by December 31, 2010. The remaining items have to do with securing office space for the Board which is in the hands of the Department of General Services, and contracting matters related to medical examinations and procedures that will reflect findings of the UCSF study that is nearing completion. All BSA recommendations should be responded to by September 30, 2011. The Board response is due to BSA by November 25, 2010 and should be forwarded to BTH immediately after review and approval by the Board.

B) Report on development by staff of checklists to aid in the development of Board meeting agendas and minutes.

Executive Director Garfinkle stated that in response to a BSA recommendation, the staff had developed checklists for preparation of Board and Committee agendas and minutes of Board and Committee meetings. The checklists will assist staff in ensuring that all relevant and important items are properly referenced and reported. They were used in preparation of the agenda for today's meeting and will be used in preparation of the minutes.

Commissioner Wainwright moved to direct staff to compare draft agendas and meeting minutes with the checklists during document preparation. Vice President Johnston seconded the motion. President Miller called for discussion by the Board and comment by the public. There was none.

Whereupon the motion passed unanimously on a voice vote.

C) Report on development by staff of a reconciliation process to track and compare San Francisco Bar Pilots invoice monthly totals with actual collections and remittances of surcharge moneys due to the Board.

President Miller reported that he had worked with Ms. Julie Yasuda, Comptroller of the SFBP, and with staff to develop a system to verify that all surcharges collected by SFBP and required to be remitted to the Board are remitted correctly and timely. The process requires a comparison of the San Francisco Bar Pilots monthly actual cash collections with the check remitting those moneys. President Miller called attention to the worksheet and source document entitled "SFBP Summary Cash Report" included in the Board members' binders and called for them to inspect the documents. After discussion, President Miller asked that the Board approve the procedure devised and implemented by staff.

Commissioner Roberts moved that the Board approve the procedure. Vice President Johnston seconded the motion. President Miller called for discussion by the Board and comment by the public. There was none.

Whereupon, the motion passed unanimously on a voice vote.

D) Report on development by staff of a procedure to establish controls to protect confidential information.

Executive Director Garfinkle introduced a proposed Board procedure that details how Board staff will identify, protect and if necessary, disseminate confidential information. The proposed procedure was prepared by staff and Board Counsel and covers Board confidential information including pilot confidential information. He noted that staff has begun work on a procedures manual to guide Board staff and that the proposed procedure to protect confidential information would be included.

Vice President Johnston moved that the Board approve the proposed procedure to protect confidential information. Commissioner Osen seconded the motion. President Miller called for discussion by the Board and comment by the public. There was none.

Whereupon, the motion passed unanimously on a voice vote.

Vice President Johnston moved that the Board authorize the Board President to transmit to the Secretary of Business, Transportation and Housing the One-Year Status Report on progress of corrective action taken by the Board in response to the BSA audit. Commissioner Roberts seconded the motion. President Miller called for discussion by the Board and comment by the public. There was none.

Whereupon, the motion passed unanimously on a voice vote.

8) Pilot Evaluation Committee – Port Agent Horton for Capt. Nyborg

A) Report on November 17, 2010 committee meeting.

The Pilot Evaluation Committee met on November 17, 2010. In closed session, all four trainees were interviewed individually. The current trainees include: Ruff, Fawcett, Kellerman and Laakso. Their time in the program ranges from four months to 17 months and all trainees are progressing well at this time.

The Portable Pilot Unit (PPU) training using Rose Point software has been implemented in the trainees' training. All trainees currently in the program have taken the Rose Point training. The PEC has instituted a policy whereby the trainees will begin to carry a PPU in the month subsequent to achieving a 4.0 grade point average. Following that they may use a PPU with the permission of the supervising pilot and they are required to use a PPU when riding with PEC members. This policy will ensure that the trainees will have at least two months or 60 trips exposure to piloting with a PPU while in the training program.

There is no Pilot Evaluating Committee meeting in December.

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

A safety standard violation report was filed for the M/V SPRING LYRA on November 17, 2010. It was reported that the pilot ladder was old and weather worn. An investigator was sent out to the ship on November 18, 2010. There will be a report to the Board at its December meeting. The United States Coast Guard (USCG) Port State Control Officer, Lt. JG Sandi Carmine was notified of the violation.

A report was filed for the M/V OVEASEAS LONDON on November 10, 2010. It was reported that the starboard ladder needed replacement as one side was stretched out. As the ship had departed by the time the report was received, no investigator was dispatched but the report was forwarded to USCG Port State Control.

A report was filed for the M/V CHAMPION PACIFIC on October 27, 2010. It was reported that the accommodation ladder sat about two feet off the hull, making the transition from the accommodation ladder to the pilot ladder difficult. In addition the wires supporting the accommodation ladder were uneven, causing the ladder to tilt or slant inwards toward the hull. In addition to submitting this report to USCG Port State Control, an effort was made to file a "Non-Conformity Report" with the operator – Champion Tankers. There has been no response at this time from Champion Tankers.

10) Reportable Piloting Events – Executive Director Garfinkle

Executive Director Garfinkle stated that there have been no new reportable piloting events.

11) Rules and Regulations Committee – Commissioner Wainwright

A) Report on November 12 Committee meeting.

The Rules and Regulations Committee met on November 12, 2010 at 9:30 a.m. with Commissioner Wainwright presiding and Commissioners Sullivan and Johnston present, constituting a quorum. Also present was Board Counsel Dennis Eagan and retired annuitant, Terri Toohey.

B) Report on status of various Rules and Regulations Committee agenda items.

- 1) The Committee reviewed requests for clarification and questions from Office of Administrative Law (OAL) with regard to rulemaking and draft regulations Sec. 211.5, Commission Investigator Minimum Standards. Non-substantive changes were made except for 211.5(a)(3) and 211.5(a)(5) where the word "equivalent" was further specified. This change will add 15 days to the rule making process. The changes are as follows:
 - 211.5(a)(3): **A bachelors degree** from a maritime academy
 - 211.5(a)(5): Three years experience in shipboard duties as chief mate or first engineer, and two years experience **performing the duties of** a marine superintendent or port engineer.
- 2) The Portable Pilot Unit (PPU) regulation will go into effect in mid-December.

- 3) The amended Conflict of Interest Code went into effect November 13, 2010.
- 4) Frequency of training from three years to five years, along with the adjustment of manned-model training duration from six to five days are both in the public comment period.
- 5) The draft of amendments to Board regulations governing the election and term of office for Commission president and vice-president is still at OAL.
- 6) 7 CCR sec. 210 is not yet out for public comment. The draft will be ready soon.
- 7) Public comment period for draft regulations 217, pilot and trainee annual physicals, ended on November 16, 2010. There is an additional 15 days for deletion of the language requiring physicals to be completed within 60 days prior to the expiration of the license. This language was deleted as it may be inconsistent with the Pilot Fitness Committee recommendations forthcoming.

Commissioner Wainwright reported to the Board that the Committee is still working on Port Agent Reporting.

Commissioner Wainwright also reported to the Board of new agenda items encompassing drafting of any pilot ladder regulation upon recommendation by Commissioner Sullivan's Safety Committee, impairment of alcohol consumption pursuant to 210(f), and Harbors and Navigation Code section 1190 subdivision (1)(1)(c).

The Board then moved to agenda item 20.

20) Proposed Regulation for Adoption – Ex Officio Member Gabor Morocz

Member Morocz presented to the Board amendments to regulation section 215, concerning the manned model shiphandling course and the combination course. After discussion among Board members, he requested final adoption of the amendments.

Commissioner Tate moved that the Board adopt the proposed amendments to section 215. The motion was seconded by Vice President Johnston. President Miller called for discussion among Board members. There was none.

Whereupon the motion passed unanimously on a voice vote.

The Board then returned to the agenda in regular order.

12) Finance Committee – Commissioner Osen

Commissioner Osen stated that the Finance Committee had not met since the last Board meeting. The next Committee meeting would be at 10:00 a.m. on November 30, 2010.

13) Pilot Fitness Committee – Commissioner Roberts

Commissioner Roberts reported that the Board's Pilot Fitness Committee met on November 8, 2010. All members were present and the Committee's full agenda was considered.

Commissioner Roberts reported that the UCSF study is progressing well and hopes to have a draft in early 2011.

Following discussion and review of the current draft of section 217 relating to medical examinations, the Committee determined that the language requiring the physicals to be taken within 60 days of the state license expiration date may not be consistent with the recommendation of the Committee. While this provision was initially placed in the regulation to assure the Board of a reasonable time nexus between the determination of fit for duty and the licensing, the Committee feels the language regarding the 60-day window to be premature. Commissioner Roberts recommended for staff to make changes removing the 60-day language in regard to Board Regulation section 217. Commissioner Wainwright moved that staff be instructed to make changes to formal regulatory amendments to Board Regulation section 217 as follows:

From section 217(b)(1), strike the words "but no earlier than 60 days".

From section 217(b)(2), strike the words "but no earlier than 60 days".

Vice President Johnston seconded the motion. President Miller called for discussion by the Board. There was none.

Whereupon the motion passed unanimously on a voice vote.

14. Pilot Pension Committee – Commissioner Tate

Commissioner Tate stated that there was no report.

The Board then moved to agenda item 27.

27) Public Comment on Matters not on the Agenda.

At the request of Vice President Johnston, Mr. John V. Hummer, Director of the Northern California and Mid Pacific Gateway, U.S. Maritime Administration, addressed the Board concerning the letting of a contract to move two vessels from the Suisun Bay Reserve Fleet to the dry dock at the former US Navy Mare Island Shipyard for scrapping.

Port Agent Horton and Commissioner Wainwright expressed safety concerns that the vessels when towed from Suisun Bay to Mare Island presented an unnecessary safety risk to the UPRR Bridge because a state licensed pilot was not aboard the vessels nor the tugs used in the moves. They expressed concern that a federal pilot, not trained as thoroughly and comprehensively as state pilots,

could not provide as safe a transit as could a state pilot. They also expressed concern about the quality of the tugs used in the moves. Mr. Hummer stated that he would alert his superiors in Washington, DC to the concerns raised.

The Board then returned to the agenda in regular order.

15) Low Sulfur Fuel – Commissioner Osen

Commissioner Osen reported that the Harbor Safety Committee for San Francisco Bay had received a report from Capt. Cowan of the Office of Spill Prevention and Response. Capt. Jeff Cowan was present in the audience and addressed the Board concerning low sulfur fuel incidents and future challenges on the horizon, particularly the intended expansion by the Air Resources Board of the requirement to use low sulfur fuel whenever a vessel is within 20 miles of the California coast, to a new requirement setting the limit at 200 miles of the California coast. Capt. Cowan pointed out that shifting to low sulfur fuel farther out to sea would allow time for the propulsion plants to settle down prior to entering pilotage waters, thereby hopefully minimizing the number and frequency of incidents. Commissioner Sullivan pointed out that most vessels in service today do not have tank capacity sufficient to store an adequate quantity of low sulfur fuel to comply with the 200 mile requirement.

Several Board members expressed interest in receiving a detailed briefing on low sulfur fuel issues. Commissioner Osen agreed to take the lead in arranging the briefing.

President Miller ordered a brief recess at 11:16 a.m.

The Board reconvened at 11:37 a.m.

President Miller noted that all Commissioners had returned from the recess and were present, constituting a quorum.

16) Ad Hoc Working Group on Trainee Recruitment – Commissioner Tate

(The Ad Hoc Working Group is to review current Board regulations with respect to qualifications required of applicants who wish to sit for trainee selection examination and to develop recommendations with respect to retention or modifications of current regulations.)

President Miller reported that he had appointed an additional member of the Working Group. Capt. Will Lemke, a member of the Pilot Evaluation Committee, has agreed to serve.

Commissioner Tate reported to the Board that members of his Committee include Commissioner Osen and Commissioner Wainwright. The first meeting will be held on November 30, 2010 at 1:00 p.m.

17) Continuing Education Committee – Commissioner Roberts

Commissioner Roberts stated that there was no report.

18) Pilot Safety Committee – Commissioner Sullivan

Commissioner Sullivan stated there was no report.

19) Pilot Power Committee – Commissioner Roberts

Commissioner Roberts reported that the Pilot Power Committee met on November 18, 2010 at 8:30 a.m. All members were present and the Committee's full agenda was considered. The Pilot Power Committee considered all relevant data including the most recent minimum rest period exceptions, the most recent regulation Section 237(d) data, and the most recent pilot retirement survey.

The Committee also took note of the increase in USCG licensing issues with respect to medical waivers and the negative impact it is having on the pilots currently licensed by the state. After considering all the data and current developments, the Committee decided to recommend to the Board the further addition of two more trainees to the training program, bringing the total number of trainees added on January 1, 2010 to four.

Commissioner Roberts moved that the Board authorize the Executive Director to contract with two additional applicants from the current list of successful candidates from the most recent trainee selection examination and that they be brought into the training program on January 1, 2011 or as soon as possible thereafter. Commissioner Tate seconded the motion. President Miller called for discussion by the Board and comments from the Public.

Port Agent Horton stated that the SFBP and the Pilot Evaluation Committee both agree with the proposal.

There were no other comments.

Whereupon the motion passed unanimously on a voice vote.

The Board had previously considered agenda item 20.

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

Board Counsel Eagan discussed how the problem of presentation of visual materials arose during last month's Board meeting: Specifically, whether visuals had to be made available at satellite locations. After seeking clarification, Board Counsel Eagan determined that visuals do not have to be supplied to remote meeting locations; however, if there is accompanying sound, they must be audible.

Agency and staff are required to provide at the satellite location written copies of documents distributed at the meeting, while third parties are permitted to provide written copies at a later date, within a reasonable time.

Board Counsel Eagan reported on the status of the settlement with respect to Cosco Busan. He reported that talks between Caltrans and the ship owner are currently ongoing.

Board Counsel Eagan also reported that the Department of Justice was facing a budget reduction. One of the stipulations was that DOJ would discontinue the employment of retired annuitants and because he fell under that category, would cease to serve the Board effective November 30, 2010.

President Miller thanked Board Counsel Eagan for his service to the Board and stated that the Board would welcome him back should the DOJ budget and policies be revised to permit his return.

22) Regional Regulator Meeting – President Miller

Commissioner Miller reported that a revised agenda for the meeting has been received from the Pacific Pilotage Authority and has been posted on the Board's website. Presently, from the California Board, in addition to himself and Vice President Johnston, Commissioners Osen, Wainwright, and Roberts plan to attend. Executive Director Garfinkle plans to attend. Former Port Agent (Capt.) Peter McIsaac also plans to attend. During Executive Director Garfinkle's absence, Member Morocz will be acting Executive Director, representing BTH Secretary Bonner.

23) San Francisco Bar Pilots (SFBP) request for mill rate adjustment due to catastrophic cost increase – President Miller

President Miller noted that he had reported on the November 15th, 2010 meeting to consider the SFBP request previously during the meeting and that there was no need to schedule an additional meeting at this time. He inquired whether representatives of SFBP and/or PMSA wished to offer comments. Neither requested recognition.

24) Performance Evaluation of Executive Director – Commissioner Tate

Commissioner Tate noted that the Board had conducted three-month and six-month performance evaluations of the Executive Director, the most recent at the September, 2010 Board meeting, a month later than anticipated because of the high volume of Board business that was addressed in the August meeting. Commissioner Tate expressed his view that, because of the recency of the September review, it would be appropriate for the Board to forego the nine-month evaluation and schedule the 12-month performance appraisal for the February, 2011 Board meeting. After discussion, Vice President Johnston moved that the Board forego the nine-month evaluation of the Executive Director called for in paragraphs 7 and 8 of the Board's "Procedure for Evaluating the Executive Director." Commissioner Roberts seconded the motion. President Miller called for discussion from the Board. There was none.

Whereupon the motion passed unanimously on a voice vote.

25) Ad Hoc Working Group on Trainee Recruitment- Commissioner Tate

President Miller noted that the heading for this rubric for this agenda item incorrectly identified the Ad Hoc Committee on Pilot Selection as the Ad Hoc Working Group on Trainee Recruitment. However the description of matters to be addressed that followed the rubric is correct.

Attached is a copy of Commissioner Tate's report.

Commissioner Tate moved acceptance by the Board of the Ad Hoc Committee's report. The motion was seconded by Vice President Johnston. 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.

26) Incident Review Committee Report – Executive Director Garfinkle

Executive Director Garfinkle stated that the IRC incident report on the M/V BALTIC LEOPARD was not ready for presentation to the Board but that it would be ready for the December or January meeting.

27) Public Comments on Matters not on the Agenda

There were none, other than the comments by Mr. John V. Hummer, reported above.

28) Adjournment

The Board agreed to meet next on December 16, 2010 at 9:30 a.m.

There being no further business for Board consideration, the Board adjourned at 12:22 p.m.