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

September 23, 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 9:30 a.m. President Miller, Commissioners Tate, Osen, Sullivan, Wainwright and Roberts were present, constituting a quorum. Vice President Johnston was not present. 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 and Staff Services Analyst Brian Vu were also present.

1) Approval of Minutes

President Miller requested approval of the minutes of the August 26, 2010 Board meeting. Commissioner Wainwright moved approval with authority to Board staff to make clerical, non-substantive changes. Commissioner Roberts seconded the motion which passed unanimously by voice vote.

2) Announcements - President Miller

There were none.

3) Board Member Activities – Board Members

President Miller and Commissioner Sullivan stated that they had observed the San Francisco Bar Pilots (SFBP) man-overboard drill on September 3, 2010. There were no other reports of Board member activities.

4) Executive Director's Report – Executive Director Garfinkle

A) Correspondences and activities since August 26, 2010 meeting.

On September 8, 2010, staff received a Notice of Hearing from the California Unemployment Insurance Appeals Board to hear the unemployment claim of Capt. M. Peery against the Board set for September 21, 2010. Board Counsel Eagan and Executive Director Garfinkle attended the hearing. The claim was remanded back to the Employment Development Department for consideration of the issue of whether Capt. Perry was an employee of the Board.

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

There were no licenses renewed in August. There were four in September: Capt. Blake Coney, Capt. Thomas Burger, Capt. Timothy Hall and Capt. Daniel Boriolo.

C) Report on surcharges received by the Board.

Executive Director Garfinkle reported the Board collected surcharges totaling $282,237.65 broken down as follows: Pilot Commission charge $214,260.65, pilot training surcharges of $33,975.00, and trainee surcharges of $34,002.00.

D) Report on legislative activities and contractual matters.

Executive Director Garfinkle reported to the Board that there were still no monies for the trainees due to the lack of a state budget. He also reported that the Department of General Services has still not signed a lease with the Port of San Francisco.

He also reported that the Board has entered into a no-cost contractual amendment to the contract with University of California San Francisco Medical Center to add one year to the term of the contract. The contract was set to expire on September 30, 2010 and now runs through September 30, 2011 to allow time to complete the study. Also amended was the contract with Ghirardo CPA, to provide for a one-year extension with $19,000.00 of added funds.

Executive Director Garfinkle next reported on two Agreement Requests staff has filed with the California Highway Patrol (CHP): The first for a Request For Proposals (RFP) to contract with 3-4 Commission investigators; the second for an Invitation For Bids (IFB) to contract for a firm to conduct a surcharge audit. He reported that in both cases we hope to have a contract by the end of the calendar year.

Finally, he reported that CHP had sent partial payment to Centre de Port Revel of approximately $61,000.00, representing all the funds available for that contract in fiscal year 2009-2010, against an invoice of $101,000.00.

At the conclusion of Executive Director Garfinkle's report on legislative activities and contractual matters, Commissioner Roberts inquired as to whether there had been any progress in securing payment of stipends to trainees, notwithstanding the state budget impasse in Sacramento. Executive Director Garfinkle and President Miller expressed their sympathy for the plight of the trainees but stated that there had been no progress in securing payment of stipends.

5) Port Agent's Report - Capt. Peter McIsaac

A) The Monthly confidential written report on pilots absent for medical reasons (AFMR) was presented to Board.

Captain Kleess has been absent for medical reasons (AMFR) since August 25, 2010. He is currently in the process of getting medical clearance from the USCG and then a BOPC-appointed physician.

Captain Fuller has been AFMR since September 17, 2010. He is expected to remain absent at least through the end of September.

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. President Miller asked that the Board discuss the report in closed session.

President Miller announced that the Board would go into closed session at the conclusion of other business to consider all closed session matters.

B) Recommended Minimum Rest Period Exceptions:

There were 15 during the month of August on four separate days. One exception was due to a river pilot being called back. The shortest rest period was eight hours.

C) Pilot Vessel Report:

Pilot vessel GOLDEN GATE was out of service for 36 hours beginning September 13, 2010 to repair an exhaust leak.

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

There was a meeting on September 22, 2010 between the BMW Oracle Race management, the San Francisco Mayor's office, the United States Coast Guard, the Port of San Francisco, the San Francisco Bar Pilots and various other stakeholders, to discuss the operational and security issues that would arise if the 2013 challenge is held in San Francisco Bay.

Billed moves in August 2010 compared to a three-year average were as follows: Bar crossings down 7% (576), bay moves down 25% (96), river moves down 11% (20), total moves down 10.3% (757), and gross registered tons (GRT) down 6.5% (27.6M). When compared to the first eight months of 2009, bar crossings are flat, GRT down 2%, and total moves down 1%.

6) Pilot Evaluation Committee (PEC) – Port Agent Peter McIsaac for Capt. Nyborg

Port Agent McIsaac delivered Capt. Nyborg's report:

A) Report on September 22, 2010 committee meeting.

The Pilot Evaluation Committee met on September 22, 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.

B) Possible recommendation for the appointment of a new pilot or pilots. Possible Board action.

There were none.

C) Report on Committee program and budget requirements. Possible Board action.

There are three budget items the PEC asked the Board to consider:

1. PMI Train the Assessor course. The Board agreed late last year to send five members to Seattle's Pacific Maritime Institute for training. The course is designed to train evaluating pilots and give them a more formal and fair method of evaluating trainees in their work. The course was tailored to fit our current system and to lend our process credibility by teaching all PEC pilots to assess trainees by equal standards. Subsequent to Board approval of this course, the funding for such a course could not be arranged in the time allotted. The price last year was about $15,000 plus two nights lodging and air travel. Due to the current lack of a state budget, PEC has not approached PMI for a current estimate and is reluctant to do so. We ask that the Board request such information from PMI when the timing is appropriate to move forward.

2. Next, PEC recommends to the Board that the Board enter into a new multi-year contract with the California Maritime Academy for the use of the simulator and staff to begin preliminary work on the next pilot trainee exam. The committee recommends a multi-year contract for this endeavor.

3. Finally PEC recommends that the Board seek funds for a contract with an "Exam Development Professional." This contractor would work with CMA to develop the virtual port to be used in the next exam. Additionally he/she could develop grading points, populate the route with vessel traffic, etc. The Committee recommends this approach to help minimize the pilot days consumed in these tasks in the months before the exam. With the retirement of Capt. Gates and the loss of Ray Paetzhold's services, PEC has lost two great assets on this front. Though the next exam seems a long way off, it is conceivable that one would be needed in three years. As such, the preliminary simulator work should begin in 2011.

The PEC thanked the Board for considering these PEC budget items. The next PEC meeting is scheduled for October 20, 2010.

At the conclusion of the report, Commissioner Wainwright stated a concern with respect to the trainee selection examination recently completed. He pointed out that the approximately 51 applications to sit for the examination exhibited a heavy bias toward tug boat mariners over deep sea mariners. Executive Director Garfinkle confirmed the statistics cited by Commissioner Wainwright, stating that out of 51 applications received only 11 were from mariners with deep sea/unlimited tonnage experience. Commissioner Wainwright stated his concern that the current experience requirements in Board regulations were responsible for a disproportionate number of applications from tug boat mariners and that the Board would benefit from greater diversity of professional background among applicants to the Board's pilot trainee training program.

He then requested that the Board review the current requirements embodied in the Board's regulations and that the matter be included in the agenda for future Board meetings. President Miller stated that the question of professional diversity among applicants would be placed on the Board's agenda and that he would appoint a working group to review the questions raised by Commissioner Wainwright.

7. Reported Safety Standard Violation and Investigations – Executive Director Garfinkle

On September 1, 2010 Captain R. Pinetti reported a pilot ladder violation involving the container vessel XIN TIN CANG which he boarded in Oakland. The ship was outbound for sea.

According to Capt. Pinetti, prior to departing the dock, he discussed pilot ladder arrangements with the ship's master, Capt. Chen Wen Jiz, including the need for a man rope. Due to communication issues stemming from a lack of English proficiency on the part of the ship's master, Capt. Pinetti reviewed this request three times.

At the time of disembarking, the Chief Officer of the ship informed Capt. Pinetti that the vessel did not have a man rope, and that he had reviewed the regulations and was not required to carry one.

Capt. Pinetti filed a "Pilot Boarding Arrangements Deficiency Report" with the Executive Director and also faxed a copy to the United States Coast Guard, Sector San Francisco.

Executive Director Garfinkle contacted USCG Port State Control Officer Lt. JG Sandy Carmine. She had received Capt. Pinetti's report and reported that the vessel was to call in Los Angeles/Long Beach that day; the USCG would board the ship and investigate.

Based on follow-up investigations, the Executive Director learned that the USCG did conduct a ship check on board the XIN TAI CANG and discussed the need to have a man rope available if requested.

8. Reportable Piloting Events – Executive Director Garfinkle

A) Report on status of wires that were the subject of SANKO INNOVATOR investigation.

Executive Director Garfinkle provided a follow-up report on the SANKO INNOVATOR non-incident presented at the August Board meeting. This involved the Inmarasat antenna on the vessel

that made brief contact with the Pacific Gas and Electric (PG&E) power cable that crosses the Sacramento River in the vicinity of the Ryer Island ferry (near Sacramento Beacon 40). Due to the cone shape of the antenna, there was no damage to the cables or the antenna. It was later determined that although the ship was taller than thought (relatively new construction having been built in 2008) the wire was also hanging lower than expected.

The original authorized clearance of the wire was 140 feet at Mean High Water (MHW – average height of all high tides) but is charted at a height of 137 feet reported, which was reported by Capt. W. Slough (Inland Pilot) a number of years ago. Capt. Slough, by calculation, determined the air draft of the SANKO INNOVATIOR to be 134 feet 8 inches. He estimates two inches of contact, making the height of the wire 134 feet 6 inches.

Apparently PG&E permits authorize a 135 foot clearance at Mean Higher High Water (average of only the higher of the two daily high tides). Tom Scheeler, Port Engineer for the Port of West Sacramento, reported that PG&E worked on the tower on September 10, 2010 and re-tensioned the wire on September 13, 2010. PG&E was expected to survey the wire and report back. We are awaiting that report.

9. Rules and Regulations Committee – Commissioner Wainwright

A) Report on September 15, 2010 Committee meeting.

The Rules and Regulations Committee met on September 15, 2010 at 1:00 p.m. with Commissioner Wainwright presiding and Commissioners Sullivan and Johnston present, constituting a quorum. Also present was Board Counsel Dennis Eagan. Retired Annuitant, Terri Toohey, was present telephonically.

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

1) Portable pilot unit and Commission investigator minimum standard regulations are being forwarded by Terri Toohey to the office of Administrative Law (OAL). The review will take approximately 30 days.

2) Conflict of interest code guidelines are due back from OAL later this month.

3) Draft regulations for election and term of office for Commission president and vice president, sections 206 and 207, and draft regulation for frequency of pilot continuing education, section 215, comment periods are complete. This item will be addressed under item 19 of today's agenda.

4) Draft regulations for pilot and trainee annual physicals, section 217, are in public comment period which ends on November 15, 2010.

C) Presentation of draft amendments to 7 CCR sec. 210 concerning the Incident Review Process. Proposed regulatory changes to conform rules to statutory changes in the Wiggins Bill.

Commissioner Wainwright reported that the Rules and Regulations Committee had referred the question of amendments to Regulation 210 to the Ad Hoc Committee to Review Investigation Procedures for consideration of substantive policy issues, and that the Rules and Regulations Committee would continue its rulemaking process once recommendations were made by the Ad Hoc Committee and acted upon by the Board.

D) Report on regulation regarding the manner and content of a notice provided by the Port Agent to the Executive Director of a suspected violation, navigational incident, misconduct, or other rules violation in conformity with Harbors and Navigation Code Section 1130(c).

Commissioner Wainwright stated that the Rules and Regulations Committee had suspended work on rulemaking with respect to notice by the Port Agent to the Executive Director until after the election of a new association president by the membership of the SFBP later in 2010. Port Agent McIsaac will be termed out as president of the SFBP and the Committee believes it will be most appropriate to defer consideration in order to work with the new incumbent after his or her election.

10. Finance Committee – Commissioner Osen

A) Report on status of surcharge audit contracting.

Commissioner Osen reported to the Board that the Finance Committee had not met since the last Board meeting. It is waiting for data from CHP.

Executive Director Garfinkle reported that the CHP contracts specialist was preparing the invitation for bids (IFB) with respect to the surcharge audit and that she believes it will be ready for distribution in the near future. Contracting could be complete by the end of this calendar year.

B) Report on adjustments to authorized pilotage rates, if any.

Commissioner Osen announced that the number of licensed bar pilots will be 57 on October 1, 2010 and that accordingly pilotage rates for the calendar quarter beginning on that date will be subject to the floor specified in Harbors and Navigation Code section 1190(a)(1). Because the number of licensed bar pilots presently is 57 there will be no change to the pilotage rates for the next quarter.

Commissioner Osen moved that the Board direct the Executive Director to inform the San Francisco Bar Pilots Association that the pilotage rates currently in force will continue for the calendar quarter beginning October 1, 2010. Commissioner Roberts seconded the motion. President Miller called for discussion by the Board and comment from the public. There was none. Whereupon the motion passed unanimously on a voice vote.

11. Pilot Fitness Committee – Commissioner Roberts

A) Report on September 21, 2010 Committee meeting.

Commissioner Roberts reported that the Board's Pilot Fitness Committee met on September 21, 2010. All members were present and the Committee's full agenda was considered.

B) Report on Committee review of current procedures for determining fitness for duty, appeal procedures (7 CCR sec. 217).

Commissioner Roberts reported that Dr. Kosnik walked the committee through eleven draft recommendations.

C) Report on Committee review of budgetary requirements related to projects concerning this Committee.

Commissioner Roberts reported that two workshops have been scheduled. One will be on October 6, 2010 at 1:00 pm and the second will be on October 18, 2010 at 10:00 am.

12. Pilot Pension Committee – Commissioner Tate

Commissioner Tate stated that there was no report.

13. Low Sulfur Fuel – Commissioner Osen

Commissioner Osen stated that there was no report.

14. Pilot Power Committee – Commissioner Roberts

Commissioner Roberts reported that the Pilot Power Committee met on September 23, 2010 at 8:30 a.m. All members were present and the Committee's full agenda was considered. The Committee considered the results of the most recent retirement survey, the most recent section 237(D) data and the 1986 Manalytics, Inc. study.

At the conclusion of his report, Commissioner Roberts moved that the Board direct staff to contract with two new trainees to begin their training on January 1, 2011. Commissioner Tate seconded the motion. After discussion by the Board, President Miller called for comments from the public. There were none. Whereupon the motion passed on a unanimous voice vote.

15. Continuing Education Committee – Commissioner Roberts

Commissioner Roberts stated there was no report. The Committee will meet again on October 13, 2010 at 9:30 am.

16. Pilot Safety Committee – Commissioner Sullivan

Commissioner Sullivan reported that his preliminary opinion was that existing regulations are adequate in dealing with pilot ladder safety and that clear presentations of these rules are abundant and as close as the SFBP's own tide book. He recommended that a case study be done with a broader

group of participants. He also suggested that contact with the "Designated Person" of the companies Safety Management System (SMS) might be a good way to resolve safety problems encountered.

President Miller stated that uncertainty had been expressed concerning membership in the Pilot Safety Committee. He confirmed that he had appointed Commissioner Sullivan as member and chairman of the Committee and that he was at this time formally appointing Capt. David McCloy to serve as the second member of the Committee.

President Miller stated his appreciation for Commissioner Sullivan's work to date and expressed his hope that the Committee would work with the Executive Director and the Port Agent to determine whether improvements in the Board's investigation of pilot ladder violations were needed and whether statutory changes were needed to effect those changes, if any.

17) Pilot Vessel Advisory Committee – Commissioner Johnston

Report on Committee's review of documentation and associated invoices from the American Bureau of Shipping required Load Line Assignment modifications to the P/V CALIFORNIA and the P/V SAN FRANCISCO.

The Committee met and reviewed the documentation and associated invoices related to the American Bureau of Shipping required load line modifications to the P/V CALIFORNIA and the P/V SAN FRANCISCO. An issue was raised as to why the boats were not built to these standards to begin with, and whether there was language in the original contracts that might allow the Board or SFBP to be indemnified for the costs of the modifications. After discussion among the Board, the Board recommended looking into the possibility of filing suit and recovering losses. Following discussion Commissioner Osen moved that the Board approve these charges. Commissioner Tate seconded the motion. President Miller asked for discussion by the Board and comment from the public. Pacific Merchant Shipping Association Vice President Mike Jacob supported the investigation of expenditure recovery. Whereupon the motion passed unanimously on a voice vote.

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

A) In Simenstad v. Incident Review Committee, an action by Capt. Michael Simenstad to prevent the IRC from presenting its investigation report to the Board, the California Supreme Court has denied Capt. Simenstad's petition for review of the Court of Appeal's decision dismissing his appeal from the Superior Court's dismissal of the action.

B) In the COSCO BUSAN litigation against the Board, Caltrans has reached a settlement in principle with Regal Stone and Fleet Management, the owner and operator of the COSCO BUSAN. Any and all claims against the Board of Pilot Commissioners and the Port Agent acting as agent for the Board will be dismissed with prejudice.

C) On September 7, 2010, Captains Peter McIsaac and Russell Nyborg were dismissed as defendants from the action brought against them in federal district court by Regal Stone and Fleet Management. The dismissal was based on the Eleventh Amendment to the U.S. Constitution, which prohibits private citizens from suing States or state agents or officials in federal court. Judge Samuel Conti concluded

that Captains McIsaac and Nyborg were acting as officers or agents of the Board when they engaged in the conduct alleged by Regal Stone and Fleet Management. He therefore concluded that they had properly invoked their immunity from suit under the Eleventh Amendment, and he dismissed them from the lawsuit.

19. Proposed Regulation for Adoption - Ex Officio member Gabor Morocz

Member Morocz presented and offered to the Board completed amendments to Board regulations sections 206 and 207 concerning Board officer terms, and recommended their adoption. The Board reviewed the proposed amendments. After discussion, Commissioner Tate moved that the Board adopt the proposed amendments. The motion was seconded by Commissioner Wainwright. President Miller called for discussion by the Board and comment from the public. There was none. Whereupon the motion passed unanimously on a voice vote.

Member Morocz presented and offered to the Board completed amendment to Board regulation 215 concerning pilot training frequency and recommended their adoption. The amendment would increase to five years from three years the frequency of the bridge resource management/combination course attendance required of licensees. The Board reviewed the proposed amendment. After discussion, Commissioner Tate moved that the Board adopt the proposed amendment. The motion was seconded by Commissioner Wainwright. President Miller called for discussion by the Board and comment from the public. There was none. Whereupon the motion passed unanimously on a voice vote.

20. Status of Separate Tracking of Board Expenditures - Ex Officio member Gabor Morocz

California Highway Patrol personnel Jeff Uyeda and David Goldsmith telephonically joined the meeting to report of the tracking of revenue. They reported to the Board that under the old [DCA] regime, tracking was not divided, and considered as one account. However, to more accurately reflect statutory requirements, revenue streams and costs must follow a three-way tracking consisting of Board operating expenses, pilot continuing education and trainee training costs. CHP was also happy to announce that this new system has been implemented. CHP also stressed that keeping lines of communication open was paramount due to their unfamiliarity with nature of the maritime industry and it would be extremely beneficial to them understand what our needs are. They also stressed the importance of coding of revenue and expenses to the tracking process. Commissioner Tate then moved to acknowledge receipt of the report and recognition of the three way tracking process. Commissioner Wainwright seconded the motion. President Miller called for discussion and comment from the public. There was none. Whereupon the motion passed unanimously on a voice vote.

21. Budget Change Proposal - President Miller and Ex Officio Member Morocz

Report on status of Budget Change proposal incorporating input from Committees and staff.

President Miller reported that the date for submission of a budget change proposal (BCP) had passed and that the next opportunity for the Board to request changes to its expenditure authority would be through the submission of a spring finance letter (SFL) which will be due to BTH on

February 14, 2011. President Miller noted that several proposals for budget augmentations had been reported. He asked that the Board consider such proposals and if found worthy, that the Board direct staff to include them in a draft finance letter. He also noted that the appropriate venue for considering the budget effect of the proposals was in the Finance Committee.

President Miller noted the three proposals from the Pilot Evaluation Committee:

1. PMI Train the Assessor course.
2. Multi-year contract with CMA for use of the simulator for trainee selection examinations.
3. Contracting with trainee examination selection professionals to assist the PEC in developing the next trainee selection examination.

Commissioner Roberts moved that the Board approve the proposals from the PEC and refer them to the Finance Committee for review and financial assessment. Commissioner Wainwright seconded the motion. There was discussion by the Board. President Miller called for comments from the public. There were none. Whereupon the motion passed unanimously on a voice vote.

Commissioner Wainwright then identified several other proposals for consideration by the Board:

4. Provide for annual travel for the Executive Director to professional meetings to enable him to appropriately and full represent the Board.
5. Provide for biennial travel by the Executive Director and all members of the Board to regional regulator conferences on the West Coast or elsewhere should they be so scheduled.
6. Provide travel expenses for an investigating committee composed of two Commissioners and the Executive Director to manned-model training facilities that might serve as vendors to the Board in connection with continuing education now required of all licensees.

The Board discussed the proposals. Commissioner Wainwright moved that the Board approve the proposals and refer them to the Finance Committee for review and financial assessment. Commissioner Roberts seconded the motion. President Miller called further discussion by the Board and for comments from the public. There were none. Whereupon the motion passed unanimously on a voice vote.

Member Morocz reiterated that the Spring Finance Letter that would embody the Board's proposed changes to its fiscal year 2011-12 budget was due to BTH not later than February 14, 2011.

22. Regional Regulator Meeting - President Miller

Discussion of the Board's participation in West Coast regional pilotage regulators meeting presently scheduled for December 7-8 in Vancouver, British Columbia.

The Board discussed subjects that might be appropriate for the agenda for the regional regulator meeting. There was consensus that the Board should suggest six subjects to the British Columbia authority which will host the meeting and determine the agenda:

- Cosco Busan - "final" report (a discussion of the investigations, ensuing litigation involving our Commission, and the criminal conviction of the pilot).

- Varying approaches to regulator investigation of maritime incidents involving licensees.
- Increasing diversity among licensees.
- Continuing education of licensees.
- Fitness oversight.
- California Maritime Academy as regional trainee selection simulator vendor.

President Miller noted the consensus among the Board members. He called for comments from the public. There were none. President Miller stated that he would communicate the suggestions to the British Columbia authority.

Note: President Miller stated that agenda item 23, Performance Evaluation of the Executive Director would be deferred until after consideration of the two final agenda items.

24. Public Comments on Matters not on the Agenda.

President Miller called for public comment on matters not on the Agenda. There was none.

25. Proposals for Additions to Next Month's Agenda

President Miller called for proposals for additions to the October 28, 2010 Board meeting. There were none.

President Miller then announced that the Board would stand in recess until 12:15 P.M., when it would reconvene to consider agenda item 23 and the confidential report of the Port Agent on pilots who are AFMR. Whereupon the Board recessed at 12:02 p.m.

The Board reconvened at 12:16 p.m. in open session. All Commissioners except Vice President Johnston were present, constituting a quorum. Member Morocz participated telephonically. Executive Director Garfinkle, Staff Services Analyst Brian Vu, Board Counsel Eagan and Port Agent McIsaac also were present.

23. Performance Evaluation of Executive Director - Commissioner Tate

Review quarterly Performance Evaluation of Executive Director.

President Miller announced that the Board would go into closed session to review the monthly confidential written report of pilots who have been absent for medical reasons (AFMR) presented to the Board by the Port Agent, as authorized by Harbors and Navigation Code, section 1157.1; and to review the performance evaluation of the Executive Director pursuant to Government Code section 11126(a)(1).

CLOSED SESSION

The Board went into closed session at 12:17 P.M.

(Port Agent McIsaac participated in discussion of the AFMR report. He was not present in the closed session during consideration of the performance evaluation.)

OPEN SESSION

The Board resumed open session at 12:37 P.M.

President Miller announced that the Board had discussed the confidential report from the Port Agent and taken no action on it.

He also announced that the Board had conducted its quarterly performance evaluation of the Executive Director and taken no action on it.

The Board agreed to meet next on October 21, 2010 at 9:30 AM.

26) Adjournment

There being no other business, the Board adjourned at 12:38.

Respectfully submitted,

Brian Vu
Staff Services Analyst