

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

660 Davis Street, San Francisco, CA 94111  
Phone: (415) 397-2253 Fax: (415) 397-9463  
E-mail: [kelly.dolcini@bopc.ca.gov](mailto:kelly.dolcini@bopc.ca.gov)  
Website: [www.bopc.ca.gov](http://www.bopc.ca.gov)



### AD HOC COMMITTEE ON BLUE CARD RATES November 28, 2012 **MEETING MINUTES** **1:00 p.m.**

The Board of Pilot Commissioners Ad Hoc Committee on Blue Card Rates met on November 28, 2012 at 1:00 p.m. at the Board of Pilot Commissioners office, 660 Davis Street, San Francisco, California. Chairman Frank Johnston presided with Committee members Commissioner Dave Wainwright, Commissioner John Cronin, San Francisco Bar Pilots (SFBP) Business Director John Cinderey and Pacific Merchant Shipping Association (PMSA) Vice-President Mike Jacob present. Members of the staff present were Board Counsel Dennis Eagan, Executive Director Allen Garfinkle, Staff Services Analyst Kelly Dolcini and Office Technician Sigrid Hjelle. Members of the public present included SFBP pilot Capt. Rick Hurt, Board President Knute Michael Miller.

#### Open Meeting:

#### **1. Call to Order and Roll Call.**

Chairman Johnston called the meeting to order at 1:12 p.m. Commissioner Wainwright, Commissioner Cronin, John Cinderey and Mike Jacob were present, constituting a quorum.

#### **2. Request approval of minutes of January 6, 2012 meeting.**

Chairman Johnston requested approval of the minutes of the January 6, 2012 meeting. Mr. Cronin made a motion to accept the minutes as presented. Mr. Jacob seconded the motion which passed unanimously on a voice vote.

#### **3. Review existing Blue Card service charges and develop plain definitions for each. Develop recommendation to Board to implement definitions developed.**

The Committee reviewed the existing Blue Card service charges and definitions and reviewed language agreed upon at the January 6, 2012 meeting.

There was agreement among the Committee members that the outstanding charges remaining to be defined on the rate sheet were, DELAY EN ROUTE (871 DT), ANCHORING AFTER DEPARTURE (853 AN), and PILOT CARRIED AWAY (840 DT).

Capt. Hurt reported that what constitutes a delay is left to the discretion of the individual pilot. Board Counsel Eagan encouraged the addition of language that defines how a delay is determined.

Further clarification was also requested for an 840 DT (Pilot Carried Away) charge. Committee members enquired about when it is determined that a job has been completed and a pilot had begun to be carried away. There was no clear consensus among the Committee members.

Mr. Jacob noted that the 853 AN charge was not being applied consistently. Mr. Eagan pointed out that the context for the original question was that Chevron was using the option of having their Master's pilot to the Richmond Long Wharf, but on occasion they would have to go instead (for a variety of reasons) to Anchorage 9, an area of the bay outside of the Master's endorsement, in which case they would take a pilot. The Anchor After Departure is the code used by SFBP for this charge, but perhaps it should be renamed to better reflect what service is being performed. Capt. McIsaac reviewed the history of the charge and what actually happens in this instance (a pilot boat is sent from the pilot office to the city front to deliver a pilot and then the boat is used again to pick up the pilot from Anchorage 9).

Mr. Cinderey will re-work the language for the carried away charge. Mr. Jacob will attempt to further define what constitutes a delay.

#### **4. Review of other matters relating to charges for pilotage services.**

There was no discussion.

#### **5. Review proposal to audit last three years of SFBP invoices. Possible recommendation to Board to authorize staff initiation of audit contract.**

The Committee discussed the contention by Commissioner Osen at the January 6, 2012 Committee meeting that the SFBP should go through an additional audit to ensure that rates are being applied properly.

There was a discussion where it was noted that the SFBP go through an annual audit by an outside auditor as well as an annual surcharge audit by a firm of the BOPC's choosing.

Mr. Cinderey moved that no additional audit be performed, based on the fact that the SFBP is already currently audited by two different CPA firms. Commissioner Cronin seconded the motion, which passed unanimously.

#### **6. Public Comments on Matters not on the agenda.**

There were none.

**7. Planning agenda items for next committee meeting.**

Mr. Cinderey will work on a re-write of the PILOT CARRIED AWAY (840 DT) charge.

Mr. Jacob will work to define what constitutes DELAY EN ROUTE (871 DT).

Committee members will consider how to resolve differing points of view and interpretations of the rates and the Board of Pilot Commissioners' role in that interpretation process.

**8. Adjournment.**

This Committee adjourned at 3:00 p.m.

Respectfully submitted,



Kelly Dolcini  
Staff Services Analyst

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