

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

Pier 9, Suite 102, San Francisco, CA 94111
Phone: (415) 397-2253 Fax: (415) 397-9463
E-mail: brian.vu@bopc.ca.gov
website: www.bopc.ca.gov

**RULES AND REGULATIONS COMMITTEE**

October 13, 2010

MEETING MINUTES**11:30 a.m.**

The Board of Pilot Commissioners Pilot Rules and Regulations committee met on October 13, 2010, at 11:30 a.m. at the Board of Pilot Commissioners office, Pier 9, Suite 102, San Francisco, California. Commissioner Wainwright presided over the meeting with committee members Commissioner John Sullivan and Commissioner Johnston present. Present in the audience included Commission President Knute Michael Miller, Port Agent Peter McIsaac, PMSA Vice-President Mike Jacob, Executive Director Allen Garfinkle, Board Counsel Dennis Eagan, Business Transportation and Housing agency and retired annuitant Terri Toohey and Staff Services Analyst Brian Vu. BTH Secretary Bonner was represented by BTH Deputy General Counsel Morocz telephonically from Sacramento.

Agenda:**1. Approval of minutes for the September 15, 2010 meeting.**

It was moved and seconded to approve the minutes. The motion passed unanimously by voice vote. Commissioner Wainwright pointed out a clerical change on agenda item #7, stating that "...will be presented to the board the next monthly meeting" should be changed to, "...will be reviewed by the committee at the next monthly meeting".

2. Report on status of formal rulemaking regarding draft regulations on Portable Pilot Units and Commission Investigator Minimum Standards.

Retired annuitant Terri Toohey reported that the status of the Portable Pilot Unit and Investigator Minimum Qualifications regulatory amendment package was complete and had been sent to the Office of Administrative Law for formal review. They have until November 15, 2010.

3. Report on status of amended Commission Conflict of Interest Code submitted to the Fair Political Practices Commission for approval.

Retired annuitant Terri Toohey reported that the regulatory amendment package on Commission Conflict of Interest had been approved by the FPPC. FPPC revised their own language with no substantive changes. OAL is the next step.

4. Report on status of formal rulemaking regarding the election and term of office for the president and vice-president.

Retired annuitant Terri Toohey reported that formal rulemaking regarding the election and term of office for the president and vice-president was adopted during September's board meeting. She is currently awaiting board minutes before sending the package to OAL, where it will go into the final rule making process.

5. Report on status of formal rulemaking regarding the frequency of pilot continuing education training.

6. Report on status of formal rulemaking regarding annual pilot and trainee physicals, amending sec. 217.

Commissioner Wainwright reported that rulemaking regarding the frequency of pilot continuing education was adopted last month. After discussion with the committee, it was agreed to continue the rulemaking process and include an amendment to reduce course time from five days to four. As a result, agenda item #5 and #6 would be combined in one rulemaking package due to sufficiency of relation.

7. Report on status of formal rulemaking regarding annual pilot and trainee physicals, amending sec. 217.

Commissioner Wainwright reported that this agenda item is on public comment notice until November 15, 2010.

8. Review draft regulations for cleanup regulatory package implementing the statutory changes on the roles of the board and its Incident Review Committee in informal and formal license disciplinary actions (sec. 210). Possible motion to recommend to the board that staff proceed with formal rulemaking.

Commissioner Wainwright reported that he was satisfied with the draft, noting non-substantive changes of the en dash. (6-12) Commissioner Wainwright moved approval of the draft and to also move forward with formal rulemaking. Commissioner Sullivan seconded the motion which passed unanimously on a vote.

9. Review draft regulation, as amended by Board Counsel, regarding the manner and content of a notice provided by the Port Agent to the Executive Director of a suspected violation, navigational accident, misconduct, or other rules violations in

conformity with Harbors and Navigation Code sec. 1130(c). Possible motion to recommend to the board that staff proceed with formal rulemaking,

Board Counsel Egan recommended some changes of language, striking out "as soon as possible" at the end of the last sentence. After further discussion among the committee, "as soon as possible" was struck out in favor of, "as soon as practicability under the circumstances".

Port Agent McIsaac recommended to the committee a change in F(6) as follows:

- a. Name of pilot
- b. Name of pilot trainee involved, if any;
- c. Time of incident, misconduct or violation;**
- d. Date of incident, misconduct or violation;**
- e. Name of vessel involved, if any;
- f. Twenty-four (24) hour telephone number for the vessel agent;
- g. The vessel's location and itinerary**
- h. Location of incident, misconduct or violation;
- i. Nature of incident, misconduct, or violation

Commissioner Johnston moved approval of the order. Commissioner Sullivan seconded the motion which passed unanimously on a vote.

10. Planning agenda items for next committee meeting.

Port Agent McIsaac proposed a change to F(5). The committee directed Counsel Egan to look at the legislative intent before further action. Commission President Miller also proposed an agenda item to discuss the criteria of what should be on a license and who should get them. In addition, Commissioner Sullivan proposed an agenda item to review pilot ladder regulations. The next meeting was set for November 15, 2010 at 9:30 a.m.

11. Adjournment

There was a motion to adjourn. It was seconded and passed unanimously by voice vote. The meeting adjourned at 1:57 p.m.

Respectfully submitted,

Brian Vu
Staff Services Analyst