

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

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June 14, 2010 RULES AND REGULATIONS COMMITTEE MEETING MINUTES 9:00 a.m.

The Board of Pilot Commissioners Rules and Regulations Committee met on June 14, 2010, at 9:10 a.m. at the Board of Pilot Commissioners Office, Pier 9, Suite 102, San Francisco, CA, Commissioner Wainwright presided as the Chair. Committee members present included Commissioner Johnston and Commissioner Sullivan, and acting Committee member John Schneider.. Members of the public present were Ex-Officio Member Gabor Morocz, San Francisco Bar Pilots (SFBP) President and Port Agent Peter McIsaac, SFBP Business Manager John Cinderey. Executive Director Allen Garfinkle was also present. Board Staff member Terri Toohey joined by teleconference at 9:44 a.m.

Agenda:

1. Approval of minutes for the May 19, 2010 meeting.

The approval of May minutes was tabled until the following meeting as there was a delay in preparation.

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

The comment period on Portable Pilot Units and Commission Investigator Minimum Standards has been extended. If and when comments are submitted Board will be required to respond to them. It was mentioned that submittal to the Port Agent should serve to give notice to all the pilots, but in this case hard copies of the draft regulations were distributed to all the pilots.

3. Report on status of Commission Conflict of interest guidelines (Commission directed staff at its 5/27/10 meeting to take steps to prepare COI for FPPC).

Conflict of Interest guidelines were approved by the Board, signed by the Executive Director and submitted to the Fair Political Practices Committee for review.

4. Continue review and discussion of issues on draft regulations for cleanup regulatory package implementing the statutory changes on the roles of the Board and Incident Review Committee in informal and formal license disciplinary actions. (sec. 210).

Last meeting the Committee worked through section 210(f). Port Agent McIsaac inquired if there was a definition of the wording "under the influence" as used in (f)(1)? It was decided this question should go to the Ad Hoc Committee to Review Investigation Procedures for a discussion and determination.

The committee continued to review changes suggested by Maritime Counsel. After discussion it was decided to retain suggested changes to 210(g)(7), (h). When discussing Section 210(i) it was unclear to members of the committee what a "majority of the board" meant. This question will be sent to Board Counsel for a opinion letter. Section 210(j) changes were adopted as per Maritime Counsel which suggests tolling the reconsideration period 30 days from final determination by the Board.

5. Discuss preliminary draft of new Sec. 217(b), annual pilot physicals – in conformity with HNC 1141 and 1176.

The committee endorsed revising Section 217(b) to bring it in conformity with HNC 1141 and 1176. It was noted that the "Trainee's" should be added to 217 also.

6. Planning agenda for next committee meeting.

Committee will be taking up HNC 1130 and drafting regulations pursuant to this section. Committee also should address "manner and content" of Port Agents Initial Reportable Event Report. The next meeting was set for July 20, 2010 at 9:00 a.m.

7. There was a motion to adjourn. It was seconded and passed unanimously by voice vote. The meeting adjourned at 11:00 a.m.

Respectfully submitted,

Allen Garfinkle
Executive Director