

**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

August 24, 2010

MEETING MINUTES

9:00 a.m.

The Board of Pilot Commissioners Pilot Rules and Regulations committee met on August 24, 2010, at 9:09 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 present. Present in the audience were Executive Director Allen Garfinkle, Board Counsel Dennis Eagan and Staff Services Analyst Brian Vu. Deputy General Counsel Gabor Morocz of the Business Transportation and Housing Agency and retired annuitant Terri Toohey participated telephonically.

Agenda:

1. Approval of minutes for the July 20, 2010 meeting.

It was moved and seconded to approve the minutes. The motion passed unanimously by voice vote..

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

Deputy General Counsel Morocz reported on the progress of the Portable Pilot Unit and Investigator Minimum Qualifications regulatory amendment package. Following the receipt of a comment from Pilot Captain Sean Gabe, revisions have been made and an additional 15 day notice period had been added, which is now complete. There has been no change to the minimum standards and both regulations will go forward to the Board for formal approval.

3. Report on status of Commission Conflict of interest guidelines submitted to the Fair Political Practices Commission and to the Office of Administrative Law.

Deputy General Counsel Morocz reported that the regulatory amendment package on Commission Conflict of Interest is pending with the Fair Political Practices Commission (FPPC) with approval expected in September. Once the amendment clears the FPPC, the Office of Administrative Law will publish it.

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

The regulatory amendments extending the term of office for the President and Vice-President of the Board have been submitted to the Office of Administrative Law with public comment period ending on September 7, 2010.

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

The regulatory amendments on the frequency of pilot continuing education training have been submitted to the Office of Administrative Law with public comment period ending on September 7, 2010.

6. 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.

There was a discussion concerning the interpretation of Harbors and Navigation Code section 1180.6(b) that states "Action required pursuant to subdivision (a) shall be taken by a majority vote of the board." Board Counsel Eagan recommended that the committee clarify what constitutes a majority vote of the Board while revising section 210. No consensus could be reached amongst the committee members present on the interpretation and the discussion was tabled until the following meeting. Several other changes suggested by Board Counsel Eagan were incorporated by the committee into the revisions.

7. Review most recent draft of sec. 217 (b), annual pilot and trainee physicals – in conformity with Harbors and Navigation Code sec. 1141 and 1176. Possible motion to recommend to the board that staff proceed with formal rulemaking.

Board Counsel Eagan presented some suggested changes to the draft which were accepted by the committee and Deputy General Counsel Morocz reported that the draft will be presented to the Board at the next monthly meeting.

8. Review draft regulations 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 sec. 1130(c). Possible motion to recommend to the Board that staff proceed with formal rulemaking.

The committee reviewed the initial draft of proposed regulations incorporating input received from the Port Agent and the Executive Director. It was suggested that a 24 hour contact number be added to assist the Executive Director or the Board Investigator in gaining access to maritime facilities and, if necessary, the vessels involved.

9. Report on status of rulemaking and/or legislation to provide for annual Executive Director Performance reviews. Possible motion to request that Board provide for legislation.

Committee members agreed that the annual Executive Director Performance review was provided for by Board procedures and that no regulation was necessary to facilitate this function.

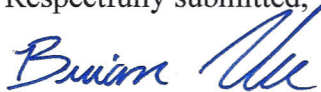
10. Planning agenda items for next committee meeting.

The next meeting was set for September 15, 2010 at 1:00 p.m. It will include majority voting under section 1180.6 and the language of port agent reporting.

11. Adjournment

There was a motion to adjourn. It was seconded and passed unanimously by voice vote. The meeting adjourned at 12:28 p.m.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Brian Vu", with a stylized flourish at the end.

Brian Vu
Staff Services Analyst