

<p>Meeting Date: December 15, 2016</p>	<p>Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun 660 Davis Street, San Francisco, CA 94111</p> <p>BOARD MEETING MINUTES</p>	<p>Page 1 of 11</p>
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Board Members Present

Jennifer Ferrera Schmid, President, Public Member
 Dave Connolly, Vice President, Public Member
 David Hoppes, Dry Cargo Industry Member
 Captain George Livingstone, Pilot Member
 John Schneider, Wet Cargo Industry Member
 Benjamin De Alba, Assistant Secretary for Rail and Ports, representing the Secretary of the California State Transportation Agency (CalSTA)

Board Members Absent

Vacant, Pilot Member
 Vacant, Public Member

Staff Present

Allen Garfinkle, Executive Director
 Roma Cristia-Plant, Assistant Director
 Dennis Eagan, Board Counsel
 Luis Cruz, Staff Services Analyst
 Sigrid Hjelle, Office Technician

Public Present

Knute Mike Miller, Past Board President; Captain Joseph Long, Port Agent and San Francisco Bar Pilot (SFBP) President; Ray Paetzold, SFBP Business Director-General Counsel; Mike Jacob, Pacific Merchant Shipping Association (PMSA) Vice President and General Counsel; Captain Einar Nyborg, SFBP; Captain Dylan Epperson, Pilot Trainee; Estela Lara Epperson; Erin Epperson; Alison Epperson; Charles Epperson; Vilma Lara; and Collen Schneider.

OPEN MEETING

1. Call to Order and Roll Call –President Schmid

President Schmid called the meeting to order at 9:30 a.m. Staff Services Analyst Cruz called the roll and confirmed a quorum.

2. Review and approval of Board meeting minutes –President Schmid

Board action to approve meeting minutes from the Board meeting held on November 17, 2016.

Board members were presented with the minutes of the meeting held on November 17, 2016. There was no discussion of the minutes and no public comments.

<p>Meeting Date: December 15, 2016</p>	<p>Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun 660 Davis Street, San Francisco, CA 94111</p> <p>BOARD MEETING MINUTES</p>	<p>Page 2 of 11</p>
--	---	----------------------------

MOTION: Commissioner Hoppes moved to approve the minutes of the meeting held on November 17, 2016. President Schmid seconded the motion.

VOTE: YES: Schmid, Connolly, Hoppes, Livingstone and Schneider.
NO: None.
ABSTAIN: None.

ACTION: The motion was approved.

3. Announcements – President Schmid
Announcement of events affecting Board business since the last Board meeting.

President Schmid announced that Commissioner Hoppes has agreed to accept her appointment to fill a vacant seat within the Pilot Pension Committee, an advisory committee to the Board.

4. Board Member Activities – Board Members
Reports by Board Members having Board business-related activities since the last monthly Board meeting or planned prospectively.

There were no announcements by Board members.

5. Directors’ Report – Executive Director Garfinkle/Assistant Director Cristia-Plant

A) Correspondence and activities since the Board meeting held on November 17, 2016.

Executive Director Garfinkle reported on correspondence and activities since the Board’s November meeting as follows:

- On December 9, 2016, Board staff received a copy of the Pilot Vessel CALIFORNIA 2016 Condition and Valuation Survey.
- On December 12, 2016, Board staff received a copy of the PMSA West Coast Trade Report for December 2016.
- On December 13, 2016, he attended a Directors’ meeting at the California State Transportation Agency in Sacramento.

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

Executive Director Garfinkle reported on the following pilot licensing matters:

- Between the October and November Board meetings staff renewed the licenses of Captains Teague and Rocci.
- Since the November Board meeting staff renewed the licenses of Captains Favro, Johnson, and Ridens.

<p>Meeting Date: December 15, 2016</p>	<p>Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun 660 Davis Street, San Francisco, CA 94111</p> <p>BOARD MEETING MINUTES</p>	<p>Page 3 of 11</p>
--	---	----------------------------

C) Report on Board surcharges.

Executive Director Garfinkle reported the Board received a check from the SFBP for \$156,303.26 for the November 2016 surcharge revenues as follows:

- Board Operations Surcharge \$ 99,139.26
- Pilot Continuing Education \$ 3,280.00
- Trainee Training Surcharge \$ 53,884.00

D) Report on legislative activities and contractual matters.

Assistant Executive Director Cristia-Plant reported on the following legislative activities and contractual matters:

- Board staff are working with the San Francisco Bar Pilots and a contract analyst at the California Highway Patrol on a new emergency contract. The new contract will have a term running from January 1, 2017, through June 30, 2017, and will allow more time to work on a new long-term 5-year contract with the SFBP.
- The new interagency agreement with the California Department of Transportation was completed. The new contract for desktop computer support and information technology security support services runs through August 31, 2019.
- Staff began working on an amendment of the contract with the California State University Maritime Academy for pilot continuing education training services to amend the instructors listed in the contract. Captain Anne McIntyre will be replacing Captain Waugh beginning with the April 2017 class.
- Board staff are still awaiting a determination from CalHR if the two entities can enter into an interagency agreement for trainee random and incident drug testing.
- The California Highway Patrol contract staff continues to work on contract procurement documents to retain CPA services for the Pilot Pension Plan. Staff expects that a contract will be in place sometime next year. In the interim, staff continues to prepare the monthly pension plan reports, and the quarterly surcharge calculations.
- As stated at prior meetings, CalPERS has confirmed that the Board can utilize one of the firms from their pre-approved pool of actuaries. Staff is ready to work with CalPERS upon direction from the Board to contract with an actuary.

President Schmid and Port Agent Long both commented about concerns regarding the availability of physicians to conduct pilot and trainee fitness for duty determinations, and lengthy times for receipt of the written determinations. Executive Director Garfinkle acknowledged that there was some limitations in physician availability given the holidays in November and December, and that pilots should allow 3-4 weeks between the examination and tests for test results to come in and the physicians to finalize the written fitness determinations. Past President Miller stated that this issue, along with the potential to update fitness regulations to address other issues that have arisen since the updated medical protocol

<p>Meeting Date: December 15, 2016</p>	<p>Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun 660 Davis Street, San Francisco, CA 94111</p> <p>BOARD MEETING MINUTES</p>	<p>Page 4 of 11</p>
--	---	----------------------------

regulations were put in place in April 2014, can be addressed at the next Pilot Fitness Committee meeting.

Vice President Connolly and Mr. Jacob both commented on the article in PMSA's West Coast Trade Report that addressed loss and recapture of West Coast trade market share, and issues related to existing challenges involving port operational costs and the lack of infrastructure funding.

6. Port Agent's Report – Capt. Joseph Long

A) Monthly report on pilot availability and absences.

Port Agent Long reported that Captain Kelso has been absent for medical reasons since June 19, 2016, and that he was placed on medical disability status effective July 20, 2016. He also reported that Captain Kenyon has been absent for medical reasons since July 2, 2016, and that he was placed on medical disability status effective July 25, 2016.

Port Agent Long reported the SFBP continually monitors the dispatch list for possible minimum rest period (MRP) exceptions, and if the potential exception is likely to result in a rest period of less than ten hours, mitigating measures are employed by the SFBP. He reported that these measures include, but are not limited to, suspending continuing professional development protocols, cancelling scheduled meetings, cancelling previously granted compensating time off requests, suspending SFBP internal working rules, or calling in off-watch pilots.

He reported the SFBP currently has 58 licensed pilots. There were 6 MRP exceptions in September, and the shortest rest period was 8 hours. He added that the shortest rest period involved a pilot that stayed aboard ship at conclusion of a river transit to shift the vessel down the dock to the next berth.

B) Monthly report on SFBP ship piloting business activity.

Port Agent Long reported that the P/V CALIFORNIA was out of service for planned maintenance commencing November 8, 2016, and returned to service December 9, 2016. He stated that maintenance and repair items included new torsional couplings on reduction gears, repairs to keel cooler recesses and the installation of rubber mats in the landing areas.

Port Agent Long reported billed vessel moves in November 2016:

- Bar Crossings: 510 moves
- Bay Moves: 107 moves
- River Moves: 50 moves
- Total Moves: 667 moves
- Gross Registered Tons (GRT): 29 million

<p>Meeting Date: December 15, 2016</p>	<p>Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun 660 Davis Street, San Francisco, CA 94111</p> <p>BOARD MEETING MINUTES</p>	<p>Page 5 of 11</p>
--	---	----------------------------

Port Agent Long reported when comparing 2016 year-to-date vessel move data with the same 11-month period in 2015, total moves were up 4.8%, and GRTs were up 16%. Commissioner Livingstone commented that there has been a significant increase of river moves.

Port Agent Long presented updated activity information regarding SFBP's Diversity Outreach Committee's diversity outreach efforts and discussed the following.

1. Assisted with the development of the maritime curriculum at Jesse Bethel High School, Vallejo. Participated in the school Advisory Board meetings (Nov./Dec. 2016); toured classrooms, met with head instructor and head administrator of each academy; met with Les Schmidt of the Int'l Finance Academy re implementing maritime curriculum in Spring 2017; met with school principal (Linda Kingston) and discussed maritime focused projects at other academies at the school; met with School Superintendent Bishop, who continued to express support for continuing partnership with SFBP. Next meeting with the school is in February 2017.
2. Worked with Polar Tankers and Marine Training Director Joy Hall on a joint presentation on diversity in the workplace, outreach programs and career paths to be presented at the annual Women on the Water conference at the California State University Maritime Academy (CMA) in March 2017.
3. Continued outreach and mentoring with women serving in command positions intending to take the June 2017 Pilot Trainee Training Program Selection Examination.
4. Rescheduled the SFBP Internship program with CMA Cadet Elizabeth O'Bryan from December 26, 2016, to January 3, 2017.
5. Continue quarterly meetings with SF Port Commission President W. Adams to discuss outreach and mentoring efforts and opportunities.

C) Monthly confidential written report of pilots who have been absent for medical reasons (AFMR) presented to Board. The Board may go into closed session to discuss contents of the Port Agent's confidential report as authorized by Harbors and Navigation Code § 1157.1.

There was no discussion of the confidential written report of pilots who have been absent for medical reasons. There was no closed session discussion of this item.

7. Pilot Evaluation Committee – Captain George Dowdle

A) Report on the Pilot Evaluation Committee (PEC) meeting held on December 9, 2016.

PEC Chairman Dowdle was not in attendance. Executive Director Garfinkle read Chairman Dowdle's written report and stated the following:

<p>Meeting Date: December 15, 2016</p>	<p>Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun 660 Davis Street, San Francisco, CA 94111</p> <p>BOARD MEETING MINUTES</p>	<p>Page 6 of 11</p>
---	---	----------------------------

- The PEC met on December 9, 2016.
- All Trainees were interviewed individually in closed session.
- The five current trainees include: Captains Rubino, Cvitanovic, Epperson, Alfes and Vogel. Their time in the program ranges from 9 to 25 months.
- Two trainees are in evaluation status.
- All trainees are continuing to progress and meet the required benchmarks.
- Two new Trainees, Captains Leigh McNamara and Ronald Greger will start training January 4, 2017, and that same day they will attend an orientation class directed by Captain Dowdle.
- The PEC will meet next on January 18, 2017.

B) Possible PEC recommendation to place one or more Pilot Trainee Training Program trainees on probation, or dismiss one or more trainees from the program. Possible Board action to place one or more Pilot Trainee Training Program trainees on probation, or dismiss one or more trainees from the program.

There were no recommendations.

C) Possible PEC recommendation for a determination that a trainee has or trainees have completed the Pilot Trainee Training Program. Possible Board action to award a Certificate of Completion to a trainee who has completed the Pilot Trainee Training Program.

Captain Dowdle reported that the PEC completed its final assessment of trainee Captain Dylan Epperson at its meeting on December 9, 2016, and determined that Captain Epperson successfully completed all elements of Section 214 (c) and (h) of the Pilot Training Program requirements listed in the Board's regulation. Captain Dowdle provided the Board with the following information:

- Captain Epperson has a total of 455 training jobs, of which 113 were as observer, 342 were handled or partially handled in which Captain Epperson directed the navigation and control of the vessel under the direct supervision of a pilot.
- Captain Epperson has completed 76 jobs with PEC members, 23 of which were in the last 90 days.
- As required by regulation, Captain Epperson maintained an average score during jobs with PEC members of over 4.0 in each of the last 3 months, resulting in a 3-month average score of 4.72.
- The PEC has determined that Captain Epperson has successfully completed the Pilot Trainee Training Program, and recommended the Board issue to Captain Epperson a Certificate of Completion from the Board's Pilot Trainee Training Program, effective December 15, 2016.

<p>Meeting Date: December 15, 2016</p>	<p>Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun 660 Davis Street, San Francisco, CA 94111</p> <p>BOARD MEETING MINUTES</p>	<p>Page 7 of 11</p>
--	---	----------------------------

Executive Director Garfinkle confirmed for the Board that Captain Epperson has completed all of the Pilot Trainee Training Program requirements. There was no further discussion or comments from the Board or the public.

MOTION: President Schmid moved to award a Pilot Trainee Training Program Certificate of Completion to Captain Dylan Epperson. Vice President Connolly seconded the motion.

VOTE: YES: Schmid, Connolly, Hoppes, Livingstone and Schneider.
NO: None.
ABSTAIN: None.

ACTION: The motion was approved.

D) Possible recommendation from the Executive Director for the appointment of a new pilot or pilots. Possible Board action to accept a recommendation from the Executive Director that a trainee holding a Certificate of Completion from the Pilot Trainee Training Program be licensed as a state-licensed pilot.

Executive Director Garfinkle reported to the Board that he has received an application for licensing from Captain Dylan Epperson, and that all requirements for licensing have been met. He recommended to the Board that a license be issued to Captain Epperson. There was no further discussion or comments from the Board or the public.

MOTION: Vice President Connolly moved that the Board issue a license to Captain Dylan Epperson. Commissioner Livingstone seconded the motion.

VOTE: YES: Schmid, Connolly, Hoppes, Livingstone and Schneider.
NO: None.
ABSTAIN: None.

ACTION: The motion was approved.

President Schmid then called for a recess to administer the oath to Captain Epperson.

RECESS START TIME: 10:02 A.M.

RETURN TO OPEN SESSION: 10:15 A.M.

8. Reported safety standard violations – Executive Director Garfinkle (Reports received between the issuance of this notice and the meeting will also be reported on.)

Executive Director Garfinkle stated there was nothing to report.

9. Reportable Piloting Events – Executive Director Garfinkle (Reports received between the issuance of this notice and the meeting will also be reported on.)

Status report on the September 7, 2016, grounding of the S.S. PETERSBURG in Suisun Bay, while being flat towed to the Suisun Bay Reserve Fleet. Possible Board action to grant an extension to the IRC to present this report at the January Board meeting. If an

<p>Meeting Date: December 15, 2016</p>	<p>Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun 660 Davis Street, San Francisco, CA 94111</p> <p>BOARD MEETING MINUTES</p>	<p>Page 8 of 11</p>
--	---	----------------------------

extension is requested, it would be due to the investigation not being completed in time to prepare a report in time to be presented at the December Board meeting.

Executive Director Garfinkle reported that the piloting event involving the S.S. PETERSBURG occurred on September 7, 2016. He stated that during the course of the investigation, the Incident Review Committee (IRC) determined that there was clearly no pilot error in the case and discontinued the investigation. He reported that the IRC further determined that even though there was no pilot error involved with this event, the IRC concluded that there were ancillary issues that would best be addressed by discussions at the Pilot Safety Committee, which may arrive at a suggested best practice.

Vice President Connolly thanked the IRC for its extensive work and also questioned the integrity of the charted soundings. He stated that the core issue surrounding this event is that current soundings cannot be trusted and he entertained proposals on how to proceed with update and improvements. Lastly he proposed that pilots adjust for areas known for having risk factors.

Port Agent Long replied to Vice President Connolly, stating that soundings are provided by hard copy or in electronic format from a variety of sources. He added that recently the SFBP chart room was reorganized and cleared of outdated soundings. He stated there are certainly opportunities for improvements, and added that pilots are reducing controlling depth by a safety margin in key areas.

Executive Director Garfinkle answered a question from Commissioner Hoppes and stated that the shoaling associated with this event occurred in the 18 months following the 2015 soundings.

10. Loss of propulsion/low sulfur fuel report – Executive Director Garfinkle

Report on loss of propulsion events arising in November 2016, including those events suspected to be due to low sulfur fuel issues.

Executive Director Garfinkle stated that there was no Harbor Safety Committee Meeting since the last Board meeting and that he would provide a two-month report at the January 2017 Board Meeting.

11. Navigation Technology Committee – Commissioner Livingstone

Report on the Navigation Technology Committee meeting held on December 12, 2016.

Committee Chairman Livingstone reported that the Navigation Technology Committee met December 12, 2016, and that SFBP presented background material related to a proposal to acquire new navigation technology equipment. He stated that the Committee reviewed and discussed the material, but took no action at the meeting. He stated that he is hopeful to have a proposal from the Committee to the Board at the January 2017 Board meeting. He continued by reading the approved revised Navigation Technology Committee mission statement to the

<p>Meeting Date: December 15, 2016</p>	<p>Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun 660 Davis Street, San Francisco, CA 94111</p> <p>BOARD MEETING MINUTES</p>	<p>Page 9 of 11</p>
--	---	----------------------------

Board.

Committee Chairman Livingstone reported that SFBP has reached out to separate equipment vendors and have requested demonstration models of equipment for trial use. He stated that SFBP has expressed interest in three hardware vendors: AD Navigation, Navicom Dynamics, and Marimatech. He also reported two software vendors of interest: SEAiQ and SafePilot. He stated that he expects the Committee will take action for recommendation to the Board at its January 10, 2017 meeting with a specific figure and estimated price, and if necessary the committee will reconvene a second time before the January 2017 Board meeting.

Ex Officio Member De Alba expressed his concern about being responsible to the shipping industry, and added that the Board should have an adequate amount of time to digest the information presented by SFBP. Mr. Jacob addressed Ex Officio Member De Alba's concern stating he's still interested in seeing the Board develop a process that enables informed decisions on navigation technology purchases. He concluded by stating that he feels comfortable with the presented timeline.

Vice President Connolly commented that the pilots acquiring state-of-the art navigation technology is an issue of public safety, and stated the urgency of acquiring new navigational equipment has been previously discussed. He added that at the previous Navigation Technology Committee meeting, the Committee reviewed the current Route Piloting and Precision Docking Units, and that the contemplated upgrade is the greatest step forward in the last ten years.

Mr. Paetzold confirmed for Board Counsel Eagan that Don English, Senior Technical Manager of Booz Allen Hamilton's Advanced Aviation and Maritime Engineering division, has left the firm and joined Coherent Technical Services, Inc. (CTSi). CTSi and SFBP are in the process of preparing a service agreement for Mr. English to continue providing technical support for the SFBP's existing PilotMate equipment.

12. Report on the status of San Francisco Bar Pilot Pension Plan litigation – Board Counsel Eagan

Status report on Craig E. Reeder vs. State Board of Pilot Commissioners litigation. The Board may go into closed session to discuss with Board Counsel any matters subject to attorney-client privilege as per Government Code §11126(e) of the Bagley-Keene Open Meeting Act.

Board Counsel Eagan stated there was nothing to report.

13. Board discussion of best practices in maritime safety – Vice President Connolly

A Board discussion of best practices in maritime safety and/or lessons learned from Incident Review Committee incident reports or other sources, and possible directions to staff to develop safety policies and procedures. Possible Board action to direct staff to develop safety policies and procedures.

<p>Meeting Date: December 15, 2016</p>	<p>Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun 660 Davis Street, San Francisco, CA 94111</p> <p>BOARD MEETING MINUTES</p>	<p>Page 10 of 11</p>
--	---	-----------------------------

Vice President Connolly applauded SFBP for their thorough effort in reviewing the different possible Navigation Technology purchases. He continued by questioning how SFBP might make use of charts from the National Oceanic and Atmospheric Administration (NOAA) in relation to bathymetry. Commissioner Livingstone responded, stating available soundings from federally managed channels currently integrate with the available technology better. He continued by stating three-dimensional images presented on the portable piloting units are only as good as the latest available charts.

Port Agent Long confirmed for Board Counsel Eagan that the images on the portable piloting units are not sonar pictures, but images that have been previously loaded. Executive Director Garfinkle added that the Harbor Safety Committee PORTS program has a separate entity that provides a variety of online support resources including measurements of wind, current, and fog.

14. Incident Review Committee incident report on the September 7, 2016, grounding of the S.S. PETERSBURG while being flat towed to the Suisun Bay Defense Reserve Fleet - President Schmid

A presentation of the Incident Review Committee incident report concerning the September 7, 2016, grounding of the S.S. PETERSBURG in Suisun Bay. Board deliberation and decision with respect to possible pilot error. Board determination with respect to further actions, if appropriate. The Board may go into closed session for the deliberation of the incident report presented under this item pursuant to Harbors and Navigation Code §1180.6(a) and Government Code §11126(c)(3).

This agenda item was not necessary since the IRC delivered a report that closed the investigation on the S.S. PETERSBURG during the presentation of agenda item 9.

15. Public comment on matters not on the agenda.

Mr. Paetzold provided the Board an update on SFBP's claim in the Hanjin shipping company bankruptcy. He reported that SFBP is also pursuing claims against the owners of those vessels that are no longer under charter to Hanjin and therefore not protected by the bankruptcy court's orders. He stated that he has met with counsel for the owners of two of those vessels that account for about 25% of the outstanding fees and surcharges owed to SFBP by Hanjin. SFBP continues to monitor the name changes and trading activities of the remaining vessels, which remain in foreign or international waters. SFBP has expended about \$20,000 on outside counsel to date in its attempts to recover the pilotage fees and surcharges owed by Hanjin.

Mr. Paetzold also informed the Board that Pacific Gas and Electric (PG&E) continues to develop plans for raising the power cables spanning across the Sacramento River. He reported that PG&E is on dual tracks, including re-conductoring with less elastic wires and raising the cable towers. He concluded by stating SFBP continues to coordinate with PG&E when vessels with air drafts of 125 feet or more are scheduled to transit under the wires.

Meeting Date: December 15, 2016	Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun 660 Davis Street, San Francisco, CA 94111 BOARD MEETING MINUTES	Page 11 of 11
---	--	----------------------

16. Proposals for additions to next Board meeting agenda.

There were no proposals for additions to the next Board Meeting agenda.

17. Adjournment.

MOTION: President Schmid moved to adjourn the meeting. Vice President Connolly seconded the motion.

VOTE: YES: Schmid, Connolly, Hoppes, Livingstone and Schneider.
NO: None.
ABSTAIN: None.

ACTION: The motion was approved. The meeting was adjourned at 11:23 a.m.

Submitted by:



Allen Garfinkle, Executive Director