

<p>Meeting Date: March 21, 2017</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 27</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
 Captain Einar Nyborg, Pilot Member
 John Schneider, Wet Cargo Industry Member

Board Members Absent

Brian P. Kelly, Secretary of the California State Transportation Agency (CalSTA)
 Vacant, Public Member

Staff Present

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

Public Present

Knute Michael Miller, Past Board President; Captain Joseph Long, Port Agent and San Francisco Bar Pilot (SFBP) President; Ray Paetzold, SFBP Business Director-General Counsel; SFBP Captains Robert Carr, George Dowdle, Pete Fuller, Asmund Gjevik (ret.), Zachary Kellerman, Steve Roberts, Larry Teague (ret.), Steve Teague, Art Thomas (ret.), Nancy Wagner (ret.); Jean Gjevik; Mike Jacob, Pacific Merchant Shipping Association (PMSA) Vice President and General Counsel; Rollie Caabay, State Lands Commission; Jerry Swanson, Pacific Maritime Association (PMA); Captain Michael Rubino (ret.), Port of Los Angeles Pilot; Captain Michael Rubino, BOPC Pilot Trainee and family; and Rex M. Clack, Esq.

OPEN MEETING

1. Call to Order and Roll Call – President Schmid

President Schmid called the meeting to order at 9:31 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 January 26, 2017.

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Board members were presented with the minutes of the meeting held on January 26, 2017. There was no discussion of the minutes and no public comments.

MOTION: Vice President Connolly moved to approve the minutes of the meeting held on January 26, 2017. Commissioner Schneider seconded the motion.

VOTE: YES: Schmid, Connolly, Hoppes, Livingstone, and Schneider.

NO: None.

ABSTAIN: Nyborg.

ACTION: The motion was approved.

3. Announcements – President Schmid

A) Announcement of events affecting Board business since the last Board meeting.

President Schmid introduced Commissioner Captain Einar Nyborg, the Board’s newest member representing the SFBP. Additionally she announced that Vice President Connolly and Commissioner Hoppes were reappointed by the Governor to new four-year terms.

President Schmid announced the following events affecting Board business since the January 26, 2017, Board meeting:

- On February 3, 2017, she had lunch with the Captain Joseph Long, SFBP President and Port Agent.
- On February 15, 2017, she met Mr. Ben DeAlba and Ms. Russia Chavis at the California Transportation Agency office and discussed various administration services and contracting issues.
- On February 15 and 16, 2017, she attended the California Maritime Leadership Symposium in Sacramento. She stated the symposium was well attended.
- On February 22, 2017, she participated in an ultra large container vessel move with SFBP Captain Thomas Miller and Commissioner Captain George Livingstone. She thanked Port Agent Long for facilitating the ride-along, and stated the trip affirmed the necessity of having the best navigational technology equipment available to the pilots.
- Also on February 22, 2017, she met with the SFBP Outreach Committee members and discussed recruitment diversity efforts.
- On March 16, 2017, she had lunch with Mr. Jacob, PMSA Vice President and General Counsel.

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B) Presentation of Certificate of Appreciation to Barbara Price for her service to the Board as a member of the Pilot Fitness Committee from 2009 to 2016.

President Schmid announced that Ms. Price was unable to attend the meeting due to an unforeseen event. Mr. Miller provided the Board a brief background of Barbara Price’s valuable contribution to the Pilot Fitness Committee, and thanked her for her devotion and the expertise she brought to the committee over the many years that the committee worked on the new pilot and trainee fitness regulations. President Schmid instructed staff to mail the certificate to Ms. Price.

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

Commissioner Livingstone announced that on March 10, 2017, the SFPB gave a joint presentation along with representatives from the ConocoPhillips Polar Tanker at the 2017 Women in Maritime Leadership conference, held at the California State University Maritime Academy campus.

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

A) Correspondence and activities since the Board meeting held on January 26, 2017.

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

- On January 27, 2017, Board staff received notification from Captain Peter Fuller that of his intent to retire effective April 1, 2017.
- On January 31, 2017, Board staff received notification from Captain Steve Roberts of his intent to retire effective April 1, 2017.
- On January 9, 2017, Board staff was alerted to a United Kingdom Marine Accident Investigation Branch report on a 2015 collision between a car carrier and a Ro-Ro ferry on the River Humber. The report concluded that the pilot’s spatial awareness was distorted due to a relative motion illusion that caused the collision. The report stated the ship’s master and third officer did not challenge the pilot’s actions despite their concern about the vessel’s position, and by the time they did intervene, 14 seconds prior to the collision, it was too late to be effective. The report further concluded that the bridge team over-relied on the pilot and that there was evidence of ineffective bridge resource management.
- On February 16, 2017, Board staff received the PMSA’s *West Coast Trade Report* for February 2017.

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- Also on February 16, he along with Assistant Director Cristia-Plant met with Administrative Services staff at the California Highway Patrol (CHP) to discuss CHP's services provided to the Board.
- On February 22, 2017, he and Captain McCloy made a presentation at the Northern California Customer Service meeting at the Shell Martinez Clubhouse held by the State Lands Commission Marine Environmental Protection Division. He stated he spoke about the mission of the Board, and ended with a discussion of the incident review process and shared highlights from the OCEAN LIFE/Transbay Cable incident. He stated Capt. McCloy spoke about the incident involving the OVERSEAS CLELIAMAR losing propulsion and steering while outbound under the Golden Gate Bridge.
- On February 24, 2017, Board staff received an announcement by the Governor that he had appointed Captain Nyborg, and reappointed Commissioners Connolly and Hoppes.
- On February 28, 2017, Board staff received a letter update summarizing the actions taken by the San Francisco Bar Pilots in in February in response to the recent high water and current conditions on the Sacramento River following abnormally heavy rains and releases from Lake Oroville. He stated the letter confirmed the Port Agent worked closely with Federal and State stakeholders to arrive at a consensus on the safe use of the river system.
- On March 1, 2017, Board staff received a copy of the *Master, Mate, and Pilots* (MMP) magazine that included a half-page advertisement for the upcoming Pilot Trainee Training Program entrance examination at no cost to the Board. He thanked the MMP.
- On March 2, 2017, he received a letter of appreciation for making a presentation at the State Lands Commission Northern California Customer Service meeting in Martinez on February 22, 2017.
- On March 6, 2017, he attended a director's meeting at the California Transportation Agency.
- On March 7, 2017, Board staff received a copy of a report for the calendar year 2016 from the San Francisco Bar Pilots in compliance with Harbors and Navigation Code Section 237(d) in preparation for the Pilot Power Committee meeting.
- On March 8, 2017, Board staff was made aware of a National Transportation Safety Committee report on the allision between the CARNIVAL PRILDE and the Baltimore Cruise ship terminal pier that discussed the fact that the pilot allowed the staff captain to dock the ship under an agreement with the Maryland Pilots. The report concluded the cause of the allision was due to the staff captain's error in approaching the dock at too steep of an angle with too much speed, and insufficient oversight by the pilot during the maneuver.
- On March 10, 2017, he along with Assistant Director Cristia-Plant met with both the Chair of the Washington State Board of Pilot Commissioners, Sheri Jeanne Tonn,

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and Program Facilitator, Jamie Bever. The two Board’s staff compared notes on the similarity and differences in the pilotage organizations.

- On March 15, 2017, the gCaptain website printed a sponsored post he wrote advertising the Board’s June Pilot Trainee Training Program Entrance Examination, entitled *Five Facts I Did Not Know About the San Francisco Bar Pilots*. This sponsored post was part of the training program entrance examination advertising campaign that included online and print advertising in Professional Mariner and Pacific Maritime magazines. He stated Board staff have included a questionnaire with the trainee program examination application to attempt to gauge the effectiveness of the advertising campaign.
- On March 16, 2017, Board staff received a copy of the SFBP’s audited Consolidating Financial Statements for the year ending December 31, 2016.
- Also on March 16, 2017, Board staff received PMSA’s *West Coast Trade Report* for March 2017.
- On March 17, 2017, he attended a Joint Senate and Assembly Budget pre-hearing at which the Board’s Budget Change Proposal was considered.
- Also on March 17, 2017, Board staff received notice that Commissioner Livingstone’s article “*Why Diversity Matters Aboard Ships*” was available on the gCaptain website.
- Also on March 17, 2017, Board staff received two letters from Mr. Jacob—one letter was addressed to Board President Schmid dated that date, and one letter was dated September 13, 2013, addressed to the Pilot Fitness Committee. The March letter expressed support for the Board to approve the draft nondisclosure agreement (NDA) between the SFBP and the San Jose State University Research Foundation (SJSURF) for the pilot fatigue study to the extent that the agreement preserves the public’s right to access pilot assignment data and is consistent with the pilotage statutes. The September letter encouraged the Pilot Fitness Committee to request the disclosure of and thorough consideration of the actual pilot assignment records for the purposes of establishing hours of service rules and regulations at the appropriate juncture.
- On March 20, 2017, Board staff received a letter from Mr. Jacob requesting that the Board refrain from taking any action to increase current target pension amounts.

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 December and January Board meetings, staff renewed the licenses of Captains Rocci, Teague, Carlson, Coppo, McIsaac, Robinson, Carlier, Kelso, Kellerman, Ruff, Pinetti, and Stultz.
- Since the January Board meeting, staff renewed the licenses of Captains Roberts, Lingo, Hirschfeld, Aune, Bridgman, Martin, and Lemke.

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C) Report on Board surcharges.

Executive Director Garfinkle reported the Board received a check from the SFBP for \$159,465.51 for the month of January 2017's surcharge revenues as follows:

- Board Operations Surcharge: \$105,353.51
- Continuing Education Surcharge: \$ 3,520.00
- Trainee Training Surcharge: \$ 50,592.00

Executive Director Garfinkle reported the Board received a check from the SFBP for \$176,396.37 for the month of February 2017's surcharge revenues as follows:

- Board Operations Surcharge: \$100,444.37
- Continuing Education Surcharge: \$ 3,340.00
- Trainee Training Surcharge: \$ 72,612.00

D) Report on legislative activities and contractual matters.

Assistant Director Cristia-Plant reported there was no legislation to report on. She reported the following on contractual matters:

- With the second emergency contract in place with the SFBP that extends to June 30, 2017, Board staff continued to work on the new 5-year contract with the San Francisco Bar Pilots.
- Board staff are still awaiting a determination from the California Department of Human Resources (CALHR) if the two entities can enter into an interagency agreement for trainee drug testing under CalHR's master drug testing contract.
- The California Highway Patrol continues to work on contract procurement documents to retain CPA services for the Pilot Pension Plan. In the interim, staff continues to prepare the monthly pension plan reports, and the quarterly surcharge calculations.
- Commission Investigator contracts expire at the end of this fiscal year. Staff has begun the procurement process for new Commission Investigator contracts.
- Over a year ago, CalPERS confirmed that the Board can utilize one of the firms in their pre-approved pool of actuaries. Staff is ready to work with CalPERS upon direction from the Board to contract with an actuary either through an interagency agreement with CalPERS, or pursuant to a standard request for bid procurement process.

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6. Port Agent's Report – Captain Joseph Long

A) Monthly report on pilot availability and absences.

For the months of February and March 2017, Port Agent Long reported that Captain Kenyon has been absent for medical reasons (AFMR) since July 2, 2016, and that he was placed on medical disability status effective July 25, 2016. He reported that Captain Kirk has been AFMR since January 5, 2017, Captain Epperson has been AFMR since January 17, 2017, Captain Tylawsky was AFMR commencing February 5, 2017 through February 15, 2017, and Captain Pinetti has been AFMR since February 27, 2017.

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 59 licensed pilots. He reported that there were 14 MRP exceptions in January, and that the shortest rest period was 9.2 hours. Lastly, he reported that there were 5 MRP exceptions in February, and that the shortest rest period was 10.8 hours.

B) Monthly report on San Francisco Bar Pilots (SFBP) ship piloting business activity.

Port Agent Long reported the following:

- The P/V SAN FRANCISCO was out of service for radar and associated equipment replacement commencing February 6, 2017, through February 10, 2017.
- The P/V PITTSBURG was out of service for unplanned maintenance to the engine and outdrive repairs commencing February 27, 2017, through March 1, 2017.
- The P/V GOLDEN GATE was out of service for unplanned maintenance to the propellers on March 2, 2017, for 6 hours.

Port Agent Long reported the billed vessel moves in January 2017:

- Bar Crossings: 533 Moves
- Bay Moves: 163 Moves
- River Moves: 49 Moves
- Total Moves: 745 Moves
- Gross Registered Tons (GRT) 30.0 Million

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He reported that when comparing year-to-date 2017 vessel move data with the same year-to-date period in 2016, total moves were up 11.8% and GRTs were flat. He noted that several severe weather events at the San Francisco Bar Channel closure in January 2017, contributed to an increase number of bay moves.

Port Agent Long reported the billed vessel moves in February 2017:

- Bar Crossings: 485 Moves
- Bay Moves: 106 Moves
- River Moves: 39 Moves
- Total Moves: 630 Moves
- Gross Registered Tons (GRT) 27.8 Million

He reported that when comparing year-to-date 2017 vessel move data with the same two-month period in 2016, total moves were up 5.4% and GRTs were down 1.9%.

Port Agent Long confirmed for President Schmid that six peer reviews were conducted in February and March, and that eight pilots have been designated to conduct peer reviews.

Port Agent Long provided a summary of actions taken by the SFBP due to abnormally high water levels and swift current conditions that occurred in February, 2017, including a service interruption of vessels traveling the rivers to and from Sacramento and Stockton. He stated that he had a concern with the high water as a result of the rains and releases from Oroville Dam, and that the large vessels traveling to Sacramento and Stockton could negatively impact the levees under extremely high water conditions. He reported that through several conference calls over a 17-day period with various stakeholders, the end result was the development of a process to assess the river and levee conditions during high water levels that he can use in the future to determine the allowability of safely authorizing vessels to transit up or down river

Vice President Connolly noted that the high water issue reveals a common problem area where many different groups and governmental agencies are presented with a problem and no one takes accountability. He stated that he was glad the SFPB took initiative on the matter to promote public safety.

Port Agent Long confirmed for Commissioner Hoppes that in total, three vessels were delayed due to the service interruption. Commissioner Hoppes commented that he agreed with Commissioner Livingstone's idea of formalizing a procedure to handle future high water situations on the rivers. Additionally, he thanked Port Agent Long for his proactive efforts.

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Port Agent Long provided the following quarterly update of the SFBP Outreach Committee activities:

- Participated in a joint presentation and panel discussion with industry members at the Women in Maritime Leadership Conference in February.
- Met with members from the Port of Oakland and the California State University Maritime Academy (CMA) Summer Academic Enrichment Program, discussed reaching out to the youth of Oakland Schools, and explored a possible Maritime Club concept at McClymonds High School in West Oakland.
- Met with the Port of Oakland staff to discuss this year's plan for harbor tours using the Blue and Gold Ferries, and the possible inclusion of school groups and parents.
- Continued to assist with the development and implementation of maritime curriculum at Jesse Bethel High School in Vallejo.
- Continued outreach and mentoring with women serving in command positions intending to take the June 2017 Pilot Trainee Training Entrance Examination.
- Explored contacting Maritime Charter High Schools in other parts of US.
- Met with Dean Wendy Higgins, CMA, to establish an SFBP Internship program.
- Continued quarterly meetings with the San Francisco Port Commission President W. Adams to discuss outreach and mentoring efforts and opportunities.
- Met with Board President Schmid to develop joint SFBP/BOPC outreach strategy to attract broader diversity of potential candidates for pilot training program, and to coordinate efforts moving forward.

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) meetings held on February 15, 2017, and March 15, 2017.

Captain Dowdle reported the following from the meeting held on February 15, 2017:

- The PEC met on February 15, 2017.
- All trainees were interviewed individually in closed session.
- The six current trainees include: Captains Rubino, Cvitanovic, Alfery, Vogel, McNamara and Greger. Their time in the program ranges from 1 month to 27 months.

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- The Two newest trainees are focused on high intensity job volume to accumulate trips to apply for federal license route endorsements.
- There are two trainees in evaluation status.
- All trainees are continuing to progress and meet required benchmarks.

Captain Dowdle reported the following from the meeting held on March 15, 2017:

- The PEC met on March 21, 2017.
- All trainees were interviewed individually in closed session.
- The six current trainees include: Captains Rubino, Cvitanovic, Alfery, Vogel, McNamara and Greger. Their time in the program ranges from 2 months to 28 months.
- There are two trainees in evaluation status.
- All trainees are continuing to progress and meet required benchmarks.

B) Possible Committee recommendation to Board of a new Committee member to replace termed out member Capt. Bruce Alden. Possible Board action to appoint new Committee member to the PEC.

PEC Chairman Captain Dowdle announced that Captain Bruce Alden has termed out from the PEC. He stated that during his 8-year term, Captain Alden has trained and recommended for completion of the Pilot Trainee Training program more than 23 new pilots. He thanked Captain Alden for his dedication to the Board and the State of California.

Captain Dowdle introduced Captain Steve Teague. Captain Teague graduated from CMA in 1989, holds a United States Coast Guard (USCG) Master's licenses for vessels of unlimited tonnage, and sailed as a Third Mate through Chief Mate aboard Tanker, Bulk, and Container vessels. Additionally, Captain Teague sailed as Master of Voith-Schneider tugs engaged in ship assists and escort work on the San Francisco Bay. He entered the Pilot Trainee Training program in 2005 and became a Board Licensed Pilot in 2007. He has previously assisted in developing written and simulation examinations for the Pilot Trainee Training Program and he is a SFBP operations Pilot and member of the SFBP Board of Directors. Captain Dowdle stated the PEC unanimously recommends to the Board that Captain Steve Teague fill the vacant PEC position.

MOTION: President Schmid moved to appoint Captain Steve Teague as a new member of the Pilot Evaluation Committee. Vice President Connolly seconded the motion.

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

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ABSTAIN: None.

ACTION: The motion was approved.

- C) 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 was no discussion or recommendation.

- D) 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 Michael Rubino at its meeting on March 15, 2017, and determined that Captain Rubino 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 Rubino has a total of 854 training jobs with, of which 214 were as an observer and 640 were handled or partially handled, directing the navigation and control of the vessel under the direct supervision of a pilot.
- Captain Rubino acquired 134 jobs with PEC members, of which 26 were within the past 90 days.
- As required by regulation, Captain Rubino has maintained an average score of 4.0 in each of the last 3 months, resulting in a 3 month average of 4.53.
- The PEC has determined that Captain Rubino has successfully completed the Pilot Trainee Training Program, and recommend the Board issue Captain Rubino a Certificate of Completion from the Board's Pilot Trainee Training Program, effective March 21, 2017.

Executive Director Garfinkle confirmed for the Board that Captain Rubino 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 Captain Michael Rubino a Pilot Trainee Training Program Certificate of Completion. Vice President Connolly seconded the motion.

VOTE: YES: Schmid, Connolly, Hoppes, Livingstone, Nyborg and Schneider.

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NO: None.

ABSTAIN: None.

ACTION: The motion was approved.

E) 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 received an application for licensing from Captain Rubino, that there are licenses available, and that all licensing requirements have been met with the exception that he not yet received a completed Statement of Fitness for Duty from the Board’s physicians for Captain Rubino, and that he expected to receive the statement later that day or the next day. Given the need for Board-licensed pilots, he recommended to the Board to authorize him to issue a pilot license to Captain Rubino conditioned upon the receipt of a satisfactory Statement of Fitness for Duty. There was no further discussion or comments.

MOTION: Commissioner Nyborg moved that the Board issue a Pilot license to Captain Michael Rubino, conditioned upon the Executive Director’s receipt of a satisfactory Statement of Fitness for Duty. Vice President Connolly seconded the motion.

VOTE: YES: Schmid, Connolly, Hoppes, Livingstone, Nyborg and Schneider.

NO: None.

ABSTAIN: None.

ACTION: The motion was approved.

President Schmid called for a recess to issue the oath the Captain Rubino.

RECESS START TIME: 10:37 A.M.

RETURN TO OPEN SESSION: 10:57 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.) Report on the pilot ladder safety standard violation reported on the M/V YM EVOLUTION, wherein the pilot reported that the ropes of the pilot ladder were old, thin, and need replacement.

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Executive Director Garfinkle reported that on January 30, 2017, he received a pilot boarding arrangement deficiency report from Captain Pinetti. The report discussed that as the pilot was embarking the M/V YM EVOLUTION, he noticed the ropes of the pilot ladder seemed old, thin, and due for replacement. Executive Director Garfinkle stated he dispatched a Commission Investigator to the Port of Oakland, who met with the crew aboard the vessel. The Commission Investigator reported the crew replaced the ladder in question with a spare one that was in good condition. Executive Director Garfinkle stated he reported the issue to the Port State Control, with no response received.

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

A) Progress report on an event involving the M/T STI ST. CHARLES making unintended contact with the pier at Shell Martinez #3 while docking on January 7, 2017. Possible Board action to grant an extension to present the M/T STI ST. CHARLES Incident Review Committee report at the April Board meeting. If an extension is requested, the delay in presenting the report will be due to Board staff workload.

Executive Director Garfinkle gave a report on the piloting event involving the M/T STI ST CHARLES which occurred on January 7, 2017, and that the 90-day due date for the IRC report was April 7, 2017. He stated the IRC had to reach out to the shipping company involved in the incident for additional evidence with which to complete the investigation report, but that the report is not yet complete due to his workload, and that the IRC respectfully requests an extension beyond the 90-day statutory timeline to present the investigation report at the April 2017, Board meeting.

MOTION: Vice President Connolly moved that the Board grant an extension to the Incident Review Committee to present the investigation report on the M/T STI ST. CHARLES at the April 2017, Board meeting. Commissioner Nyborg seconded the motion.

VOTE: YES: Schmid, Connolly, Hoppes, Livingstone, Nyborg and Schneider.

NO: None.

ABSTAIN: None.

ACTION: The motion was approved.

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B) Initial report of an event involving the MV SEA PROTEUS mast’s contact with the Benicia-Martinez Union Pacific Railroad Bridge while underway from Anchorage 9 to Pittsburg on February 18, 2017.

Executive Director Garfinkle gave a report on the piloting event involving the M/V SEA PROTEUS which took place February 18, 2017. He reported that a small satellite antenna mounted on the main mast of the M/V SEA PROTEUS came in contact with the Benicia-Martinez Union Pacific Railroad Bridge. He stated the 90-day deadline for the report is May 19, 2017, and that no Board action is necessary at this time.

Commissioner Livingstone commented that ships providing pilots inaccurate mast heights has become a regular occurrence. He stated that pilots have no control over inaccurate ship specifications and that eventually a serious accident may occur. Vice President Connolly noted that the event involving the M/V SEA PROTEUS had small consequences, and that this event demonstrates the potential of a larger issue.

Port Agent Long stated that information on the Pilot Card and the ship specifications is all a pilot can rely on. He stated it is possible that the ship master may have additional information. Commissioner Nyborg noted that the first response should be prevention, and the second step would be to work with the USCG for a long term solution.

Commissioner Hoppes stated formal recourse or communication with a ship’s agent should be pursued to resolve the issue of incorrect ship specifications. Port Agent Long and Commissioner Livingstone both commented the USCG could release a bulletin alerting the maritime community to this issue. President Schmid suggested that this issue be brought to the attention of the Harbor Safety Committee, and also referred the issue to the Board’s Pilot Safety Committee.

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

Report on loss of propulsion events arising in January and February, 2017, as reported by the U.S. Coast Guard, including those events suspected to be due to low sulfur fuel issues.

Executive Director Garfinkle reported that there were two loss of propulsion incidents in January, neither attributed to fuel switching, according to the USCG’s San Francisco Harbor Safety Statistics report. Additionally, he reported there were two loss of propulsion incidents and one reduction in propulsion in February, again none of the events were attributed to fuel switching according to the USCG’s San Francisco Harbor Safety Statistics report.

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**11. Fatigue Study Progress Report – Executive Director Garfinkle/Assistant Director Cristia-Plant
Progress report on the Pilot Fatigue Study.**

Assistant Director Cristia-Plant reported the following:

- Work proceeds on the pilot fatigue study by researchers with the San Jose State University Research Foundation (SJSURF).
- SJSURF received a Certificate of Confidentiality from the National Institute of Health’s Department of Health & Human Services.
- Researchers continue to participate in ride-alongs with pilots.
- The Nondisclosure Agreement between the SFBP and the SJSURF is drafted and ready for Board review.

**12. Report on fee and surcharge recovery actions involving pilotage services provided to vessels operated by Hanjin Shipping Company – SFBP General Counsel/Business Director Paetzold
Status report on fee and surcharge recovery actions involving pilotage services provided to vessels operated by Hanjin Shipping Company.**

Mr. Paetzold reported that the SFBP has reached settlement with the owners of the HANJIN YANTIAN and the HANJIN DALLAS and has received full payment of the fees and surcharges billed for pilotage services for those two vessels totaling \$42,315.04. He stated the SFBP previously settled with the owners of the HANJIN GERMANY and HANJIN ITALY for the full amounts totaling approximately \$58,000.00, and the funds are in escrow and expected to be paid out of escrow to the SFBP in June. Additionally, no agreements have been reached to date with the owners of the remaining five ships: HANJIN TABUL, HANJIN NAMU, HANJIN SEATTLE, HANJIN UNITED KINGDOM, and HANJIN KOREA. The SFBP’s claims filed in the Hanjin Bankruptcy proceedings in Korea relative to pilotage services provided to these ships remain unpaid.

**13. Navigation Technology Equipment and Software acquisition update – SFBP Business Manager and General Counsel Ray Paetzold
Status report on the navigation technology equipment and software acquisition.**

Mr. Paetzold reported that navigation technology for both the Precision Docking Systems (PDS) set to replace the PilotMate technology, and the Enhanced Route Piloting (ERP) instruments that will work in conjunction with the Portable Piloting Units (PPUs) has been ordered from Trelleborg AB. The SFBP anticipates the arrival of the PDS technology mid-April, and the ERP technology in early May, with payment due 30 days after receipt. He reported that final cost of the Trelleborg AB navigation technology will not be available until after delivery and payment due to euro-dollar exchange rate fluctuations and final duty fees.

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He stated current cost estimates, including separate purchase for PPU's, remain within the amounts preliminarily authorized by the Board in January. He also reported that Captain McCloy is in Denmark receiving training from Trelleborg AB, and will be responsible for training other pilots on the use of the new technology obtained from the company.

Mr. Paetzold reported that the SFBP's current plan is to submit its final navigation technology authorization request after all costs have been determined, most likely in May. The SFBP proposes that upon submission of its final authorization request to include all of the acquired navigation technology, the Board's Navigation Technology Committee should review the reimbursement request, and develop a recommendation to the Board regarding the SFBP's final authorization request, and that the Board act on the recommendations at its regularly scheduled monthly meeting in June. He also stated the Finance Committee could then consider the amount authorized by the Board to be recovered from the Navigation Technology Surcharge, and develop a recommendation to the Board for the surcharge rate at its next quarterly meeting scheduled for June 13, 2017, which will allow the surcharge rate to become effective as soon as July 1, 2017. Lastly, he stated that in the interim, the SFBP will provide periodic updates of the status of the navigation technology acquisition to the Board and its committees.

14. Finance Committee – Commissioner Schneider

A) Report on the Finance Committee meeting held on March 14, 2017.

Finance Committee member Mr. Jacob reported that the Finance Committee met on March 14, 2017, and reviewed the Board's funds conditions statements, budgets, and surcharge rates.

B) Review Finance Committee recommendations on the following Board surcharges:

Mr. Jacob reported that the Committee reviewed the Board Operations, Pilot Continuing Education, Pilot Trainee Training, and Pilot Boat Surcharge rates, and voted to recommend no change in any of the surcharges.

- a. Board Operations Surcharge (currently 3% of all pilotage fees): The Committee may recommend a change to the Board Operations surcharge. Possible Board action to change or not change the Board Operations Surcharge rate.**
- b. Pilot Continuing Education surcharge (currently \$5 per move): The Committee may recommend a change to the Pilot Continuing Education surcharge. Possible Board action to change or not change the Pilot Continuing Education Surcharge rate.**

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- c. **Pilot Trainee Training Surcharge (currently \$20/trainee/move): The Committee may recommend a change to the Pilot Trainee Training surcharge. Possible Board action to change or not to change the Pilot Trainee Training Surcharge rate.**
- d. **Pilot Boat Surcharge (currently at 2.62 mills or \$0.00262): The Committee may recommend a change to the Pilot Boat surcharge. Possible Board action to change or not to change the Pilot Boat Surcharge rate.**

MOTION: Vice President Connolly moved that the Board accept the Finance Committee’s recommendation of no change to the Board Operations, Pilot Continuing Education, Pilot Trainee Training, and Pilot Boat Surcharge rates. President Schmid seconded the motion.

VOTE: YES: Schmid, Connolly, Hoppes, Livingstone, Nyborg and Schneider.

NO: None.

ABSTAIN: None.

ACTION: The motion was approved.

C) Review of State Controller Audit report:

- a. **Review of pilotage and surcharge audit report for calendar years 2014 and 2015, prepared by the State Controller’s Office (SCO) under contract with the Board. Possible Board action to accept the report in satisfaction of contract scope of work.**

Assistant Director Cristia-Plant stated the pilotage and surcharge audit report covering 2014 and 2015 conducted by the SCO included an expanded scope compared to prior audits. She explained that agreed-upon procedures audit found no major exceptions, and noted a minor Pilot Boat Surcharge overpayment for pilot vessel improvements in 2014, and a minor unexplained San Francisco Bar Pilot Pension Plan Surcharge calculation variance for one month, but the report noted that the correct amount was paid to pension beneficiaries that month. Assistance Director Cristia-Plant noted the audit findings were consistent with prior year audits.

Assistant Director Cristia-Plant confirmed for Port Agent Long that the SCO performed a bulk of the work during the summer of 2016, and that due to other audits, the final audit was not completed until late February 2017.

MOTION: President Schmid moved that the Board accept the State Controller’s Office 2014 and 2015 audit of pilotage rates and

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surcharge in satisfaction with the contract scope of work.
Commissioner Livingstone seconded the motion.

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

ACTION: The motion was approved.

Vice President Connolly congratulated Board staff and the SFBP on the clean audit report. Mr. Miller thanked the SCO for their well-presented report.

- b. Review of \$1,000 overpayment and potential reimbursement of Pilot Boat Surcharge revenues paid in 2014 to the SFBP from the Pilot Boat Surcharge fund held by the San Francisco Bar Pilots Benevolent and Protective Association in connection with service life-extending capital improvements to the Pilot Vessel PITTSBURG. Possible Board action to direct the SFBP to reimburse \$1,000 to the Pilot Boat Surcharge fund held by the San Francisco Bar Pilots Benevolent and Protective Association for an overpayment in 2014 in connection with service life-extending capital improvements the Pilot Vessel PITTSBURG.**

Assistant Director Cristia-Plant stated that the SCO auditors confirmed that there was an overpayment of Pilot Boat Surcharge revenues for a reimbursement to the SFBP of the costs of pilot boat life-extending capital improvements made in 2014. She noted that the overpayment was due to a mathematical error in a summary of the total of the invoices, and that the SFBP had provided the Board with copies of all of the invoices containing the exact costs paid for each improvement. Mr. Paetzold apologized for the error, and stated that the SFBP is more than willing to reimburse the Pilot Vessel Surcharge fund held by the San Francisco Bar Pilots Benevolent and Protective Association at the direction of the Board.

MOTION: Vice President Connolly moved that the Board direct the SFBP to reimburse \$1,000 to the Pilot Boat Surcharge fund held by the San Francisco Bar Pilots Benevolent and Protective Association for an overpayment in 2014 in connection with service life-extending capital improvements to the P/V PITTSBURG. President Schmid seconded the motion.

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

ACTION: The motion was approved.

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- D) Possible recommendation on implementation and management of a Navigation Technology Surcharge to take effect no sooner than April 1, 2017. Possible Board action to implement a Navigation Technology Surcharge to take effect no sooner than April 1, 2017.**

There was no discussion or recommendation.

15. Pilot Power Committee – Committee Chairman Livingstone

- A) Report on the Pilot Power Committee meeting held on March 16, 2017.**

Committee Chairman Commissioner Livingstone reported that the Pilot Power Committee met on March 16, 2017. He stated that currently there are 5 trainees in the Pilot Trainee Training Program, with a single candidate remaining on the Pilot Trainee Training Program eligibility list developed from the last entrance examination in 2014, and that the eligibility list is set to expire on July 23, 2017. He stated the Committee reviewed the most recent pilot retirement survey and the San Francisco Bar Pilots Section 237(d) data report for 2016.

Commissioner Livingstone stated that the pilot retirement survey completed in January reflects that there are 59 pilots, 19 pilots are eligible to retire by the end of 2018, 12 pilots are planning on retiring during this time period, and two pilots have already tendered their retirement notifications. He also stated that the Board just approved the graduation and issuance of a license at today's meeting, setting the total number of licensed pilots the April 1, 2017 at 58 pilots.

Commissioner Livingstone stated the Committee voted to recommend to the Board to invite the last candidate on the Pilot Trainee Training Program eligibility list into the program as soon as possible.

- B) Possible recommendation from the Pilot Power Committee to Board to direct Board staff to commence contracting with one or more additional applicants for entry into the Pilot Trainee Training Program. Possible Board action to direct staff to commence contracting with one or more applicants for entry into the Pilot Trainee Training Program.**

MOTION: Commissioner Livingstone moved that the Board direct Board staff to commence contracting with the final potential candidate on the 2014 Pilot Trainee Training Program eligibility list for entry into the training program as soon as possible. President Schmid seconded the motion

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

ACTION: The motion was approved.

**16. Progress Report on the Pilot Trainee Training Program Selection Examination - Director Garfinkle.
Report on the progress of the Pilot Trainee Training Program Selection Examination.**

Executive Director Garfinkle reported the following:

- The written component of the upcoming Pilot Trainee Training Program examination is complete.
- The development of the examination simulator exercise component is being conducted at CMA and is underway.
- Examination advertising is has been extensive, and he has received positive feedback from applicants.
- This year’s trainee program selection examination is the first to charge a \$1000 application fee.
- Applicants who do not fully meet the requirements for the examination will receive a full refund of the application fee.
- Applicants who take the written component of the examination and do not proceed to the simulator component will receive a \$500.00 application fee refund.
- To date, Board staff has received 4 applications, and that he expects more applications will be submitted closer to the April 15, 2017, deadline.

Commissioner Nyborg inquired if the Board should address the low number of applications. He expressed his concern with the possibility of wasting Board resources with a low applicant turn out. The Board decided to revisit his concern at a later date.

17. Pilot Fitness Committee Report –Chairman Miller

A) Report on the Pilot Fitness Committee meeting of March 15, 2017.

Pilot Fitness Committee Chairman Mr. Miller reported that the Pilot Fitness Committee met on March 15, 2017, and discussed possible modifications to improve the pilot fitness regulations, the status of the SJSURF fatigue study, and the Nondisclosure Agreement between the SFBP and the SJSURF. He stated that he recommends the Pilot Fitness Committee work with the Rules and Regulations Committee on the new fitness regulations that were discussed at the Committee meeting.

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B) Discussion of proposed modifications to improve the Pilot Fitness Regulations to allow (i) a conditional fit for duty of less than one year, (ii) a physician with less than five years’ experience in occupational medicine, (iii) initial licensing to rely on recent a medical assessment, and (iv) initial licensing and renewal of an existing license to rely on a recent agility test. Possible Board action to direct the Pilot Fitness Committee to work jointly with the Rules and Regulations Committee on proposed modifications to the Pilot Fitness Regulations to allow (i) a conditional fit for duty of less than one year, (ii) a physician with less than five years’ experience in occupational medicine, (iii) initial licensing to rely on recent a medical assessment, and (iv) initial licensing and renewal of an existing license to rely on a recent agility test.

Executive Director Garfinkle briefly reviewed the proposed modifications to the Pilot Fitness Regulations that were discussed by the Pilot Fitness Committee. He noted the proposed modification include:

- (i) A conditional fit for duty certification from the Board physicians, since there have been times when the physicians determined a pilot fit for duty, but required follow-up of a medical issue in less than a year increment. As an example, he stated that the physicians have found pilots fit for duty, but were awaiting test results, and that a conditional fit for duty determination would also be appropriate in these circumstances.
- (ii) Reducing the minimum examining physician occupational medicine experience requirement from 5 years to something less for one or more physicians. He explained that UCSF has several occupational medicine doctors who Dr. Kosnik has determined could adequately perform fitness determinations; however, these physicians don’t meet the 5-year occupational medicine experience minimum requirements contained in the Board’s regulations. As such, he stated that UCSF currently has two physicians instead of three dedicated to performing examinations, and that a third physician would provide additional opportunities for appointment dates for pilots and trainees.
- (iii) Consider changing the requirement for new licensees to obtain a new fitness determination upon licensing if they recently completed a fitness determination. Executive Director Garfinkle indicated a sub-issue involves the proximity of a fitness for duty determination to the dated of a license initial issuance or renewal.
- (iv) Executive Director Garfinkle stated the same timing concern applies that applies to initial or renewal licensing also applies to agility testing.

Both Vice President Connolly and Mr. Jacob expressed that the proposed medical regulatory changes appear reasonable. Commissioner Hoppes commented that the proposed fitness regulations would open up discretion for the Board’s physicians to follow up on certain tests that, while important, do not immediately impact fitness for duty. Executive Director Garfinkle stated that the proposed medical regulations discussed

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at the Committee meeting are conceptual, and that both the Pilot Fitness and Rules and Regulations Committees will consider each proposed regulation in depth.

President Schmid called for a recess.

RECESS START TIME: 12:07 A.M.
RETURN TO OPEN SESSION: 12:15 A.M.

C) Review of the draft Nondisclosure Agreement between the San Jose State University Research Foundation and the San Francisco Bar Pilots in connection with a pilot fatigue study the foundation is conducting for the Board. Possible Board action to accept the draft Nondisclosure Agreement between the San Jose State University Research Foundation and the San Francisco Bar Pilots.

Mr. Miller provided a brief background on the pilot fatigue study beginning with the research conducted by the Pilot Fitness Committee involving industry experts, to the selection of the SJSURF's study proposal. Assistant Director Cristia-Plant stated the Board subsequently entered into a contract with the SJSURF, which was completed in the June 2016, and that the contract includes a condition as part of Task 1 that the SJSURF enter into a Nondisclosure Agreement with the SFBP.

Executive Director Garfinkle stated the SJSURF pilot fatigue study may include the collection of personal information such as sleep patterns, personal hygiene and other personal information, and that a Nondisclosure Agreement is necessary to induce the greatest level of pilot participation in the study. He stated Dr. Hobbs has confirmed for Board staff that there is nothing in the Nondisclosure Agreement that would inhibit the SJSURF team from completing the contracted scope of work.

Mr. Jacob stated PMSA supports the study and Board's approval of the Nondisclosure Agreement. He further commented PMSA has no interest in accessing pilot confidential personal information, and that his letter to the Board outlines PMSA's concern to preserve the accessibility of public information, and that the nondisclosure agreement should not seek to reclassify public data.

Mr. Paetzold noted that some pilot data is already public, and that the Nondisclosure Agreement will not change the designation of this public data. He stated he supports the completion of the study, and recommends the Board consider approving the final draft of the Nondisclosure Agreement.

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Commissioner Hoppes questioned how much of the study data will be included in the final report, and commented that his is not a fan of averages. Mr. Paetzold stated the pilots should be allowed to see the draft of the final pilot fatigue study report, and the pilots cannot prevent the SJSURF of deciding what to include in the final report.

MOTION: President Schmid moved that the Board accept the draft of the Nondisclosure Agreement between the San Jose State University Research Foundation and the San Francisco Bar Pilots. Vice President Connolly seconded the motion.

VOTE: YES: Schmid, Connolly, Hoppes, Livingstone, Nyborg and Schneider.

NO: None.

ABSTAIN: None.

ACTION: The motion was approved.

18. Pilot Pension Committee Report – Vice President Connolly

A) Report on the Pilot Pension Committee meeting of February 21, 2017.

Pilot Pension Committee Chairman Vice President Connolly reported that the Pilot Pension Committee met on February, 21, 2017, and reviewed San Francisco Bar Pilot Pension Plan benefits received by retired and disabled pilots and their surviving spouses, discussed changes over the last three years in the Consumer Price Index (CPI), discussed ways to calculate the cumulative increase in CPI, and are agreed after two different motions to recommend an increase to target pension amounts.

Vice President Connolly stated the Committee also discussed a request by PMSA Vice President Mr. Jacob to direct the Executive Director as the fiduciary agent of the Board, to retain the services of an actuary firm to assess the full value and extent of all likely future liabilities associated with the statutory pension plan, and acknowledged the Board received a letter from Mr. Jacob dated March 20, 2017, that requested the Board defer from taking action on any pension increases until appropriate regulations are adopted for the implementation of Harbors and Navigation Code §§1163 and 1167, and to avoid the imposition of any and all rate changes on an arbitrary basis.

B) Review and consideration of cost of living calculation methodology and potential percentage increase to the monthly target pension amounts received by retired pilots and other recipients of pension benefits from the San Francisco Bar Pilot Pension Plan pursuant to Harbors and Navigation Code Section 1167(b). Possible Board action regarding a percentage increase to the monthly target pension benefits received by retired pilots and other recipients of pension benefits from the San

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Francisco Bar Pilot Pension Plan pursuant to Harbors and Navigation Code Section 1167(b).

Vice President Connolly stated the Committee discussed two different methods to determine an increase in CPI, and two motions were made to approve a CPI increase, only one of which was seconded, and that motion was to recommend to the Board to approve the Committee's decision to maintain the past practice of calculating changes in CPI using a point-to-point method, which resulted in a cumulative CPI increase of 4.837% for the period from December 2013 to December 2016. Vice President Connolly stated that the Committee did recognize some value in an alternate CPI increase methodology using annual CPI recommend by the Chief Economist at the Department of Finance.

Commissioner Hoppes noted that target pension plan payments are just that, only targets, and that actual monthly payments are subject to vessel traffic. He stated he does not wish to disadvantage any pensioner, that the Committee discussed taking the guess work out of the pension plan, and that the mechanism to do that would be through regulations.

Commissioner Schneider agreed, and suggested that the Pilot Pension Committee meet with the Rules and Regulations Committee to work on regulations. Executive Director Garfinkle and Port Agent Long also agreed that regulations would be helpful to the administration of the plan.

Executive Director Garfinkle explained that every fiscal quarter the Pension Plan Surcharge is adjusted to maintain target payouts based on a rolling one-year look back on tonnage activity. Port Agent Long added that a pensioner's target payout amount is set at retirement.

Mrs. Gjevik, a former fiduciary for the Pilot Pension Plan, explained that overall the current pension plan CPI methodology works. She stated in her personal review and calculations made years ago, she had not determined a difference greater than 2% when comparing targeted pension plan payouts to actual payouts. Captain Thomas noted that initially as written, the Pension Plan Surcharge rate was only adjusted annually, and was later modified to include quarterly adjustments to more closely track shipping activity to pension target payouts. He concurred with Mrs. Gjevik, and stated he highly recommends the Board stay with the past Pension Plan CPI point-to-point methodology.

Mr. Jacob reiterated PMSA's concern with the Board taking action prior to adopting regulation still remains outstanding.

Commissioner Nyborg stated that he would recuse himself from this vote since his father is a current recipient of the San Francisco Bar Pilot Pension Plan.

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MOTION: Vice President Connolly moved that the Board accept the Pilot Pension Committee’s recommendation to increase the monthly target pension amounts received by retired pilots and other recipients of pension benefits from the San Francisco Bar Pilot Pension Plan pursuant to Harbors and Navigation Code Section 1167(b) by 4.837%, effective April 1, 2017. President Schmid seconded the motion

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

ACTION: The motion was approved.

C) Review of a request by Pacific Merchant Shipping Association (PMSA) Vice President Mike Jacob for the Board to direct the Executive Director, as the fiduciary agent of the Board to the San Francisco Bar Pilot Pension Plan, to retain the services of an actuary familiar with the administration of defined-benefit pension plans to assess the full value and extent of any and all present and likely future liabilities associated with the statutory San Francisco Pilot Pension Plan. Possible Board action to direct the Executive Director, as the Board-designated Pilot Pension Plan Fiduciary, to retain the services of an actuary, familiar with the administration of defined-benefit pension plans, to conduct a study to assess the full value and extent of any and all present and likely future liabilities associated with the statutory San Francisco Pilot Pension Plan.

Assistant Director Cristia-Plant stated that the Board staff could work with CalPERS and contract with one of the actuarial firms in their pool of actuaries, or conduct a procurement for to retain an actuarial firm should the Board decide to proceed with an actuarial study of the San Francisco Bar Pilot Pension Plan.

MOTION: Vice President Connolly moved to direct the Executive Director, as the fiduciary agent of the Board to the San Francisco Bar Pilot Pension Plan, to retain the services of an actuary familiar with the administration of defined-benefit pension plans to assess the full value and extent of any and all present and likely future liabilities associated with the statutory San Francisco Pilot Pension Plan. President Schmid seconded the motion

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

ACTION: The motion was approved

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- 19. 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.

Acting Board Counsel Alderson stated there was nothing to report.

- 20. 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.

Vice President Connolly stated there was nothing to report.

- 21. Board discussion of Section 87406 of the Political Reform Act as it relates to the role of a former Commissioner acting in the role of Port Agent, and as brought to the attention of the Executive Director by Mike Jacob, Vice President and General Counsel of the Pacific Merchant Shipping Association in his letter dated January 5, 2017. Discussion of Section 87406 of the Political Reform Act as it relates to a former Commissioner acting in the role of Port Agent. 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.**

President Schmid deferred this agenda item to the next Board meeting.

- 22. Public comment on matters not on the agenda.**

There were no comments from the public.

- 23. Proposals for additions to next Board meeting agenda.**

There were no proposals for additions to next Board meeting agenda.

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24. Adjournment.

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

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

ACTION: The motion was approved. The meeting was adjourned at 01:08 P.M.

Submitted by:



Allen Garfinkle, Executive Director