

<p>Meeting Date: January 25, 2018</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 15</p>
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Board Members Present

Jennifer Ferrera Schmid, President, Public Member
Dave Connolly, Vice President, Public Member
Captain George Livingstone, Pilot Member
Captain Einar Nyborg, Pilot Member
John Schneider, Wet Cargo Industry Member

Board Members Absent

David Hoppes, Dry Cargo Industry Member (listened to the meeting by telephone)
Brian P. Kelly, Secretary, California State Transportation Agency (CalSTA), ex officio member
Vacant, Public Member

Staff Present

Allen Garfinkle, Executive Director
Roma Cristia-Plant, Assistant Director
Luis Cruz, Staff Services Analyst

Public Present

Knute Michael Miller, Past Board President; Captain Joseph Long, Port Agent and San Francisco Bar Pilots (SFBP) President; Ray Paetzold, SFBP Business Director-General Counsel; Mike Jacob, Pacific Merchant Shipping Association (PMSA) Vice President and General Counsel; Captain Rick Hurt, San Francisco Bar Pilot; Brigadier General (Ret.) Chester L. Ward, MD; and Dr. Alan Hobbs and Dr. Bonny Parke (via telephone), San Jose State University Research Foundation (SJSURF).

OPEN MEETING

1. Call to Order and Roll Call – President Schmid

President Schmid called the meeting to order at 9:37 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
December 14, 2017.**

The minutes were not available. Action on this item was deferred to the next meeting.

3. President Announcements and Activities – President Schmid

President Schmid announced that she attended the Pilot Evaluation Committee meeting held on January 17, 2018, and had a first-hand look at the trainee evaluation process. She stated

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that she was very impressed at the comprehensive and personalized approach the committee takes in reviewing and interviewing each trainee throughout their evaluation period. She also stated that she attended the Joint Pilot Fitness and Rules and Regulations Committee meeting held on January 23, 2018. Lastly, she announced that she and Executive Director Garfinkle discussed the upcoming Women in Maritime Leadership conference to be held at the California State University Maritime Academy on March 2-3, 2018, with representatives of the Oregon and Washington State pilotage boards.

4. Board Member Announcements and Activities – Board Members

There were no announcements.

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

A) Correspondence and activities since the Board meeting held on November 16, 2017.

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

- On November 17, 2017, Board staff received a copy of PMSA’s West Coast Trade Report for November containing extensive information on trade numbers for September 2017, and an article by PMSA Vice President Thomas Jelenic titled, “Under Pressure,” which addressed the balancing act of emerging regulations with port competitiveness.
- On November 20, 2017, Board staff received a media release announcing that the Oregon Board of Maritime Pilots appointed Mr. Marc Warren as the new Executive Director. He stated that the media release indicated Mr. Warren brings 25 years of maritime experience to the job, having served in the United States Coast Guard, and that he has a degree in Organizational Security and Management.
- On December 19, 2017, Board staff received PMSA’s West Coast Trade Report for December containing extensive information on trade numbers and an article by Jock O’Connell titled, “If you’ve seen one port...”
- On December 20, 2017, he met with SFBP President Long, and Mr. Paetzold to discuss a proposal for new legislation to amend the pilotage rate change approval process.
- On December 22, 2017, Board President Schmid sent out a letter to the Board’s licensees encouraging them to participate in the objective monitoring phase of the SJSURF pilot fatigue study.
- On December 28, 2017, Board staff received a Marine Accident Brief Bulletin issued by the National Transportation Safety Board on the allision of the cruise ship CELEBRITY INFINITY with a dock in Ketchikan, Alaska. He stated that the ship staff master and then the ship master handled the docking, and upon docking the ship

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- allided with the dock in high winds, causing approximately \$1.15 million in damages.
- On January 10, 2018, Governor Brown released his proposed 2018-19 budget. The Board submitted a Budget Change Proposal requesting ongoing provisional budget language to allow the Department of Finance, upon submittal of appropriate documentation by the Board, to approve up to a \$400,000 augmentation of the Board’s annual training budget to fund additional costs associated with administering a Pilot Trainee Training Program Selection Examination.
- On January 11, 2018, Board staff received an American Shipper article titled, “Port of Oakland says 2017 was the busiest for container shipping in its 90-year history.”
- Lastly, he received retirement notices from two of the Board’s licensees—Blake Coney and Eddie Melvin. Both pilots intend to retire on March 31, 2018.

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 November and December Board meetings, staff renewed the licenses of Captains Lowe and Favro.
- Since the December Board meeting, staff renewed the licenses of Captains Johnson, Epperson, McIsaac, Ridens, Robinson, Rocci, Teague, Carlson, Coppo, Carlier, Ruff, Hirschfeld, and Kellerman.

C) Report on Board surcharges.

Executive Director Garfinkle reported that the Board received a check from the SFBP for \$175,517.05 for surcharge revenues for the month of December 2017, itemized as follows:

- Board Operations Surcharge: \$ 103,887.05
- Trainee Training Surcharge: \$ 68,140.00
- Continuing Education Surcharge: \$ 3,490.00

D) Report on legislative activities and contractual matters.

Assistant Director Cristia-Plant stated there was no legislative activity to report. She reported the following contractual matters:

- Contract paperwork for the new 5-year sole-source contract with the SFBP is moving forward, and the non-competitive bid justification was sent to the Department of General Services for review and approval.
- In the interim, the Board and the SFBP entered into another 6-month emergency contract with a termination date of June 30, 2018.

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- Contract paperwork was sent to the California Highway Patrol (CHP) to enter into a new interagency agreement with the California Department of Human Resources (CalHR) for administrative services for the next Pilot Trainee Training Program selection examination, which is tentatively scheduled for June 2019.
- Draft contract paperwork was sent to the California State University Maritime Academy (CSUM) for review and approval of a new interagency agreement for pilot continuing education services, and a new interagency agreement for Pilot Trainee Training Program selection examination administrative services. The current contracts with CSUM expire June 30, 2018.
- CHP contract staff are still working on the Invitation for Bid for the next Commission Investigator contracts, and projects that new contracts will be in place by the end of March.
- CalHR's legal counsel confirmed that a legal opinion involving a determination whether the Board and CalHR can enter into an interagency agreement for trainee random drug testing under CalHR's master drug testing contract has been written and is under review.
- Board staff continues to work on new contracts or contract amendments with several contractors, including the State Controller's Office for surcharge and pilotage audits, the Regents of the University of California on behalf of the San Francisco Campus for pilot and trainee fitness determinations, SJSURF for the pilot fatigue study, and various contracts for the San Francisco Bar Pilot Pension Plan.

Assistant Director Cristia-Plant confirmed for President Schmid that Board staff successfully obtained job classification changes for the Board's rank-and-file staff. Luis Cruz will be promoted in place to an Associate Governmental Program Analyst, and the Office Technician position has been changed to an Administrative Assistant II (AA II) level. She indicated that the classification changes were necessary to retain qualified staff, and to ensure that the increasing complex administrative duties of the Board will be adequately performed. She also stated that the job announcement for the vacant AA II position was issued in December 2017, and that several applications have been received.

Assistant Director Cristia-Plant and Past President Miller responded to several questions from Vice President Connolly regarding the Board's 2017-18 budget change proposal. They explained that costs to administer a Pilot Trainee Training Program selection examination come in waves during the years that an examination is held, and that the budget is negatively impacted during such years if there is also a full roster of trainees receiving stipends. They further explained that the provisional budget language to increase the Board's training budget authority in years that selection examinations are held will relieve Board staff of preparing future budget change proposals, but that the Board will still need to demonstrate to the Department of Finance that it needs the additional training budget authority, and the amount needed.

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There ensued a discussion among the Board members regarding impacts to the pool of potential candidates to the Pilot Trainee Training Program. Executive Director Garfinkle explained that the pool of candidates to the Board’s pilot training program has been negatively impacted by several factors, including: a recent change to the Board’s regulations setting forth a minimum eligibility requirement to hold a federal masters license of not more than 1600 tons for two years prior to being eligible to take the examination; that there has been competition for candidates from other West Coast pilot training programs, particularly Puget Sound; and that the pool of deep-sea mariners has been shrinking.

Commissioner Nyborg commented that the pool of “blue water” candidates is primarily due to the Jones Act trade-related jobs, and that to attract more candidates, the Board may want to consider amending the pilot trainee program eligibility qualifications to remove the requirement to be holding a 1600 ton license while accruing the command experience. He explained that there are many current Board-licensees, who are excellent pilots, who did not hold their 1600 ton licenses for as long as currently required.

6. Port Agent’s Report – Captain Joseph Long

A) Monthly report on San Francisco Bar Pilots (SFBP) pilot availability and absences.

Port Agent Long reported that Captain Pinetti has been not fit for duty since February 27, 2017, and that Captain Dowdle has been not fit for duty since September 23, 2017, although Captain Dowdle has taken on other non-piloting work. He also reported that Captain Pate was absent for medical reasons from December 26, 2017 through January 16, 2018.

Port Agent Long reported that the SFBP continually monitors the dispatch list for possible 12-hour minimum rest period (MRP) exceptions, and if the potential exception is likely to result in a rest period of less than 10 hours, mitigating measures are employed by the SFBP. He reported that the mitigating 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 that there are currently 60 licensed pilots. He reported that there were 14 MRP exceptions in December, and that the shortest rest period was 8.7 hours.

B) Monthly report on SFBP ship piloting business activity.

Port Agent Long reported that the P/V GOLDEN GATE was out of service for scheduled maintenance starting on January 16, 2018, and that the main engines were tuned up, and the aftercooler cores were removed and cleaned.

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Port Agent Long reported the billed vessel moves for December 2017 as follows:

- Bar Crossings: 572 Moves
- Bay Moves: 138 Moves
- River Moves: 49 Moves
- Total Moves: 759 Moves
- Gross Registered Tons (GRT): 32.6 Million

He also reported that when comparing 2017 year-to-date vessel moves and GRT data with the same twelve-month period in 2016, total moves were up 5.3% and GRT was up 1.7%.

C) Monthly confidential written report of SFBP pilots who have been absent for medical reasons (AFMR). 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 January 17, 2018.

PEC Chairman Captain Dowdle was unable to attend the meeting. Commissioner Nyborg read Captain Dowdle’s submitted written report and reported the following:

- The PEC met on January 17, 2018.
- All trainees were interviewed individually in closed session.
- The eight current trainees include: Captains Greger, Burchard, Freese, Pullin, Starnitzky, Corbett, Mercier and Crowl. Their time in the program ranges from 2 days to 13 months.
- The newest trainees are collecting trips, continuing to test for federal pilotage endorsements, and beginning to handle ships in areas where federal pilotage endorsements have already been attained.
- All trainees are meeting required benchmarks.
- Two newest trainees, Captains Christopher Pyne Mercier and Casey Crowl, attended an orientation meeting on January 16, 2018.
- Two trainees, Captains Greger and Pullin, are absent for medical reasons, and both are not expected to be out very long.

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- The PEC will next meet on February 14, 2018.

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 was no discussion or recommendation.

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.

There was no discussion or recommendation.

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.

There was no discussion or recommendation.

8. Reported Safety Standard Violations – Executive Director Garfinkle (Reported safety standard violations occurring up to the start of the meeting will be reported on.)

Executive Director Garfinkle stated that there were two pilot boarding deficiencies, and a ladder incident to report on as follows:

- M/T OTTO H—Captain Martin reported that he boarded the vessel on November 29, 2017, and noted the ladder rungs were severely uneven making boarding and disembarking risky, particularly in the sea conditions at that time.
- MOL EMPIRE—Captain Kirk encountered a combination ladder that was not secured to the ship’s side, even though he specifically asked the Master and Chief Mate if it was secured. He also determined that the ladder was too short.
- DEMETER LEADER—Trainee Captain Greger reported that his leg was bruised by the ladder departing the ship in rough sea conditions with wind gusts of up to 50 knots. Captain Greger reported that the ladder rung caught on the gunwhale of the pilot boat as it heaved in the seas, parting the ladder as he began his descent. He reported that was able to climb safely back aboard with the assistance of another trainee.

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Port Agent Long stated that the International Maritime Organization (IMO) reported that 20% of pilot ladders are deficient, and that he believes the same percentage of deficient ladders is applicable locally. Commissioner Schneider stated that new ships are designed to have more locations at which to rig combination ladders. Captain Hurt stated that the IMO recently made changes to pilot ladder regulations, and that vessels are required to carry IMO certificates for their pilot ladders.

**9. Reportable Piloting Events – Executive Director Garfinkle
(Reportable piloting events occurring up to the start of the meeting will be reported on.)**

- A) Progress report of an event involving the M/V SALDANHA making unintended contact with the pier structure at the Port of Stockton, Berth 12/13 on September 13, 2017. Possible Board action to grant the Incident Review Committee an extension to present the M/V SALDANHA report at the Board meeting to be held on February 22, 2019. If an extension is sought, it will be due to the report on the investigation not being fully prepared.**

Executive Director Garfinkle reported that this incident remains under investigation, and the Incident Review Committee (IRC) report is not yet complete due to insufficient staff time. He stated the IRC is requesting an extension to present its report at the February 2018 Board meeting. There was no further discussion of this item by the Board or the public.

MOTION: Commissioner Nyborg moved that the Board grant an extension to the Incident Review Committee to present its report on the M/V SALDANHA event at the February 22, 2018, Board meeting. Commissioner Livingstone seconded the motion.

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

NO: None.

ABSTAIN: None.

ACTION: The motion was approved.

- B) Progress report of an event involving the M/V SHEILA ANN making contact with the bottom in the vicinity of Ward Cut on July 21, 2017. Possible Board action to grant the Incident Review Committee and extension to present the M/V SHEILA ANN report at the Board meeting to be held on February 22, 2018. If an extension is sought, it will be due to the investigation being incomplete at the time of the meeting.**

Executive Director Garfinkle stated this incident was first reported to the IRC on November 11, 2017. He further stated that although the 90-day statutory limit from the

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date of the incident was October 18, 2017, it has been 76 days as of the Board meeting date since the incident was reported to the IRC. He reported that this incident remains under investigation, and the IRC report is not yet complete due to insufficient staff time. He stated the IRC is requesting an extension to present its report at the February 2018 Board meeting. There was no further discussion of this item by the Board or the public.

MOTION: Commissioner Nyborg moved that the Board grant an extension to the Incident Review Committee to present its report on the M/V SHELIA ANN event at the February 22, 2018, Board meeting. Commissioner Schneider seconded the motion.

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

ACTION: The motion was approved.

- C) Progress report of an event involving possible interaction of the M/V LEONORA VICTORY with a barge moored at the Port of Stockton on October 23, 2017. Possible Board action to grant the Incident Review Committee an extension to present the M/V LEONORA VICTORY report at the Board meeting to be held on February 22, 2018. If an extension is sought, it will be due to the investigation being incomplete at the time of the meeting.**

Executive Director Garfinkle reported that this incident remains under investigation, and the IRC report is not yet complete due to insufficient staff time. He stated the IRC is requesting an extension to present its report at the February 2018 Board meeting. There was no further discussion of this item by the Board or the public.

MOTION: Commissioner Schneider moved that the Board grant an extension to the Incident Review Committee to present its report on the M/V LEONORA VICTORY event at the February 22, 2018, Board meeting. Commissioner Livingstone seconded the motion.

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

ACTION: The motion was approved.

10. Loss of Propulsion/Low Sulfur Fuel Report – Executive Director Garfinkle

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

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Executive Director Garfinkle stated that there was no Harbor Safety Committee (HSC) meeting in December. He stated he received the Prevention / Response – San Francisco Harbor Safety Statistics reports for November and December at the January HSC meeting. He noted that there were four loss and/or reduction of propulsions in November, that none were attributable to fuel switching, and that there were none in December.

11. Joint Pilot Fitness/Rules and Regulations Committee– Knute Michael Miller and Commissioner George Livingstone

Pilot Fitness Committee (PFC) Chairman Miller and Rules and Regulations Committee Chairman Commissioner Livingstone commented that they held a joint meeting of their two respective committees on January 23, 2018.

A) Report on the pilot and trainee fitness determination process involving the Division of Occupational & Environmental Medicine at the University of California, San Francisco Campus.

PFC Chairman Miller reported that the joint committee discussed the pilot and trainee fitness determination process involving physicians at the University of California San Francisco’s School of Occupational & Environmental Medicine. He reported that there are some procedural issues at UCSF that need further refinement as pilots and trainees are still having difficulties obtaining appointments for medical exams.

B) Discussion and review of proposed amendments to the Board fitness regulations in Title 7, California Code of Regulations sections 217-217.45. Possible Board approval of amendments to regulations in Title 7, California Code of Regulations sections 217-217.45 consistent with the Joint Committee findings, and approval of the commencement of a formal rulemaking process.

Chairman Miller reported that it has been four years since the inaugural pilot fitness regulations went into effect, and that now is an appropriate time to refine the regulations. He reported that the Committee discussed the regulatory issues reported to the Board in December involving the following:

- Identify a time frame in which required fitness determinations and agility tests must be completed.
- Provide that a new fitness determination or agility test is not required if a fitness determination or agility test has been completed within a certain time period.
- Authorize fitness determinations that are operative for periods of less than one year.
- Relax the qualifications for examining physicians to potentially increase the eligible physician pool, with the goal of timely fitness determinations.

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- Make other technical amendments to, among other things, update Board fitness forms and references to Coast Guard documents to reflect changes in regulations and updated forms.

Chairman Miller stated that the joint committee will meet again to continue to refine the proposed regulations, and that no Board action is necessary at this time. There was no further discussion by the Board or members of the public.

12. Navigation Technology Equipment and Software Acquisition Update – SFBP Business Director-General Counsel Paetzold
Status report on the SFBP’s navigation technology equipment and software implementation.

Mr. Paetzold reported that all equipment and software is in place and working well. He reported that there will be expenditures in the first quarter of 2018 for: Rosepoint software support and upgrades; annual license renewals for the precision docking system software; and California use tax on the Trelleborg hardware purchases made in 2017.

13. Fee and Surcharge Recovery Actions Involving Hanjin Shipping Company – SFBP Business Director-General Counsel Paetzold
Status report on the SFBP’s fee and surcharge recovery actions involving pilotage services provided to vessels operated by Hanjin Shipping Company.

Mr. Paetzold stated there was nothing to report, and that the SFBP is waiting on the outcome of the Hanjin’s Korean bankruptcy.

President Schmid called for a short recess.

RECESS BEGAN: 10:56 a.m.
OPEN SESSION RESUMED: 11:11 a.m.

14. Pilot Fatigue Study Progress Report – Executive Director Garfinkle/Assistant Director Cristia-Plant
Progress report on the Pilot Fatigue Study being conducted by the San Jose State University Research Foundation.

President Schmid welcomed Dr. Hobbs to the meeting. Dr. Hobbs introduced Dr. Bonny Parke, who is one of the pilot fatigue study researchers. He stated that Dr. Parke is a Senior Research Associate employee at the San Jose State University, based in the Human Systems Integration Division at NASA Ames. Dr. Parke attended the meeting via telephone.

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Dr. Hobbs presented and discussed a slide presentation titled, “Preliminary Report on Results of Bar Pilot Fatigue Survey.” He stated the 95% response rate to the pilot fatigue factors survey was remarkable, although it took a bit longer than planned to receive all of the responses. The slide presentation provided an overview of the survey responses and covered the following survey topics: information on pilot work week schedules, commute times, times pilots feel fatigued, rest periods and quality of sleep both on-call and off-call, identification of task sensitivity and fatigue, scheduling and the impacts to sleep schedules, napping opportunities, sleep inertia, stress factors, daytime dozing opportunities and impacts to sleepiness, current schedule and staffing practices, minimum rest period exceptions, job and schedule satisfaction, fatigue as it impacts safety risks, and thoughts on additional fatigue management training.

Commissioner Nyborg commented that several of the questions could be interpreted differently by each pilot, especially the questions that asked about feeling fatigued in relation to the time of the day (e.g., beginning versus end of the day). Dr. Parke stated that she will take another look at some of the questions being written for the March follow-up survey to ensure that the questions are clearer.

Dr. Parke also responded to Commissioner Nyborg and explained the necessity to ask questions about job satisfaction, since job satisfaction impacts fatigue (e.g., willingness to get up on time for work), and also relates to stress, which has its own impacts on fatigue.

Vice President Connolly commented that surveys are not always accurate due to different interpretations of questions, and cited the difficulties of measuring subjective qualitative factors. Dr. Hobbs agreed, and stated that the researchers take that into account when designing survey questions.

Dr. Hobbs clarified for Assistant Director Cristia-Plant that the next steps for the pilot fatigue study are:

- Finish the analysis of the pilot fatigue factors survey and write up results.
- Conduct a job analysis that is slightly different than the CalHR job analysis completed for the last Pilot Trainee Training Program selection examination.
- Complete the analysis of the pilot dispatch records.
- Conduct the objective monitoring phases. Six pilots have indicated an interest in participating in objective monitoring, and Dr. Flynn-Evans is hopeful that she will be able to obtain commitments from more pilots at a meeting with the pilots scheduled on February 7, 2018.
- Complete the final study report, and recommendations to the Board for regulations to mitigate pilot fatigue.

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Mr. Jacob commented that he hopes the researchers, when developing proposed regulations, take into account the severity of the risk as it relates to the occurrence of the risk, that the use of averages can skew the issue. He stated he hopes the researchers will be able to fashion regulations that minimize risk factors that are caused by fatigue.

President Schmid called for a short recess.

RECESS BEGAN: 12:40 p.m.
OPEN SESSION RESUMED: 12:45 p.m.

**15. Proposed Board Rulemaking Calendar for 2018 – Executive Director Garfinkle
Staff recommendation to approve draft 2018 Board Rulemaking Calendar for
submission to the Office of Administrative Law. Possible Board action accept Board
staffs’ draft 2018 Board Rulemaking Calendar in compliance with Government Code
Section 11017.6, and direction to Board staff to submit the 2018 Board Rulemaking
Calendar to the Office of Administrative Law.**

Executive Director Garfinkle presented the Board with a proposed 2018 rulemaking activity calendar. He explained that every year the Office of Administrative Law (OAL) requests departments and agencies to identify regulations that will be worked on and submitted to OAL during the year so that OAL can plan its annual workload. He also explained that the Board’s proposed regulation activity calendar is not all-inclusive, and that departments can promulgate other regulation packages during the year.

Mr. Jacob noted that the Board’s proposed rulemaking calendar did not include the Port Agent conflict of interest regulations and San Francisco Bar Pilot Pension Plan regulations.

There was no further discussion of the proposed rulemaking calendar.

MOTION: Commissioner Schneider moved that the Board direct staff to submit the 2018 Board Rulemaking Calendar, as presented, to the Office of Administrative Law. Vice President Connolly seconded the motion.

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

ACTION: The motion was approved.

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16. 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.

There was no report.

17. Litigation Regarding Pension Payments of Capt. James Nolan – Board Counsel Eagan
A dispute exists concerning entitlement to a portion of the pension payments of Captain James Nolan, a retired pilot. It is likely that resolution of the dispute will involve litigation. The Board may go into closed session to discuss with Board Counsel any matters subject to the attorney-client privilege, in accordance with the Bagley-Keene Open Meeting Act, Government Code section 11126(e).

There was no report.

18. 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 maritime safety policies and procedures.

Vice President Connolly stated that the Safety Committee will be meeting in the near future, with a report to the Board to follow.

19. Incident Review Committee incident report on the M/V SALDANHA - President Schmid
A presentation of the Incident Review Committee report on the event involving the M/V SALDANHA making unintended contact with the pier structure at the Port of Stockton, Berth 12/13 on September 13, 2017. 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).

The Board granted an extension for the IRC report on the M/V SALDANHA to the February Board meeting. As such, there is nothing to report.

20. Public comment on matters not on the agenda.

There were no comments from the public.

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21. Proposals for the next Board meeting agenda.

There were no proposals or additions to the next Board meeting agenda.

22. Adjournment.

MOTION: President Schmid moved to adjourn the meeting. Commissioner Livingstone seconded the motion.

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

ACTION: The motion was approved.

The meeting was adjourned at 12:52 p.m.

Submitted by:



Allen Garfinkle, Executive Director