

<p>Meeting Date: April 26, 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 23</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 (He left the meeting at 11:56 a.m.)
 John Schneider, Wet Cargo Industry Member
 Marlon Flournoy, Deputy Secretary for Transportation Planning, Representing the Secretary of
 the California State Transportation Agency

Board Members Absent

Vacant, Public Member

Staff Present

Allen Garfinkle, Executive Director
 Roma Cristia-Plant, Assistant Director
 Dennis Eagan, Board Counsel
 Luis Cruz, Associate Governmental Program Analyst

Public Present

Captain Joseph Long, Port Agent and San Francisco Bar Pilot (SFBP) President; Ray Paetzold
 SFBP Business Director-General Counsel; Mike Jacob, Pacific Merchant Shipping Association
 (PMSA); Dr. Alan Hobbs, San Jose State University Research Foundation (SFSURF); Captain
 Eusebio Fabia, State Lands Commission.

OPEN MEETING:

1. Call to Order and Roll Call – President Schmid

President Schmid called the meeting to order at 9:30 a.m. Associate Governmental Program Analyst Cruz called the roll and confirmed a quorum. President Schmid introduced and welcomed Marlon Flournoy as the new delegate to the Board for Brian Annis, Secretary of the California State Transportation Agency.

2. Board Officer Elections – Executive Director Garfinkle and Board Counsel Eagan

A) Explanation of rules and customs applicable to Board officer elections.

Board Counsel Eagan briefly explained the nomination and election process and term limits of the Board’s President and Vice President.

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B) Board members to elect a President of the Board. Board action to elect a President of the Board.

There was no discussion.

MOTION: Commissioner Connolly moved to elect Commissioner Schmid as the next President of the Board to take effect immediately. Commissioner Hoppes seconded the motion.

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

ACTION: The motion was approved.

C) Board members to elect a Vice President of the Board. Board action to elect a Vice President of the Board.

There was no discussion.

MOTION: Commissioner Schmid moved to elect Commissioner Connolly as the next Vice President of the Board to take effect immediately. Commissioner Nyborg seconded the motion.

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

ACTION: The motion was approved.

3. Review and approval of Board meeting minutes – Board President

Board action to approve meeting minutes from the Board meeting held on February 22, 2018.

Board members were presented with the draft minutes from the Board meeting held on February 22, 2018. There was no discussion.

MOTION: Commissioner Hoppes moved to approve the draft minutes of the meeting held February 22, 2018. Vice President Connolly 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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4. President Announcements and Activities – Board President

There were no announcements.

5. Board Member Announcements and Activities – Board Members

There were no announcements.

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

A) Correspondence and activities since the Board meeting held on February 22, 2017.

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

- On March 5, 2018, he attended a Director’s meeting at the California State Transportation Agency.
- On March 11, 2018, Board staff received an email addressed to the Board from Captain John Stewart, Master on the American Endurance. Captain Stewart expressed interest in becoming a West Coast pilot. Captain Stewart’s letter stated that earnings for Board-licensed pilots are not competitive with other West Coast ports when factoring in the cost of living in the San Francisco Bay Area. His letter further indicated that this issue will likely influence him to apply to pilot training programs at other west coast pilot associations.
- On March 13, 2018, Board staff received a copy of the “Confidential Hazardous Incident Reporting Program (CHIRP) Maritime Feedback,” issue 50 03/2018. Mentioned are four pilot-related events including one compilation of pilot ladder rigging issues.
- On March 19, 2018, he attended the first morning of the Board’s 6-day-long pilot Combination Course continuing education training. Board-licensed pilots are required to take this course every 5 years. He stated that he spoke to the class at the start of the training module on legal aspects of piloting, and touched on various statutory and regulatory issues particular to the Board’s oversight of pilots.
- On March 19, 2018, Board staff received a copy of the Pacific Merchant Shipping Association *West Coast Trade Report* for March 2018. This report includes the January 2018 loaded twenty-foot equivalent unit (TEU) numbers, and articles concerning February cargo volumes.
- On March 23, 2018, Board staff received a letter from Brian C. Annis, Secretary of the California State Transportation Agency, designating Marlon Flournoy, Deputy Secretary for Transportation Planning at the California Transportation Agency, as his representative sitting as the ex officio member of the Board.

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- Also on March 23, 2018, Board staff received a copy of an article titled, “San Francisco Has a People Problem.” The article describes the net outflow of people from the San Francisco Bay region, with the underlying premise that the high cost of living in San Francisco is to blame.
- On April 5, 2018, he met with Port Agent Captain Joe Long and SFBP General Counsel-Business Director Ray Paetzold, and was briefed on their proposal for pilotage rate-setting reform.
- On April 6, 2018, he reported he and Board President Schmid sent a letter to all Board licensees, encouraging participation in the final SJSURF pilot fatigue factors survey.
- On April 9, 2018, he attended a Director’s meeting at the California State Transportation Agency.
- On April 12, he attended a meeting of the California Senate Budget and Fiscal Review Subcommittee Number 2, at which the Board’s budget change proposal to add provisional language to increase the training portion of the Board’s budget for unanticipated costs related to administering a pilot trainee selection exam was voted on. He reported the proposed provisional budget language passed unanimously on the vote-only calendar.
- Also on April 12, 2018, he received a request from a Mr. Riccardo Gaudino, to add an agenda item on the Board meeting agenda for the Board to express thanks to him for his contribution to the course materials for 8th grade U.S. History students to include information on the Golden Pacific Frontier and its impacts to waterborne history of the region. Mr. Gaudino’s letter included support material for his request. Executive Director Garfinkle responded to Mr. Gaudino, stating that he was uncertain of the relevance of the request to the Board’s core mission, advising Mr. Gaudino that he declined to place the item on the Board’s April agenda, and advising Mr. Gaudino that he would instead provide the Board members with his correspondence and allow the Board members to decide how to proceed with his request.
- On April 13, 2018, Board staff received an email from Kathleen Correia, a member of the California History Room staff at the California State Library, thanking the Board for its role in the shipping industry in California. The email noted that the California State Library has chosen to highlight historic resources related to the history of shipping in a research guide titled, “Ships and Shipping in California.”
- On April 13, 2018, Board staff received a copy of the San Francisco Bar Pilots Title 7, California Code of Regulations §237(d) data report for the period covering January 1, 2017, through December 31, 2017.
- On April 16, 2018, Board staff received an internet link to the U.S. Coast Guard’s report titled, “Port State Control in the United States: 2017 Annual Report.” The report compiles statistics related to region, safety, and security performance.
- On April 19, 2018, Board staff submitted the Board’s 2017 Annual Legislative Report to the Legislature.

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- On April 20, 2018, Board staff received a copy of the PMSA *West Coast Trade Report* for April 2018. The report includes discussion of the February 2018 loaded TEU Numbers and several related articles.
- On April 25, 2018, the Board’s Administrative Assistant II job announcement was posted on the CalCareers website. The Administrative Assistant II position is an upgrade from the previous Office Technician position that Sigrid Hjelle held. This announcement has a final filing date of May 15, 2018.
- Lastly, the Board received silver awards from the Our Promise Charity Campaign, both in per capita gifts and for achieving a 40 to 59% participation rate in the 2017 Our Promise Campaign, which seeks donations from state employees and Board members for contribution to a wide variety of charitable organizations.

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

- Between the January and February Board meetings, Board staff renewed the licenses of Captains Lingo, Stultz, and Martin.
- Since the February Board meeting staff renewed the licenses of Captains Rubino, Kasper, Aune, Bridgman, Kirk, Lemke, Pate, Livingstone, Murray, Billingsley, Horton, Weiss, and McCloy.

C) Report on Board surcharges.

Executive Director Garfinkle reported that the Board received a check from the SFBP in the amount of \$182,217.65 for the surcharge revenues for the month of February 2018, itemized as follows:

- Board Operations Surcharge: \$92,147.65
- Continuing Education Surcharge: \$ 3,090.00
- Trainee Training Surcharge: \$86,980.00

Executive Director Garfinkle reported that the Board received a check from the SFBP in the amount of \$249,151.89 for the surcharge revenues for the month of March 2018, itemized as follows:

- Board Operations Surcharge: \$121,526.89
- Continuing Education Surcharge: \$ 3,905.00
- Trainee Training Surcharge: \$123,720.00

D) Report on legislative activities and contractual matters.

For legislative activities, Assistant Director Cristia-Plant reported Assembly Bill 3049 (Grayson) and Assembly Bill 3181 (Bonta) were both introduced on February 16, 2018,

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and amended on March 22, 2018. She stated both bills are similar and make non-substantive clean-up changes to several sections of the Harbors and Navigation Code. She reported that both bills were referred to the Assembly Transportation Committee and were not heard on April 23rd, which was the last day new bills could be referred out of policy committee. As such, she concluded these bills are likely to not go forward this legislative session.

For contractual matters, Assistant Director Cristia-Plant reported the following:

- The three new Commission investigator contracts were signed by the investigators and are awaiting Board staff signature. She stated the contracts will be effective May 1, 2018, through April 30, 2020, in the amount of \$20,000.00 each. The new Commission investigator contracts were awarded to Captain Klaus Niem, Captain Jeffery Hill, and Michael O’Callaghan
- Board Staff submitted contract paperwork to the California Highway Patrol (CHP) for an emergency contract with Captain Niem, who performed investigative services for an incident that occurred in March 2018. She reported that the services have been completed, and that the contract amount will be approximately \$1,000.
- CHP contract staff are finalizing an interagency agreement with the State Controller’s Office (SCO) for the pilotage and surcharge audit. She reported the contract will cover the 2017, 2018, and 2019 annual audits, with an approximate total of \$111,000.
- CHP contracts staff have received contract paperwork for an interagency agreement with the California State University Maritime Academy for pilot continuing education training services. The contract will be for two years, and totals approximately \$215,000.
- CHP contracts staff have received contract paperwork for an interagency agreement with the California State University Maritime Academy for assistance with the development and administration of the Board’s Pilot Trainee Training Program Selection Examination. The contract will be for two years, in the amount of \$188,000.
- CHP contracts staff received contract paperwork for an interagency agreement with the California Department of Human Resources (CalHR) for assistance with the development and administration of the Pilot Trainee Training Program Selection Examination. The contract will be for 18 months, for approximately \$103,000.
- Board staff is still awaiting the legal opinion by CalHR counsel regarding the department’s final determination of whether the two entities can enter into an interagency agreement for trainee random drug testing under CalHR’s master drug testing contract.
- CHP contracts staff have received contract paperwork for an interagency agreement with CHP for administrative support services. The new contract will be for three years at \$149,000 per fiscal year, for a total of \$447,000.

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- CHP contracts staff have received direction to proceed with previously submitted paperwork for the procurement of a CPA firm to perform pension plan calculations.
- CHP contracts staff have also received contract paperwork to conduct a procurement for an actuary to perform an actuarial update of the pilot pension plan.

She reported that contractual information concerning the amendments to the SJSURF contract, the new 5-year SFBP contract, and the new contract with Regents of the University of California on behalf of the San Francisco Campus will be addressed under separate agenda items.

7. 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, that Captain Dowdle has been not fit for duty since September 23, 2017, and that Captain Wehr has been absent for medical reasons since February 7, 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 57 licensed pilots. He reported that there were 3 MRP exceptions in February 2018, and that the shortest rest period was 10.2 hours. Additionally, he reported that there were 7 MRP exceptions in March 2018, and that the shortest rest period was 9.6 hours.

B) Monthly report on SFBP ship piloting business activity.

Port Agent Long reported that in February 2018 the P/V GOLDEN DATE was out of service for 19 days for repairs to the hull and keel, and again out on March 18, 2018, for planned maintenance

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Port Agent Long reported the billed vessel moves for February 2018 as follows:

- Bar Crossings: 515 Moves
- Bay Moves: 98 Moves
- River Moves: 44 Moves
- Total Moves: 657 Moves
- Gross Registered Tons (GRT): 29.6 Million

He reported that when comparing 2018 year-to-date vessel moves with the same period in 2017, total moves were up 0.8% and GRT was up 4.7%.

Port Agent Long reported the billed vessel moves for March 2018 as follows:

- Bar Crossings: 554 Moves
- Bay Moves: 121 Moves
- River Moves: 71 Moves
- Total Moves: 746 Moves
- Gross Registered Tons (GRT): 31 Million

He reported that when comparing 2018 year-to-date vessel moves with the same period in 2017, total moves were up 2.8% and GRT was up 2.0%.

Port Agent Long reported the following quarterly outreach efforts of the SFBP's Diversity Outreach Committee and other SFBP members:

- Provided financial support for the 2018 Summer STEAM Academic Enrichment Program (SAEP). The 6-week residential program is on campus at the California State University Maritime Academy (CMA), providing science, technology, engineering, arts, and mathematics (STEAM) studies to Oakland multi-ethnic and gender-equality high school students for early college preparation.
- Assisted with the development of the maritime program at McClymonds High School, Oakland School District, which included curriculum development, arrangement of guest speakers from Foss Maritime, AmNav Maritime, and the Blue & Gold Fleet operators, and provided instruction on maritime topics and introduction to maritime career paths to multi-ethnic students.
- Reviewed current maritime program instructional materials and future maritime career paths with Captains Robert Cook and Kevin Barrow and Chief Engineer Sean Carswell from The State University of New York, who are members of the Organization of Black Maritime Graduates, and with educators at McClymonds High School.

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- Sponsored and provided speakers for the Women in Maritime Leadership Conference at CMA on March 2-3, 2018. This was the third year the SFBP participated in the event and the second year the SFBP has been an event sponsor. Pilots participated in panels titled “Piloting, It’s For You,” and “Women in Maritime Today, Their Paths to Piloting.”
- Facilitated contact between two women’s groups--Seasisters.org and Womenoffshore.org—that hopefully will provide a networking platform for women in maritime careers.
- Followed up with CMA and Women’s International Shipping & Trading Association (WISTA) to discuss potential outreach programs to reach women and minority candidates.
- Hosted members of the Afterguard Sailing Academy on a field trip to Pier 9 to familiarize students with piloting and maritime career paths.
- Hosted a CMA cadet field trip to Pier 9 to familiarize students with piloting and piloting organizations.
- Continued outreach efforts to graduating women deck cadets at CMA regarding information about various maritime career paths that would meet the experience requirements to qualify an applicant to take the Board’s Pilot Trainee Training Selection Examination.
- Continued outreach and mentoring women currently serving in command positions in the maritime industry who plan to take future Board Pilot Trainee Training Selection Examinations.

Port Agent Long confirmed for Commissioner Hoppes that several other maritime organization are competing for the same pool of women serving in command positions.

Port Agent Long responded to a query from Commissioner Nyborg, and explained that the SFBP are frontrunners among pilot organizations in implementing a pilot peer review system. He stated that the peer review program will assist the SFBP with avoiding the silo effect about how to perform the job that can occur once a pilot is licensed and navigating vessels on his own, and that the reviews will allow a mechanism for the pilots to share their knowledge with each other during their piloting careers. He noted that a small group of very experienced pilots are conducting the peer reviews, and that the desire was to have all 60 pilots reviewed during the course of a year, but that due to man-power issues, the goal now is to review approximately half the pilots each year.

Port Agent Long confirmed for President Schmid that the SFBP is still working with the Under-Keel Clearance (UKC) engineers on the various study data tables.

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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.

8. Pilot Evaluation Committee – Captain George Dowdle

A) Report on the Pilot Evaluation Committee (PEC) meetings held on March 14, 2018, and April 18, 2018.

Captain Dowdle reported the following from the meeting held March 14, 2018:

- The PEC met on March 14, 2018.
- In closed session, all trainees were interviewed individually.
- The 8 current trainees include Captains Greger, Burchard, Freese, Pullin, Corbett, Starnitzky, Mercier, and Crowl. Their time in the program ranges from 2 to 15 months.
- The two newest trainees have begun to test for their federal pilotage endorsements.
- The other 6 trainees have obtained their federal pilotage endorsements and continue to train on as many ships as possible.
- All trainees are meeting recommended benchmarks.

Captain Dowdle reported the following from the meeting held April 14, 2018:

- The PEC met on April 18, 2018.
- In closed session, all trainees were interviewed individually.
- The 8 current trainees include Captains Greger, Burchard, Freese, Pullin, Corbett, Starnitzky, Mercier and Crowl. Their time in the program ranges from 3 to 16 months.
- The 2 newest trainees have begun to test for their federal pilotage endorsements.
- The other 6 trainees have obtained their federal pilotage endorsements and continue to handle as many ships as possible.
- All trainees are meeting recommended benchmarks.

Captain Dowdle reported that the PEC has decided unanimously to recommend to the Board that it consider a reasonable increase to the trainee stipend dollar amount. He outlined the PEC’s concerns with the stipend as follows:

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- The cost of living increase in the San Francisco Bay Area over the last 5 years.
- The need to attract and retain the best possible candidates from all across the nation, as many pilot organizations are competing for a small group of qualified candidates.
- The last trainee stipend increase was approved in November 2014.
- All trainees come from careers with good compensation, and most take a significant reduction in income while training in the program.
- The cost of relocation to the Bay Area can be expensive, difficult, and stressful.
- Some trainees lose employer health insurance while in the program.

Captain Dowdle reported that he is resigning from the PEC, and that the Committee anticipates recommending to the Board at the Board's May 2018 meeting that Captain John Carlier fill the vacancy. Additionally, he stated the PEC anticipates recommending to the Board that Captain Steven Teague be the new Chairman of PEC. Lastly, Captain Dowdle reported that the PEC will meet next on May 16, 2018, at 07:30 a.m.

Assistant Director Cristia-Plant noted that the PEC's recommendation to increase the trainee stipend was to be included in the draft of the Board's March meeting agenda, although that meeting was canceled due to a lack of quorum. Vice President Connolly noted the PEC recommendations.

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 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 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 recommendation.

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**9. 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 there was nothing to report.

**10. 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 SHEILA ANN making contact with the bottom in the vicinity of Ward Cut on July 21, 2107. Possible Board action to grant the Incident Review Committee an extension to present the M/V SHEILA ANN report at the Board meeting to be held on May 24, 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, and that the 90-day statutory limit from the date of the incident was October 18, 2017. He reported that this incident remains under investigation, and the IRC report is not yet complete due to the prioritization of other workload and the need to gather additional information due to evidence that led to a second Freedom of Information Act Request. He stated the IRC is requesting an extension to present its report at the May 2018 Board meeting. There was no further discussion of this item by the Board or the public.

MOTION: Vice President Connolly 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 May 2018, 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.

- B) 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 May 24, 2018. If an extension is sought, it will be due to the investigation being incomplete at the time of the meeting.**

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Executive Director Garfinkle reported that this incident remains under investigation, and the IRC report is not yet complete due to the prioritizing of workload. He stated the IRC is requesting an extension to present its report at the May 2018 Board meeting. He also stated that this incident involves the same pilot as the incident involving the M/V SHEILA ANN, and that the IRC intends to present a report to the Board covering both events. There was no further discussion of this item by the Board or the public.

MOTION: Vice President Connolly moved that the Board grant an extension to the Incident Review Committee to present its report on the M/V LENORA VICTORY event at the May 2018 Board meeting. President Schmid seconded the motion.

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

NO: None.

ABSTAIN: None.

ACTION: The motion was approved.

C) Initial report of the allision of the M/V ALAM SEJAHTERA with the POSCO Steel dock (PBG 4) in Pittsburg, CA on March 25, 2018.

Executive Director reported that on March 25, 2018, the M/V ALAM SEJAHTERA made unintended contact with the POSCO steel dock (PBG-4) in Pittsburg, California. He reported that the event is under investigation and that no Board action was required at this time. There was no further discussion.

President Schmid announced that the Board would go out of agenda order and discuss agenda items 17 and 24.

17. Pilot Fatigue Study Progress Report – Executive Director Garfinkle/Assistant Director Cristia-Plant

A) Progress report on the Pilot Fatigue Study being conducted by the San Jose State University Research Foundation.

Dr. Hobbs was welcomed by the Board, and provided the following progress report on the Pilot Fatigue Study:

- San Jose State University Research Foundation (SJSURF) researchers continue to work on drafting portions of the final study involving the literature review, task

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- analysis, ride-along observations, first survey results, and analysis of SFBP dispatch records.
- The literature review will include studies conducted among maritime pilots in the Netherlands, Australia, Canada, and the United States.
 - Researchers continue to work on the computer modeling of the pilot dispatch data. Several adjustments to the assumptions of the SAFTE-FAST model have been made to accommodate the unusual work schedules of the SFBP.
 - The second pilot fatigue factors survey closed on April 15, 2018, after a one-week extension.
 - Board staff sent a reminder email to pilots to complete the survey.
 - This survey was a brief follow-up to the main survey conducted last Fall. It contained standard fatigue scales, and requested information on sleep inertia, seasonal variations, and allowed general comments to be submitted.
 - 36 responses were received to the second survey, representing a 60% response rate, out of a potential total of 60 pilots, although three pilots retired April 1, 2018.
 - SJSURF will provide the Board with an outline of the contents of the report before the final report is delivered.

Dr. Hobbs confirmed for Vice President Connolly that the literature reviewed covered publications dated from the 1980's to the present day.

B) Report on Board staff's recommendation for proposed amendments to the contract with the San Jose State University Research Foundation. Board review and approval of proposed amendments to the contract with the San Jose State University Research Foundation, and delegation to the Executive Director to execute a contract amendment on terms consistent with Board staff's proposed amendments.

Board members were presented a staff report that outlined the proposed amendments to the Board's contract with the San Jose State University Research Foundation. Assistant Director Cristia-Plant briefly reviewed the following proposed amendments as follows:

- Change the contract end date from June 30, 2019, to June 30, 2020, to allow for the later-than-anticipated start on the study, to allow sufficient time for the Board to promulgate regulations to prevent fatigue, and to allow those regulations to be in effect for a sufficient amount of time so that the researchers can evaluate the effectiveness of the regulations and report back to the Board.
- Increase the maximum dollar amount of the contract from \$359,186.00 to \$416,000.00. She explained that the researchers are billing by the hour for their time as the study is being conducted, that all billings have been determined to be reasonable, and that staff has determined that it is reasonable that approximately

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- \$57,000 will be needed to fund the study through post-regulation implementation review and reporting back to the Board. Mr. Jacob reminded the Board that PMSA supported up to \$450,000 for the study when the Board was considering a budget change proposal to fund the study with the Department of Finance in a prior fiscal year. Assistant Director Cristia-Plant reminded the Board that it was subsequently determined that the Board could fund the initial study with its existing resources, and did not need a budget authorization increase.
- Effect additions and deletions to the contract Key Personnel that are actively working on the study, one of which is a National Aeronautics and Space Administration volunteer.
 - Modify the contract’s Schedule of Deliverables to account for the later start date of the study.
 - Modify the contract’s Budget Estimate for Project Period to account for actual study payments made to date and into the future per the revised timeline.

Assistant Director Cristia-Plant reviewed the proposed 4-Phase Schedule of Deliverables, and confirmed for Vice President Connolly that the researchers are not to work on Phases 3 and 4 without prior written approval from the Board. Mr. Jacob noted that industry is in support of the Pilot Fatigue Study, awaiting the researchers’ feedback.

MOTION: Vice President Connolly moved that the Board accept Board staff’s recommendation of proposed amendments to the contract with the San Jose State University Research Foundation, and delegate authority to the Board’s Executive Director to execute a contract amendment consistent with the Board staff’s proposed amendments. President Schmid 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 short recess and to reconvene the meeting in closed session.

RECESS BEGAN: 11:08 A.M.
RECESS ENDED AND CLOSED SESSION BEGAN: 11:15 A.M.

24. Performance Evaluation of the Executive Director – President Schmid

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Annual Performance Evaluation of Executive Director. The Board may go into closed session pursuant to 11126(a)(1) of the Bagley-Keene Open Meeting Act to discuss the evaluation.

This agenda item was discussed in closed session. There was no announcement made out of closed session concerning this agenda item.

RETURN TO OPEN SESSION:

11:55 A.M

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

Report on loss-of-propulsion events arising in February and March, 2018, 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 according to the U.S. Coast Guard’s Prevention/Response - San Francisco Harbor Safety Statistics Report for February 2018, there was one loss of propulsion and one reduction in propulsion, and neither event was attributed to fuel switching.

Executive Director Garfinkle reported that according to the U.S. Coast Guard’s Prevention/Response - San Francisco Harbor Safety Statistics Report for March 2018, there was one loss-of-propulsion event and one reduction-in-propulsion event. He reported that only the loss of propulsion incident was attributed to fuel switching.

12. Finance Committee – Commissioner Hoppes

A) Report on the Finance Committee meeting held on March 14, 2018.

Finance Committee Chairman Hoppes reported that the Finance Committee met on March 14, 2018, and reviewed the Board’s fund condition statements, budgets, and surcharge data. He reported that the Committee voted to make a recommendation to the Board that there be no adjustment to the surcharges previously set by the Board. Executive Director Garfinkle stated that since the Board did not meet in March to review the surcharge rates, he issued a letter to the Port Agent in late March, confirming that all surcharge rates previously set by the Board were to remain unchanged during the second quarter of 2018. There was no further discussion.

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

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- a. **To adjust the Board Operations Surcharge rate (currently 3% of all pilotage fees). Board action to authorize the quarterly Board Operations Surcharge rate in effect on April 1, 2018.**
- b. **To adjust the Pilot Continuing Education Surcharge rate (currently \$5 per move). Board action to authorize the quarterly Pilot Continuing Education Surcharge rate in effect on April 1, 2018.**
- c. **To adjust the Pilot Trainee Training Surcharge rate (currently \$20/trainee/move). Board action to authorize the quarterly Pilot Trainee Training Surcharge rate in effect on April 1, 2018.**
- d. **To adjust the Navigation Technology Surcharge rate (currently at \$40/move). Board action to authorize the quarterly Navigation Technology Surcharge rate in effect on April 1, 2018.**

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

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

ACTION: The motion was approved.

13. Pilot Safety Committee – Commissioner Livingstone

A) Report on the Pilot Safety Committee meeting held on March 7, 2018.

Pilot Safety Committee (PSC) Chairman Livingstone reported that the Committee met on March 7, 2018, and discussed progress on the SFBP UKC study and deliverables, pilot-boarding-arrangement deficiencies, instances of pilots being provided inaccurate air-draft information resulting in allsions with overhead structures, and instances of reduction or loss of propulsion and the impacts those incidents have on maritime safety. He reported that the Committee will meet again in June 2018, and that the Committee is still discussing the various safety issues.

B) Report on the Committee discussion of the status of the under-keel clearance (UKC) study for San Francisco Bay Main Ship Channel.

PSC Chairman Livingstone had nothing further to report on the UKC study.

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C) Report on the Committee discussion of recent pilot-boarding-arrangement deficiencies.

PSC Chairman Livingstone reported that the Committee reviewed and discussed pilot-boarding-arrangements deficiency data from the last 5 years of the Board's records, and confirmed that many deficiencies are related to ineffective manropes. He reported that the Committee decided to research the issue with other maritime organizations with the intent of gathering additional data on deficient manropes.

Board members briefly discussed the use of manropes, manrope storage and maintenance, and conditions under which a manrope is used. It was noted that San Francisco is one of few ports that require manropes due to rough sea conditions that occur in this area as compared to other ports in the United States.

D) Report on the Committee discussion of recent instances of pilots being provided inaccurate air-draft information that have resulted in allisions with overhead structures.

PSC Chairman Livingstone reported that the Committee will continue to work with Board staff to collect data on events involving inaccurate air-draft information.

E) Report on the Committee discussion of instances of reduction of propulsion, impacts on safety, and possible actions for risk mitigation.

PSC Chairman Livingstone noted that the reduction-of-propulsion event on the Columbia River recently, resulting in a grounding, highlights the impact a reduction-of-propulsion event can have (as compared to a total loss of propulsion). He stated the Committee will examine these events in more depth in the near future.

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

A) Report on the Joint Pilot Fitness/Rules and Regulations Committee meeting held on March 13, 2018.

Rules and Regulations (R&R) Committee Chairman Livingstone reported that the Pilot Fitness Committee and the Rules and Regulations Committee met on March 13, 2018, and discussed proposed amendments to pilot and trainee fitness regulations.

B) Report on the Committee discussion of proposed amendments to the Board fitness regulations in Title 7, California Code of Regulations sections 217-217.45

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R&R Chairman Livingstone reported that the Committee continues to make progress with proposed amendments to the Board's fitness regulations, and that the Committee plans to meet again in the near future to continue its work.

15. 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 the following:

- The SFBP paid approximately \$44,000.00 in California use tax in the first quarter of 2018.
- The SFBP awaits completion of Rosepoint Software upgrade, which is in final development and now expected in early June. The pilots plan to test the upgrade before ordering them for all route piloting units.
- The SFBP awaits the invoice from Trelleborg for the annual software license fee for the precision-docking-system equipment.
- He noted that all three of the above items were included in the SFBP's Final Authorization request last year and are subject to the Finance Committee's review once the expenditures have been made.

16. 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.

18. Presentation of a new five-year sole-source contract with the San Francisco Bar Pilots. Board action to review and approve a new five-year sole-source contract with the San Francisco Bar Pilots, and delegation to the Executive Director to execute the contract.

Assistant Director Cristia-Plant briefly reviewed the proposed new 5-year contract with the San Francisco Bar Pilots with the Board, noting that the contract is a sole-source contract, that the Department of General Services approved the justification for the sole-source contract, and that the new contract has a detailed scope of work listing the services to the Board for the Pilot Trainee Training Program, the Pilot Continuing Education Program, and for the Board in its general operations and other statutory requirements. She noted that the contract, while allowing for projected cost increases, does not cost much more than the prior

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5-year contract. She also noted that the proposed contract requires the SFBP to purchase insurance that will provide liability protection to the Board related to trainees while on pilot vessels. Both she and Executive Director Garfinkle thanked Mr. Paetzold for his participation in drafting the proposed contract. Assistant Director Cristia-Plant confirmed for Mr. Jacob that the new contract contains a provision requiring that the cost of airfare travel for pilots and trainees to attend manned model training that will be reimbursed by the Board shall be at a fare rate of no greater than fully refundable economy class subject to a small cancellation fee, *that the intention of this provision is to be consistent with the recommendations on the subject by the California State Auditor, and, as a result, the Board would not reimburse pilots for the cost of business class travel.* . There was no further discussion from the Board or the public.

- MOTION:** Vice President Connolly moved that the Board approve the proposed new five-year sole-source contract with the San Francisco Bar Pilots, and delegate authority to the Board’s Executive Director to execute the proposed contract. Commissioner Livingstone seconded the motion.
- VOTE:** YES: Schmid, Connolly, Hoppes, Livingstone, and Schneider.
NO: None.
ABSTAIN: None.
- ACTION:** The motion was approved.

19. Presentation of Board staff’s proposed terms for a new contract with The Regents of the University of California, on behalf of the San Francisco Campus for pilot and trainee fitness determinations. Board action to review and approve the proposed terms of a new contract with The Regents of University of California, on behalf of the San Francisco Campus, for pilot and trainee fitness determinations, and delegation to the Executive Director to execute a contract containing terms consistent with Board staff’s recommendations.

Assistant Director Cristia-Plant reviewed Board’s staff proposed terms for a new contract with The Regents of the University of California, on behalf of the San Francisco Campus (UCSF), for pilot and trainee fitness determinations. She stated that terms in the proposed contract were crafted in anticipation of the Board’s current efforts to amend the pilot and trainee fitness regulations, and that UCSF has yet to review the interagency agreement proposed by staff. She highlighted the new contract main provisions as follows:

- The contract shall be for a 3-year term, with two one-year extensions.
- Contract language clarifies that one type of fitness determination is a medical assessment.
- Updates references to U.S. Coast Guard form.
- Includes a performance requirement that the Board receive a Statement of Fitness for Duty within 5 business days after the completion of a medical assessment or other fitness determination.

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- Includes a reference to the current regulations on the appointment of an Acting Medical Review Officer by a designated Medical Review Officer.
- Includes a provision that the Executive Director may appoint other Examining Physicians and/or Medical Review Officers in the future without a contract amendment.

Assistant Director Cristia-Plant stated that although Board staff is awaiting a revised budget from UCSF, Board staff reviewed the actual annual expenses of the current contract, and believe a not-to-exceed contract amount for fitness determinations of \$150,000/year would be more than sufficient.

A short discussion ensued concerning whether Board staff's proposed terms would alleviate appointment scheduling issues that some pilots have experienced. Port Agent Long expressed his continuing and unresolved concern regarding complaints and issues that he has received from pilots regarding physician availability and available appointment dates. There was no further discussion.

MOTION: Vice President Connolly moved that the Board accept Board staff's proposed contract terms with the Regents of the University of California, on behalf of the San Francisco Campus, for pilot and trainee fitness determinations, and delegate authority to the Board's Executive Director to execute a contract containing terms consistent with Board Staff's recommendations in an amount not to exceed \$450,000. President Schmid seconded the motion.

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

NO: None.

ABSTAIN: None.

ACTION: The motion was approved.

20. San Francisco Bar Pilot Pension Plan Litigation – Board Counsel Eagan

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

Board Counsel Eagan stated there was nothing to report.

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21. 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).

Board Counsel Eagan reported that the trustees for the trust controlling the estate of Kathleen Nolan, Captain James Nolan’s former spouse, have obtained an order from the Superior Court clarifying that the trust has a right to Kathleen Nolan’s one-half share of Captain Nolan’s pension. Captain Nolan has 60 days to appeal.

22. 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 praised the Board for its commitment to internalizing maritime safety best practices. He stated he had nothing to report.

23. Board discussion of Pilot Trainee Training Program monthly stipend amount. – Commissioner Nyborg

A Board discussion of the Pilot Trainee Training Program monthly stipend amount, and its potential impact to the attraction of interested and qualified trainees into the program. Possible Board action to direct the Pilot Power Committee to conduct research into the Pilot Trainee Training Program monthly stipend amount, its potential impact to the attraction of qualified trainees into the program, and possible recommendation to the Board to amend the monthly stipend amount.

After a brief discussion, this agenda item was referred to the Board’s Finance Committee.

24. Public comment on matters not on the agenda.

There were no comments from the public.

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25. Proposals for the next Board meeting agenda.

There were no proposals for the next Board meeting agenda.

26. Adjournment.

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

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

ACTION: The motion was approved and the meeting adjourned at 1:04 p.m.

Submitted by:



Allen Garfinkle, Executive Director