

<p>Meeting Date: August 23, 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 11</p>
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Board Members Present

Jennifer Ferrera Schmid, President, Public Member
 Dave Connolly, Vice President, Public Member
 David Hoppes, Dry Cargo Industry Member
 Captain George Livingstone, Pilot Member
 Captain Einar Nyborg, Pilot Member
 John Schneider, Wet Cargo Industry Member
 Marlon Flournoy, Ex Officio Member, 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 (attended by telephone)
 Dennis Eagan, Board Counsel
 Luis Cruz, Associate Governmental Program Analyst

Public Present

Past Board President Knute Michael Miller; Captain Joseph Long, San Francisco Bar Pilots (SFBP) President and Port Agent; Ray Paetzold, SFBP Business Director-General Counsel; Karen Fuller Tynan, Attorney-at-Law.

OPEN MEETING

1. Call to Order and Roll Call – President Schmid

President Schmid called the meeting to order at 9:34 a.m. Associate Governmental Program 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 July 26, 2018.

Board members were presented with the draft minutes from the Board meeting held on July 26, 2018. Vice President Connolly, Commissioner Nyborg, and Port Agent Long requested minor edits to the draft minutes.

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MOTION: Commissioner Nyborg moved to approve the draft minutes of the meeting held July 26 2018, as amended. Commissioner Hoppes seconded the motion.

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

ACTION: The motion was approved.

3. President Announcements and Activities – President Schmid

There were no announcements.

4. Board Member Announcements and Activities – Board Members

Ex Officio Member Flournoy announced that the Governor’s appointment of Brain Annis as the Secretary of the California State Transportation Agency was confirmed by the Senate.

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

A) Correspondence and activities since the Board meeting held on July 26, 2018.

Executive Director Garfinkle reported on the correspondence and activities since the July Board meeting as follows

- On July 27, 2018, Board staff received notice that the *Craig E. Reeder vs State Board of Pilot Commissioners* appeal has been transferred from Division 4 to Division 3 of the 1st District Court of Appeal, and that the court has requested oral arguments. Subsequently, on August 9, 2018, Board staff was notified that Craig E. Reeder’s attorney, Taghi Astanehe, petitioned the court for an extension for oral arguments in the case until after September 20, 2018.
- On August 1, 2018, Board staff received a copy of the *Report of the 2017 Concentrated Inspection Campaign (CIC) on Safety of Navigation, including ECDIS*, prepared by the Paris Memorandum of Understanding on Port State Control. He stated that the objective of the report was to check on the conformity of safety regulations for ships and the competency of the crew involved in navigation operations, and that the report concluded that the CIC provided evidence that the industry had achieved a good level of compliance with the specific provisions inspected during the CIC of the SOLAS, Chapter V requirements pertaining to safety of navigation.
- On August 6, 2018, Board staff received a notice from the Marine Exchange of the San Francisco Bay Region granting the Board honorary membership in the Marine Exchange, a \$393 value. He thanked the Marine Exchange for their generosity.

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- On August 7, 2018, Board staff met with representatives from the California Department of Transportation (Caltrans) Information Technology department to discuss the information technology service levels the Board receives from Caltrans.
- On August 20, 2018, Board staff received the Pacific Merchant Shipping Association (PMSA) *West Coast Trade Report* for the month of August. The report contained the June 2018 container trade numbers and several other articles.

Board members briefly discussed the PMSA *West Coast Trade Report* commentary article entitled, “Need for More State Oversight of Pilot Monopolies,” by John McLaurin. The Board requested to have the article as an item on the September Board meeting agenda.

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

- Between the June and July Board meetings, no licenses were issued.
- Since the July Board meeting the Board issued licenses to Captains Laakso, Merritt, and Burger.

C) Report on Board surcharges.

Executive Director Garfinkle reported that the Board received a check from the SFBP in the amount of \$244,102.36, itemized as follows:

- Board Operations Surcharge: \$116,232.36
- Continuing Education Surcharge: \$ 7,110.00
- Trainee Training Surcharge: \$120,760.00

D) Report on legislative activities and contractual matters.

On legislative matters, Associate Governmental Program Analyst Cruz reported that Assembly Bill (AB 251), authored by Bonta, was amended on August 06, 2018, and makes non-substantive clean up changes to several sections of the Harbors and Navigation code. The bill is currently assigned to the Senate Rules Committee.

On contractual matters, Associate Governmental Program Analyst Cruz reported the following:

- The Board’s new 3-year contract with the Regents of the University of California, on behalf of its San Francisco Campus, (UCSF), was approved by the Department of General (DGS) Services on July 24, 2018. The contract was approved with an effective date of July 1, 2018. The three-year contract totals nearly \$446,000.

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- Board staff submitted contract documents to the California Highway Patrol (CHP) contract staff for San Francisco Bar Pilot Pension Plan calculation services. CHP is preparing the Request for Offer and send to state certified small businesses that are certified public accounting firms since no other state entity was identified capable and willing to provide the pension plan services.
- CHP continues to work on invitation for bid documents for actuary services for the San Francisco Bar Pilot Pension Plan.

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 Dowdle has been not fit for duty (NFFD) since September 23, 2017.

He 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, and calling in off-watch pilots.

He reported that there are currently 56 licensed pilots. He reported that there were 15 MRP exceptions in July 2018, and that the shortest rest period was 9.2 hours.

B) Monthly report on SFBP ship piloting business activity.

Port Agent Long reported the following:

- The P/V DRAKE has been out of service since June 22, 2018, for reduction gear, main engine repairs, and normal dry docking. The vessel was expected to be returned to service on August 24, 2018.
- The P/V CALIFORNIA was out of service for three days due to a generator issue.

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

- Bar Crossings: 567 Moves
- Bay Moves: 156 Moves
- River Moves: 39 Moves
- Total Moves: 762 Moves
- Gross Registered Tons (GRT): 33.8 Million

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He reported that when comparing 2018 year to date vessel move data with the same period in 2017, total moves are up 2.7% and GRT was up 4.7%

Port Agent Long reported on the following the quarterly SFBP diversity outreach efforts by members of the SFBP Diversity Outreach Committee:

- Continued outreach and support of the 2018 Summer Academic Enrichment Program (SAEP), a 24/7, six week residential program on the campus of the California State University Maritime Academy (CMA), providing early college preparation in science, technology, engineering, arts, and mathematics (STEAM) studies to Oakland multi-ethnic and multi-gender high school students.
- Completion of a bimonthly maritime course at McClymond’s High School during the 2017-18 school year. Guest speakers who participated in the course were from AmNav Maritime Corporation, Foss Maritime, and the Blue and Gold Ferry Fleet. He reported that initial feedback from Oakland Unified School District administrators was positive, and the SFBP and district staff plan to discuss the continuation of the course in the fall of 2018.
- Continued outreach efforts to identify and encourage women and underrepresented mariners serving in command positions in the maritime industry to take future selections examinations for the Boards’ Pilot Trainee Training Program.
- Continued to provide financial support for CMA’s “SFBP Pioneer Scholarships” to encourage qualified minority and female students to consider maritime professions.

President Schmid thanked the SFBP Diversity Committee for their continued efforts.

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 Teague

A) Report on the Pilot Evaluation Committee (PEC) meetings held on August 15, 2018.

Captain Teague was unable to attend the meeting. Executive Director Garfinkle read Captain Teague’s written report.

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- The PEC met on August 23, 2018, and committee members Captains Teague, Boriolo, Carlier, Haggerty, and Robinson were present.
- In closed session, all trainees were interviewed and counseled individually on their progress in the Pilot Trainee Training Program.
- The eight current trainees are Captains Burchard, Crawl, Corbett, Freese, Greger, Pullin, Pyne Mercier, and Starnitzky. The range of time in the program for these trainees spans 8 to 20 months.
- All trainees have completed all testing for federal pilotage with the U.S. Coast Guard, and where necessary, are gathering their final route trips to complete their endorsements.
- All trainees are handling vessels as much as possible.
- One trainee is in evaluation stage.
- All trainees are presently meeting the recommended benchmarks in the training program and are progressing at their individual rates.
- The next PEC meeting is scheduled for September 19, 2018, at 7:30 a.m. at the Board office.

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.

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

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There were no reported safety standard violations.

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

Progress report on the allision of the M/V ALAM SEJAHTERA with the POSCO Steel dock (PBG 4) in Pittsburg, California on March 25, 2018. Possible Board action to grant an extension to present the M/V ALAM SEJAHTERA report at the Board meeting to be held on September 27, 2018. If an extension is requested, it is due to the final report being incomplete.

Executive Director Garfinkle reported that on March 25, 2018, while outbound from the Dow Chemical dock (Pittsburg #6), the M/V ALAM SEJAHTERA allided with the dock face at USS-POSCO Industries (Pittsburg #4). Following the contact, the ship proceeded to Anchorage #9. He reported that the Incident Review Committee (IRC) respectfully requests an extension to present the IRC report at the September 2018 Board meeting, since evidence collection is not yet complete.

Executive Director Garfinkle responded to an inquiry from Commissioner Schneider as to the delay of the Investigation Review Committee (IRC) report, and explained that the Investigation Review Committee is awaiting voyage data recorder (VDR) data to complete its report, and stated that the U.S. Coast will not release the VDR data until their investigation is complete, and that the IRC still needs to conduct a final interview with the pilot.

MOTION: President Schmid moved that the Board grant an extension to the Incident Review Committee to present the report on the M/V ALAM SEJAHTERA at the September 27, 2018, Board meeting. Vice President Connolly seconded the motion.

VOTE: YES: Schmid, Connolly, Hoppes, 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 July 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 the Harbor Safety Committee did not meet in August, and he will report the July and August loss-of-propulsion events data at the September Board meeting.

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11. Pilot Power Committee – Committee Chairman Livingstone

A) Report on the Pilot Power Committee meeting held on August 21, 2018.

Pilot Power Committee Chairman Livingstone stated that the Pilot Power Committee met on August 21, 2018, and reviewed the data from the most recent Pilot Retirement Survey, dated July 26, 2018. The survey revealed a significant number of the pilots may retire in the next two years. He reported the Committee discussed the status of trainees currently training, and the need to begin contracting with the remaining four candidates on the Pilot Trainee Training Program eligibility list as soon as possible to offset forecasted pilot retirements. He noted that one candidate on the trainee eligibility list is already in another state's pilot training program, so that trainee may not wish to join the Board's pilot training program.

B) Possible recommendation from the Pilot Power Committee to the 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.

Pilot Power Committee Chairman Livingstone stated that the Pilot Power Committee foresees the 2019 manpower levels dropping to 53 or 54 licensed pilots, and that Board staff informed him that the Board's current Pilot Trainee Training Program budget authority cannot allow stipends to be paid to more than 8 trainees concurrently. He stated that the Pilot Power Committee decided that it is prudent to recommend to the Board to authorize staff to commence contracting with the four remaining candidates on the trainee eligibility list, as soon as practical, as openings in the trainee training program occur when current trainees graduate.

MOTION: Commissioner Livingstone moved that the Board accept the Pilot Power Committee's recommendation to authorize Board staff to contract with the remaining candidates on the current Pilot Trainee Training Program eligibility list, as soon as practical, as openings in the program occur upon the graduation of current program trainees. 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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12. Joint Pilot Fitness/Rules and Regulations Committee – Knute Michael Miller and Commissioner George Livingstone

A) Report on the Joint Pilot Fitness/Rules and Regulations Committee meeting held on August 16, 2018.

Pilot Fitness Committee Chairman Miller reported that the Joint Pilot Fitness/Rules and Regulations Committee met on August 16, 2018, and discussed proposed amendments to the Board’s fitness regulations. He stated that the Board was provided with the current draft of the proposed regulations, and that the Joint Committee plans to continue to work on the proposed regulations at future meetings.

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 and possible recommendation for Board approval to commence formal rulemaking. Possible Board action to commence the formal rulemaking process on amendments to regulations in Title 7, California Code of Regulations sections 217-217.45 consistent with the Joint Committee findings.

Pilot Fitness Committee Chairman Miller stated that the Joint Committee had no recommendation to the Board.

13. 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 there was nothing new to report on the navigation technology equipment and software acquisition since the July Board meeting. He stated that the recovery of actual California use tax and software license renewal expenses paid, consistent with the Board’s previously approval of the projected costs, will be considered by the Board’s Finance Committee in September.

Mr. Paetzold confirmed for Vice President Connolly that all the new navigation technology equipment is fully operational. Port Agent Long concurred with Mr. Paetzold, and stated that the equipment is a significant upgrade from the equipment that they were using. Commissioner Nyborg added that the new equipment has provided a new layer of safety.

Executive Director Garfinkle stated that plans are underway to conduct an orientation session on the new electronic navigation technology equipment for all current trainees.

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14. 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 new to report.

15. 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.

16. 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 U.S. Coast Guard published Safety Alert 14-18, on August 21, 2018, and that this alert describes a recent pilot casualty that occurred when the gangway the pilot was using separated from the vessel. Vice President Connolly noted the difficulties in assessing the safety of a gangway while boarding, and that this risk is a low probability, high consequence event.

President Schmid requested to schedule a Pilot Safety Committee meeting soon to review pilot ladder and other safety issues.

17. Incident Review Committee incident report on the M/V ALAM SEJAHTERA – President Schmid

A presentation of the Incident Review Committee report on the event involving the M/V ALAM SEJAHTERA making unintended contact with the pier structure at the USS-POSCO Industries (PBG4) in Pittsburg on March 25, 2018. 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

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deliberation of the incident report presented under this item pursuant to Harbors and Navigation Code §1180.6(a) and Government Code §11126(c)(3).

Under Agenda item 9, this item was deferred until the September Board meeting.

18. Public comment on matters not on the agenda.

Mr. Miller congratulated President Schmid on her promotion to Lieutenant at the Oakland Fire Department. There were no other public comments.

19. Proposals for the next Board meeting agenda.

Board members requested an agenda item to discuss the recent PMSA article entitled, "Need for More State Oversight of Pilot Monopolies" at the next Board meeting.

20. Adjournment.

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

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

ACTION: The motion was approved and the meeting adjourned at 11:24 a.m.

Submitted by:


