

<p>Meeting Date: November 15, 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 10</p>
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Board Members Present

Dave Connolly, Vice President, Public Member
David Hoppes, Dry Cargo Industry Member
Captain George Livingstone, Pilot Member
Captain Einar Nyborg, Pilot Member
John Schneider, Wet Cargo Industry Member

Board Members Absent

Jennifer Ferrera Schmid, President, Public Member
Brian Annis, Secretary of the California State Transportation Agency (CalSTA)
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 John Carlier, Acting Port Agent, San Francisco Bar Pilots (SFBP); Ray Paetzold, SFBP Business Director-General Counsel; Captains Steven Teague, David Cvitanovic, SFBP; Captains Kevin Freese, Jesse Pullin, and Casey Crawl, BOPC Pilot Trainees.

OPEN MEETING

1. Call to Order and Roll Call – President Schmid

Vice President Connolly called the meeting to order at 9:30 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 the minutes from the Board meeting held on October 25, 2018.

Board members were presented with the draft minutes from the October 25, 2018, meeting. Executive Director Garfinkle noted a few non-substantive edits to the minutes. There was no further discussion.

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- MOTION:** Commissioner Nyborg moved to approve the draft minutes of the meeting held October 25, 2018. Commissioner Livingstone seconded the motion.
- VOTE:** YES: Connolly, Hoppes, Livingstone, Nyborg, and Schneider.
NO: None.
ABSTAIN: None.
- ACTION:** The motion was approved.

3. President Announcements and Activities – President Schmid

This agenda item was deferred to the next Board meeting.

4. Board Member Announcements and Activities – Board Members

There were no announcements made.

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

A) Correspondence and activities since the Board meeting held on October 25, 2018.

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

- On October 28, 2018, he attended a three-day National Transportation Safety Board (NTSB) course covering marine investigations held at the NTSB Training Center in Ashburn, Virginia. He reported that the three-day course included presentations from various NTSB groups that discussed such topics as: Operations; Survival Factors; Engineering; Human Factors; Marine Medical; Weather; Media Relations; Fire; and, Voyage Data Recorder. He stated that the course provided a high altitude overview of how the NTSB operates, and that the course was well attended. Also distributed at the NTSB Training Center was an illustrated digest on the Sinking of the US Cargo Vessel EL FARO.
- On October 29, 2018, Board staff received a letter addressed to Board President Jennifer Schmid from Brian Annis, Secretary of CalSTA, designating Assistant Director Roma-Cristia Plant as Executive Director during his temporary absence from the state to attend the NTSB training.
- On November 5, 2018, he attended the first hour of the California State University Maritime Academy (CMA) Combination Course module on the “Legal Aspects of Piloting.” He stated this module provided the pilots in attendance background on state oversight regarding pilotage in the San Francisco Bay region.
- Also on November 5, 2018, members of the CMA staff developing the simulator examination component met with Pilot Evaluation Committee Chairman Captain

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Teague to develop a roadmap for the completion of the simulator examination portion of the 2019 Pilot Trainee Training Program Selection Examination.

- On November 6, 2018, Board staff received an invitation to the SFBP Holiday Season Open House at Pier 9 on December 13, 2018.
- On November 8, 2018, he attended a Harbor Safety Committee meeting held at the Port of San Francisco.
- Also on November 8, 2018, Board staff received notice that local U.S. Coast Guard Freedom of Information Act (FOIA) liaison, Kevin Fong, was named 2018 FOIA Professional of the Year, citing his dedication, contribution, and tireless effort to further the U.S Department of Homeland Security's openness and transparency initiatives.
- Also on November 8, 2018, Board staff received distribution of the NTSB *Safer Seas Digest*, and a copy is available upon request. He stated that the digest highlights the various marine investigations that the NTSB was involved in during 2017. Also distributed at the NTSB Training Center was an illustrated digest on the sinking of the U.S. cargo vessel EL FARO.
- On November 14, 2018, Board staff received training-session evaluations from CMA for the latest combination course training.

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

- Between the September and October Board meetings, the Board renewed the licenses of Captains Kleess, Vogel, Lowe, and Favro.
- Since the October Board meeting the board renewed the license of Captain Johnson.

C) Report on Board surcharges.

Executive Director Garfinkle reported that for the month of October 2018, Board staff has not yet received surcharges from the SFBP.

D) Report on legislative activities and contractual matters.

Assistant Director stated there were no legislative activities to report on.

Assistant Director Cristia-Plant reported the following on contractual matters:

- One bid was received on November 6, 2018 for the Invitation for Bid (IFB) for San Francisco Bar Pilot Pension Plan calculation services, from Mah & Associates CPA firm. She stated that Mah & Associates is located here in San Francisco, is a state-certified small business, and was the previous pension plan calculation contractor. The bid price is a flat fee of \$18,000 fee per year for four years, and \$20,400 for the fifth year of the contract, for a total contract price of \$92,400.

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- California Highway Patrol (CHP) contract staff continue to work on Invitation for Bid (IFB) documents to procure pension plan actuarial services. CHP has prepared draft IFB documents for Board review and Board staff is working on refining the contract scope of work.
- Board staff continue to work on drafting a contract with the California Department of Human Resources for trainee random drug testing. Documents should be provided to CHP in the next couple of months.

Executive Director Garfinkle confirmed for Vice President Connolly that the NTSB maritime incident investigation training focused on how the NTSB does investigations, and that there was not a discussion involving Port-State control issues. He also confirmed that the NTSB is not a regulatory entity.

6. Port Agent's Report – Captain Joseph Long

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

Acting Port Agent Carlier reported that Captain Dowdle has been not fit for duty (NFFD) since September 23, 2017, and that Captain Miller has been absent for medical reasons since October 24, 2018.

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 54 licensed pilots. He reported that there were 34 MRP exceptions in October 2018, and that the shortest rest period was 8.5 hours.

B) Monthly report on SFBP ship piloting business activity.

Acting Port Agent Carlier reported the following:

- The P/V SAN FRANCISCO has been out of service since September 4, 2018. He reported that the engine overhaul was completed and that shipyard work on other maintenance and repair items is in progress. He reported that delays related to the engine overhaul have caused a longer than expected yard period.

Acting Port Agent Carlier reported the billed vessels moves for October 2018, as follows:

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- Bar Crossings: 582 Moves
- Bay Moves: 137 Moves
- River Moves: 45 Moves
- Total Moves: 764 Moves
- Gross Registered Tons (GRT): 34.5 Million

He reported that when comparing 2018 year-to-date vessel move data with the same period in 2017, total moves were up 0.6% and GRT was up 3.2%.

Commissioner Hoppes stated that he was interested in a year-over-year breakdown of the different types of vessel moves. He stated he was particularly interested in river vessel move data. Acting Port Agent Carlier stated that Sacramento River moves have been increasing. Assistant Director Cristia-Plant stated that she has developed a vessel move spreadsheet that she would share with Commissioner Hoppes.

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 November 14, 2018.

PEC Chairman Captain Teague reported the following:

- The PEC met on November 14, 2018, and Committee members Captains Teague, Boriolo, Carlier, Haggerty, and Robinson were present. Executive Director Garfinkle was also in attendance.
- In closed session, all trainees were interviewed and counseled individually by the PEC 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 11 to 23 months.
- All trainees have completed all testing for federal pilotage with the U.S. Coast Guard and have gathered their final unlimited tonnage route trips for their endorsements.
- All trainees are handling vessels as much as possible.

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- Three trainees are 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 December 12, 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.

PEC Chairman Captain Teague reported that the PEC completed its final assessment of Captain Kevin Freese at its meeting on November 14, 2018, and determined that Captain Freese successfully completed all elements of section 241(c) and (h) of the Pilot Trainee Training Program requirements listed in the Board's regulations. Captain Teague provided the following data:

- Captain Freese completed a total of 473 training jobs with the San Francisco Bar Pilots, of which 138 were as an observer and 335 were handled or partially handled, directing the navigation and control of the vessel.
- Captain Freese completed 86 jobs with PEC members, 17 of which were in the previous 90 days.
- As required by regulation, Captain Freese maintained an average PEC evaluation score of 4.0 or greater in each of the last three months, resulting in a three month average score of 4.39.
- The PEC determined that Captain Freese has successfully completed the Pilot Trainee Training Program, and recommended that the Board issue Captain Freese a Certificate of Completion from the program, effective November 15, 2018.

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

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MOTION: Commissioner Livingstone moved to award Captain Kevin Freese a Pilot Trainee Training Program Certificate of Completion. Commissioner Schneider seconded the motion.

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

ACTION: The motion was approved.

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

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

MOTION: Commissioner Nyborg moved that the Board issue a license to Captain Kevin Freese. Commissioner Hoppes seconded the motion.

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

ACTION: The motion was approved.

Vice President Connolly called for a short recess.

RECESS BEGAN: 9:55 a.m.

Vice President Connolly administered the oath of office to Captain Freese.

RETURN TO OPEN SESSION: 10:01 a.m.

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

Report on the M/V DELPHINUS LEADER pilot ladder, found deficient by pilot outbound at the Pilot Station on November 2, 2018.

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Executive Director Garfinkle reported that on November 5, 2018, he received a Pilot Boarding Arrangement Deficiency Report from Captain Alferts dated November 2, 2018. The report stated that while disembarking the M/V DELPHINUS LEADER at the pilot station, Captain Alferts observed that the pilot ladder side ropes were frayed and unraveling. Captain Alferts also observed evidence of dry rot and at least one missing step fixing. Executive Director Garfinkle stated that since the vessel was already out of port, he reported the event to the pilot group at the vessel's next port of call.

Vice President Connolly inquired if Board staff ever receive notice from other pilotage groups concerning deficient pilot boarding arrangements. Executive Director Garfinkle responded stating that to date, Board staff have not received such notices.

**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 on the interaction between the M/V XING ZUN HAI while passing the mooring M/V WENCHE VICTORY in Stockton on October 4, 2018.

Executive Director Garfinkle reported that on October 4, 2018, the M/V XING ZUN HAI was entering the Port of Stockton and passed the M/V WENCHE VICTORY, which was in the mooring process. He reported that as the M/V XING ZUN HAI passed the M/V WENCHE VICTORY, the M/V WENCHE VICTORY experienced some interaction that resulted in two mooring lines parting. He reported there were pilots aboard both vessels, that the event is under investigation, and that the statutory 90-day investigation report deadline is January 1, 2019.

B) Progress report on the unintended contact between the M/V ALYARMOUK and a temporary buoy marking the Fleet Week parade boundaries on October 7, 2018.

Executive Director Garfinkle reported that on October 7, 2018, while the M/V ALYARMOUK was inbound from the pilot station, the vessel allided with a temporary buoy marking a Fleet Week air show box. He reported that the event is under investigation, that a Commission Investigator was not dispatched, and that the statutory 90-day investigation report deadline is January 4, 2019.

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

Report on loss-of-propulsion events arising in November 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 October 2018, there

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was one loss of steering and two loss of steering and propulsion events that month, and that none of the events were attributed to fuel-switching. He reported that the three incidents involved the same vessel. Acting Port Agent Carlier stated that the SFBP and the United States Coast Guard agreed to require a tug escort for this ship from now on.

11. 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 the route piloting system units are working well, and that Rose Point is expecting to release a modification to their route piloting systems software in December 2018. He also reported that the precision docking system hardware and software are working well, and that new equipment and software has been integrated into the Bridge Resource Management Training for pilots at the California State University Maritime Academy, which has been well received.

12. 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. He stated that the SFBP intends to submit its petition under Title 7 of the California Code of Regulations, Section 219(a) for Board approval to cease collection efforts as further efforts would not be economic in light of the cost of collection. He stated that the SFBP is requesting guidance from the Board of whether the SFBP’s petition should initially be reviewed by the Board’s Finance Committee or another Committee for development of a formal recommendation to the full Board.

Commissioner Hoppes stated that as the Chairman of the Board’s Finance Committee, he believed the petition should be referred to the Finance Committee for review. There was no further discussion.

13. 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 new to report.

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14. 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 there was nothing to report.

15. Public comment on matters not on the agenda.

There were no comments from the public.

16. Proposals for the next Board meeting agenda.

Mr. Patezold proposed that the Finance Committee ensure that the Hanjin item is on the next Board meeting agenda. There were no further proposals for the next Board meeting agenda.

17. Adjournment.

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

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

ACTION: The motion was approved and the meeting adjourned at 10:18 a.m.

Submitted by:


