

**Board of Pilot Commissioners for the Bays  
of San Francisco, San Pablo, and Suisun**

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December 3, 2018

**NOTICE OF BOARD MEETING**

The Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun (Board or BOPC) will meet on Thursday, December 13, 2018, at 9:30 a.m. at the Board office at 660 Davis Street, San Francisco, California.

Items of business scheduled for the meeting are listed on the attached agenda. There may be recesses at the discretion of the Chairperson.

The meeting will be public. This meeting is accessible to the physically disabled. A person who needs a disability-related accommodation or modification in order to participate in the meeting should call the Board office at (415) 397-2253, or write to the Board at the above address. Providing your request at least five (5) business days before the meeting will help ensure availability of the requested accommodation.

BOARD OF PILOT COMMISSIONERS

Allen Garfinkle  
Executive Director

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This notice and agenda may also be found on the Board’s website:  
[www.bopc.ca.gov](http://www.bopc.ca.gov)

**Board of Pilot Commissioners  
for the Bays of San Francisco, San Pablo, and Suisun**

**Board Meeting  
Thursday, December 13, 2018 at 9:30 a.m.**

**MEETING AGENDA**

**OPEN MEETING**

1. Call to Order and Roll Call – President Schmid
2. Review and approval of Board meeting minutes – President Schmid

**Board action to approve the minutes from the Board meeting held on November 15, 2018.**

3. President Announcements and Activities – President Schmid
4. Board Member Announcements and Activities – Board Members
5. Directors' Report – Executive Director Garfinkle/Assistant Director Cristia-Plant
  - A) Correspondence and activities since the Board meeting held on November 15, 2018.
  - B) Report on pilot licensing matters in the past month and current month.
  - C) Report on Board surcharges.
  - D) Report on legislative activities and contractual matters.
6. Confirmation of Port Agent appointment pursuant to Harbors and Navigation Code Section 1130 – President Schmid

**Possible Board action pursuant to Harbors and Navigation Code Section 1130 to confirm the November 7, 2018, Port Agent appointment by a majority of the pilots licensed by the Board.**

7. Port Agent's Report – Captain Joseph Long
  - A) Monthly report on San Francisco Bar Pilots (SFBP) pilot availability and absences.
  - B) Monthly report on SFBP ship piloting business activity.
  - 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.**

8. Pilot Evaluation Committee – Captain Teague

- A) Report on the Pilot Evaluation Committee (PEC) meetings held on December 12, 2018.
- B) Possible PEC recommendation to place one or more Pilot Trainee Training Program trainees on probation, or dismiss one or more trainees from the program. **Possible Board action to place one or more Pilot Trainee Training Program trainees on probation, or dismiss one or more trainees from the program.**
- 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.**
- 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.**

9. 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 TAI HAWK combination pilot ladder, found deficient by pilot outbound at New York Point on November 25, 2018.

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 on the interaction between the M/V XING ZUN HAI while passing the mooring M/V WENCHE VICTORY in Stockton on October 4, 2018.
- 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.
- C) Initial report of the M/V ARTIC making unintended contact with the AMORCO dock (MRZ5) on December 2, 2018.

11. 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.

12. Navigation Technology Equipment and Software Acquisition Update – SFBP Business Director-General Counsel Paetzold

Status report on the SFBP’s navigation technology equipment and software implementation.

13. Pilot Fitness Committee – Knute Michael Miller

- A) Report on the Pilot Fitness Committee meeting held on November 16, 2018.
- B) Progress report on the Committee’s review of relevant sections of Board statutes, Board regulations, Senate Bill 1408 (2012), and recommendations from the July 2018 San Francisco Bar Pilot Fatigue Study prepared by the San Jose State University Research Foundation and the National Aeronautics and Space Administration.

14. Finance Committee – Commissioner Hoppes

- A) Report on the Finance Committee meeting held on December 6, 2018.
- B) Finance Committee recommendations to the Board on the following Board surcharges:
  - a. To adjust or not adjust the Board Operations Surcharge rate (currently 2.75% of all pilotage fees) to remain the same. **Possible Board action to adjust the Board Operations Surcharge rate.**
  - b. To adjust or not adjust the Pilot Continuing Education Surcharge rate (currently \$25 per move). **Possible Board action to adjust the Pilot Continuing Education Surcharge rate.**
  - c. To adjust or not adjust the Pilot Trainee Training Surcharge rate (currently \$15/trainee/move). **Possible Board action to adjust the Pilot Trainee Training Surcharge rate.**
  - d. To adjust or not adjust the Navigation Technology Surcharge rate (currently at \$40/move). **Possible Board action to adjust the Navigation Technology Surcharge rate.**
  - e. That the Board authorize the San Francisco Bar Pilots to recover from the Navigation Technology Surcharge monies navigation technology expenditures for software license fees, and to pay past and future financing costs consistent with the Board action on June 22, 2017, in response to SFBP’s Final Navigation Technology Acquisition Authorization Request, and further amended by Board action on September 13, 2019. **Possible Board action to authorize the SFBP to recover Navigation Technology expenditures for software license fees, and to pay past and future financing costs consistent with the Board action on June 22, 2017, in response to SFBP’s Final Navigation Technology Acquisition Authorization Request, and further amended by Board action on September 13, 2019.**

- f. Review and discussion of a petition from the Port Agent pursuant to Title 7 of the California Code of Regulations §219(a) to cease collection efforts related to the remaining past due surcharge billings owed to the San Francisco Bar Pilots by the Hanjin Shipping Company totaling \$19,848.19, on the basis that further collection efforts would not be economic in light of the costs of collection. **Possible recommendation to the Board to accept a petition from the Port Agent pursuant to Title 7, California Code of Regulations §219(a) to cease collection efforts related to the remaining past due surcharge billings owed to the San Francisco Bar Pilots by the Hanjin Shipping Company totaling \$19,848.19 on the basis that further collection efforts would not be economic in light of the costs of collection.**
- g. Review of pilotage and surcharge audit report for 2017 calendar year prepared by the State Controller's Office under contract with the Board. **Possible Board action to Board to accept the State Controller's Office pilotage and surcharge audit report for 2017 in satisfaction of the contract scope of work.** (Executive Director Garfinkle/Assistant Director Cristia-Plant)

15. Proposed Board Rulemaking Calendar for 2019 – Executive Director Garfinkle

Discussion of draft 2019 Board Rulemaking Calendar for submission to the Office of Administrative Law. **Possible Board action accept draft 2019 Board Rulemaking Calendar in compliance with Government Code Section 11017.6, and direction to Board staff to submit the 2018 Board Rulemaking Calendar to the Office of Administrative Law.**

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

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

17. 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.**

18. Public comment on matters not on the agenda.

19. Proposals for the next Board meeting agenda.

20. Adjournment.