

<p>Meeting Date: June 27, 2019</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 21</p>
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Board Members Present

Dave Connolly, President, Public Member
 Matt Brooks, Vice President, Public Member
 Joanne Hayes-White, Public Member (left the meeting at 11:35 a.m. during Agenda item 13)
 David Hoppes, Dry Cargo Industry Member
 Captain Einar Nyborg, Pilot Member
 Darwin Moosavi, Special Advisor to the Secretary of the California Transportation Agency (CalSTA)
 Captain Oscar Prada, Tanker Company Industry Member

Board Members Absent

Vacant, Pilot Member

Staff Present

Allen Garfinkle, Executive Director
 Roma Cristia-Plant, Assistant Director
 Shari Posner, Acting Board Counsel
 Luis Cruz, Associate Governmental Program Analyst
 Alethea Wong, Administrative Assistant II

Public Present

Jennifer Schmid, Past Board President; Captain John Carlier, Acting Port Agent; Captains Steve Teague and Gregory Tylawsky, San Francisco Bar Pilots (SFBP); Captain Nancy Wagner (SFBP Retired); and Captains William Benedict and Scott Adams, 2019 Pilot Trainee Training Program Selection Examination Applicants.

OPEN MEETING

1. Call to Order and Roll Call (President Connolly)

President Connolly called the meeting to order at 9:39 a.m. Administrative Assistant II Wong called the roll and confirmed a quorum.

President Connolly welcomed Shari Posner, Deputy Attorney General with the California Department of Justice, who will be Acting Board Counsel in Dennis Eagan’s absence.

2. Review and approval of Board meeting minutes (President Connolly)

Board action to approve the minutes from the Board meeting held on April 25, 2019.

Board members were presented with the draft minutes from the April 25, 2019, meeting. President Connolly requested minor 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 on April 25, 2019, as amended. Vice President Brooks seconded the motion.

VOTE: YES: Connolly, Brooks, Hoppes, and Nyborg.
NO: None.
ABSTAIN: Hayes-White and Prada.

ACTION: The motion was approved.

3. President Announcements and Activities (President Connolly)

President Connolly welcomed two new Commissioners: Commissioner Hayes-White and Commissioner Prada. He noted that Commissioner Hayes-White was formerly Chief of the San Francisco Fire Department, and that Commissioner Prada holds a United States Coast Guard unlimited tonnage Master's License, with endorsements for piloting on San Francisco Bay. President Connolly briefly mentioned some of the paperwork requirements to be a Board member and stated that he would be making new committee assignments in the near future.

President Connolly presented a certificate of appreciation to past Board President Jennifer Schmid, and thanked her for her committed service, organizational skills, expertise as a public safety officer, and excellent oversight of the operations of the Board.

4. Board Member Announcements and Activities (Board Members)

There were no announcements.

5. Directors' Report (Executive Director Garfinkle/Assistant Director Cristia-Plant)

A) Correspondence and activities since the Board meeting held on April 25, 2019.

Executive Director Garfinkle stated that he would report on the correspondence and activities since the April 2019 Board meeting since the May 2019 Board meeting was cancelled, and reported the following:

- On May 1, 2019, Board staff was made aware that the legislature of the State of Washington enrolled a bill regarding pilot fatigue, that states that pilots shall have a mandatory rest period of at least ten hours, with an opportunity for eight hours of uninterrupted sleep, and an assignment or shift not to exceed 13 hours. It also provides a mandatory rest period to mitigate fatigue caused by circadian misalignment after three consecutive night assignments. Washington's bill also allows pilots and trainee pilots to refuse an assignment if he/she is physically or

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mentally fatigued, and for the Washington Board to quarterly review the pilot organization's dispatch records or the pilot's quarterly reports to ensure the provisions of this requirement are enforced.

- On May 6, 2019, Board staff received a copy of the National Transportation Safety Board (NTSB) Marine Accident Brief on the collision of Bulk Carrier YOCHOW with Articulated Tug and Barge OSC INDENDENCE/OSG 243, in which it was determined that the mate failed to effectively monitor the helmsman, and the helmsman was fatigued. He stated the report noted that twice during the transit, and prior to the accident, the pilot gave the helm orders that were correctly repeated but executed in the opposite direction.
- On May 9, 2019, Executive Director Garfinkle attended the May Day Party that was jointly hosted by the San Francisco Marine Exchange and the Port of San Francisco.
- On May 14, 2019, Executive Director Garfinkle attended a Directors' meeting at CalSTA in the Sacramento office.
- On May 20, 2019, Board staff received a copy of the PMSA *West Coast Trade Report* for May 2019.
- On May 28, 2019, Executive Director Garfinkle received an email from Commissioner Nyborg that the medical assessment for his pilot license renewal was very efficient, professional, and required very little effort
- On May 31, 2019, Board staff received a copy of the Board of Commissioners of Pilots for the State of New York *One Hundred Sixty-fifth Annual Report to the Governor and the Legislature for 2018*.
- On June 4–8, 2019, he attended the simulator examination component of the Pilot Trainee Training Program selection exam administered at the California State University Maritime Academy. He thanked members of the Pilot Evaluation Committee, staff at the California State University Maritime Academy, Oregon pilot evaluators, and the local ship master evaluators for their efforts in administering this exam component.
- On June 6, 2019, Board staff received a copy of the United States Coast Guard Marine Safety Information Bulletin titled, *Cyber Adversaries Targeting Commercial Vessels*. He stated the bulletin noted that cyber adversaries are attempting to gain sensitive information from commercial vessels through phishing and malware intrusion.
- Also on June 6, 2019, Board staff received a copy of *Confidential Hazardous Incident Reporting Programme (CHIRP) Maritime Feedback*, and noted that of interest to the Board were the mention of communication issues and pilot ladder rigging where pilot boarding was suspended until satisfactory arrangements were provided.
- On June 13, 2019, he attended the Harbor Safety Committee meeting at the Port of Oakland facilities.
- On June 17, 2019, BOPC staff received the *Pilot Trainee Validation Report* from the California Department of Human Resources for the 2019 Pilot Trainee Training Program selection exam.

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- Also, on June 17, 2019, BOPC staff received a copy of the condition and valuation survey for the P/V SAN FRANCISCO.
- On June 25, 2019, BOPC staff received an amended version from Captain Arthur J. Thomas of an oral statement that was presented in written form to the Pension Committee on June 20, 2019.
- On June 25, 2019, BOPC staff received a copy of the PMSA *West Coast Trade Report* for June 2019.

B) Report on pilot licensing matters since the Board meeting held on April 25, 2019.

Executive Director Garfinkle reported that since the April 2019 Board meeting, the Board renewed the licenses to Captains Weiss, Horton, Tylawsky, Wehr, Fawcett, Carr, Manes, Nyborg, McCloy, Cvitanovic, Cloes, Larwood, Miller, D'Aloisio, Slack, Long, Haggerty, and Alden.

C) Report on Board surcharges.

Executive Director Garfinkle reported that for the month April 2019 the Board received a check from SFBP in the amount of \$200,567.67, itemized as follows:

- Board Operations Surcharge: \$100,357.67
- Trainee Surcharge: \$19,225.00
- Continuing Education Surcharge: \$80,985.00

Executive Director Garfinkle reported that for the month of May 2019 the Board received a check from SFBP in the amount of \$208,668.83, itemized as follows:

- Board Operations Surcharge: \$110,093.83
- Trainee Surcharge: \$19,525.00
- Continuing Education Surcharge: \$79,050.00

D) Report on legislative activities and contractual matters.

Assistant Director Cristia-Plant stated that there were no legislative activities to report on.

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

- An amendment is in process to further increase the budget in the contract with the State Controller's Office due to unexpected costs related to the 2017 pilotage and surcharge audit, and that the contract budget will be increased from \$110,904 to \$142,500.

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- An amendment is in process to increase the contract with the California State University Maritime Academy for services related to the 2019 Pilot Trainee Training Program selection exam due to unexpected simulator development costs. She reported that the contract will be increased from \$188,000 to \$198,500.
- Board staff are working on the contract with the California Human Resources department for trainee random drug testing.
- Board staff will develop a new contract with the State Controller’s Office to pay state warrant expedite fees.
- Board staff will be meeting early next month with information technology staff at the California Department of Transportation. She stated that information technology policies, procedures and requirements for state departments are expanding, and it is anticipated that Caltrans will provide additional services in a renewal contract that is to be in place by the end of August 2019.
- The Board has a newly assigned contract analyst at the California Highway Patrol, Nancy Peschoff.

6. Port Agent’s Report (Acting Port Agent Captain Carlier)

A) Monthly reports for April and May 2019 on San Francisco Bar Pilots (SFBP) pilot availability and absences.

Acting Port Agent Captain Carlier provided Port Agent written reports for both April and May 2019, and stated from the May report that Captain Kleess has been absent for medical reasons (AFMR) and not fit for duty since November 26, 2018, and Captain McCloy has been AFMR and not fit for duty since April 12, 2019. He noted that Captain McCloy completed his physical and is waiting for a fit for duty from the University of California of San Francisco.

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 less than 10 hours, mitigation measures are employed by the SFBP. He reported that the mitigation measures include but are not limited to: suspending continuing professional development protocols, cancelling scheduled meetings, canceling previously granted compensated-time-off requests, suspending SFBP internal working rules, and calling in off-watch pilots.

He reported that there are currently 55 licensed pilots. He reported that there were 7 MRP exceptions in May, and that the shortest rest period was 10.7 hours.

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B) Monthly report for April and May 2019 on SFBP ship piloting business activity.

For the month of May 2019, Acting Port Agent Captain Carlier reported the following:

- P/V GOLDEN GATE has been out of service since March 26, 2019, due to a failed shaft coupling, and for planned maintenance, with an estimated repair completion time of July 3, 2019.
- P/V SAN FRANCISCO has been out of service since May 28, 2019. Estimated return to service is July 10, 2019.

Acting Port Agent Captain Carlier reported that the billed vessel moves for April and May 2019 were as follows:

	<u>April</u>	<u>May</u>
• Bar crossings:	533 moves	559 moves
• Bay moves:	149 moves	158 moves
• River moves:	52 moves	62 moves
• Total moves:	734 moves	779 moves
• Gross registered tons (GRT):	31.2 million	32.2 million

He reported that when comparing 2019 year-to-date vessel move data through May with the same period in 2018, total moves were up 4% and GRT was down 2%.

C) Monthly confidential written report for April and May 2019 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 reports of pilots who have been absent for medical reasons. There was no closed session discussed of this item.

7. Pilot Evaluation Committee (Captain Teague)

Pilot Evaluation Committee (PEC) Chair, Captain Teague, provided the Board written reports for the May 15, 2019, and June 19, 2019, PEC meetings, and he spoke from the June Committee meeting report.

A) Report on the Pilot Evaluation Committee (PEC) meetings held on May 15 and June 19, 2019.

PEC Chair Captain Teague reported the following for the June 19, 2019, PEC meeting:

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- The PEC met on June 19, 2019, and that he, and Committee members Captains Boriolo, Carlier, and Haggerty were present.
- All trainees were interviewed and counseled individually in closed session by the PEC members on their progress in the Pilot Trainee Training Program.
- The six current trainees include Burchard, Crawl, Nelson, Pyne Mercier, Starnitzky, and Stevens. The range of time in the program for these trainees spans 5 months to 23 months.
- Four of the six trainees have their full unlimited federal pilotage endorsement with the United States Coast Guard. These four trainees are handling vessels as much as possible with three trainees in evaluations stage.
- The two newest trainees are completing their trips for unlimited tonnage routes and are handling vessels in areas where they have their pilotage endorsements.
- All individuals are presently meeting the recommended benchmarks in the program and are progressing at their own rates.
- On June 3, 2019, PEC members and staff from the California State University Maritime Academy, BOPC, and CalHR were at the California State University Maritime Academy to administer the written portion of the Pilot Trainee Training selection exam to 32 candidates.
- On June 5, 2019, PEC members and staff from the California State University Maritime Academy, BOPC, and CalHR were at the California State University Maritime Academy to conduct an orientation and dry run of the simulation portion for the 28 applicants who passed the written portion of the Pilot Trainee Training Program selection exam. One applicant was a no-show, and therefore 27 applicants were present for the simulation orientation. The team also provided orientation to the outside evaluators to ensure that they are familiar with the exam component prior to evaluating the applicants.
- From June 6, 2019, to June 8, 2019, the team administered the simulator component of the Pilot Trainee Training Program selection exam to 27 applicants, and 19 of the applicants received passing scores. The team worked tirelessly to develop a pass point based on guidelines provided and overseen by CalHR.
- Committee Chair Captain Teague thanked everyone who was involved in developing the Pilot Trainee Training exam: the staff from BOPC, CalHR, and California State University Maritime Academy; Captains Dave Gates, Victor Schisler, Paul Amos and Anne McIntyre of the Columbia River Pilots; Chriss Carson and Tony Mociun, both experienced deep sea masters; PEC members; and numerous active and retired pilots, including Captains Thomas Burger, Will Lemke, Peter McIsaac, Randall Pinetti, and Larry Teague, for their unconditional support. He stated that without the help of these people, this endeavor would not have been possible.
- A breakdown of pilot hours by participation from the SFBP in the Pilot Trainee Training exam process is as follows:

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Task	Active Pilots	Retired Pilots
Written Exam (Preparation)	24.5	70.5
Simulator Exam (Preparation)	353.5	-
Written Exam	53.5	-
Simulator Exam	194.0	-
Totals	625.5	70.5

- The next PEC meeting is scheduled for July 17, 2019, at 7:30 a.m. at the Board office.

Commissioner Nyborg thanked PEC Chair Captain Teague for keeping track and reporting the number of pilot hours involved in the Pilot Trainee Training Program selection exam.

Executive Director Garfinkle responded to a query from Vice President Brooks regarding the Board's diversity efforts and success attracting a variety of applicants to the Pilot Trainee Training Program selection exam, and explained that BOPC staff did extensive exam advertising with industry-specific publications and maritime groups including: *Professional Mariner*, *gCaptain*, Women in Maritime, Organization of Black Mariners, among others, and provided exam marketing outreach to the maritime colleges and unions throughout the country. He noted that the number of exam applications has been fairly consistent for the past several exams. He also noted that applicants currently pay a \$1,000 application fee, and that the fee was implemented during the 2017 selection exam. He stated the fee tends to eliminate spurious applications and noted the state of Washington charges applicants a \$5,000 trainee exam fee.

Commissioner Nyborg noted that the SFBP pilots have instituted a very broad-based pilot diversity program, make presentations at area high schools, and also noted that the SFBP sponsors scholarships for minority students at the California State University Maritime Academy. He noted that current outreach efforts will take years to pay off since trainee program applicants must be a captain on a ship or tugboat in order to apply.

Vice President Brooks noted that the Board does not have an affirmative action plan for improving diversity of pilot trainee program applicants, and strongly suggested the Board adopt a pilot/trainee diversity plan, and should include the shipping industry in the plan development process.

President Connolly noted that the Board has made gender diversity improvements in trainee program exam applicants, and that the matter should be referred to the Pilot

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Power Committee. He stated that the committee could work on a diversity plan and present it to the Board for consideration.

- B) Possible Committee recommendation to the Board to reappoint PEC Committee member Captain Mark Haggerty to a second four-year term. Possible Board action to reappoint PEC Committee member Captain Mark Haggerty to a second four-year term.**

PEC Chair Captain Teague reported that PEC member Captain Haggerty's committee term is expiring, noted that Captain Haggerty has been licensed by the Board since July 1998, and is commissioned for the San Joaquin and Sacramento rivers. He pointed out that pilot trainees must make 60 trips with river pilots prior to graduating, and Captain Haggerty is one of the river pilots on the PEC that the trainees can ride with. Lastly, he commented that Captain Haggerty has been a solid member of the PEC during the past four years and he recommended to the Board that Captain Haggerty be reappointed to the PEC.

MOTION: Commissioner Nyborg moved to reappoint Pilot Evaluation Committee member Captain Mark Haggerty to a second four-year term. Vice President Brooks seconded the motion.

VOTE: YES: Connolly, Brooks, Hayes-White, Hoppes, Nyborg, and Prada.
NO: None.
ABSTAIN: None.

ACTON: The motion was approved.

- C) 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.

- D) 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.

- E) 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.**

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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.)**

Executive Director Garfinkle reported that 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.)**

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. Possible Board action to grant the Incident Review Committee an extension to present the M/V XING ZUN HAI report from the May 23, 2019, cancelled Board meeting to the Board meeting to be held on July 27, 2019.

Executive Director Garfinkle reported that on October 4, 2018, the M/V XING ZUN HAI was inbound to the Port of Stockton, and while entering the port, the M/V XING ZUN HAI passed the M/V WENCHE VICTORY, which was in the process of mooring. He reported that during the evolution, the M/V WENCHE VICTORY experienced interaction which resulted in two parted mooring lines. There were pilots aboard both vessels. He stated that the Incident Review Committee (IRC) report was not available to be presented at this Board meeting because the IRC lacked a public member. He requested an extension to present this report at the July Board meeting. He also noted that there is no risk to the public safety due to the delay of this report.

MOTION: Commissioner Hoppes moved that the Board grant an extension to the Incident Review Committee to present its report on the M/V XING ZUN HAI at the July 25, 2019, Board meeting. Commissioner Hayes-White seconded the motion.

VOTE: YES: Connolly, Brooks, Hayes-White, Hoppes, Nyborg, and Prada
NO: None.
ABSTAIN: None.

ACTION: The motion was approved.

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. Possible Board action to grant the Incident Review Committee an extension to present the M/V ALYARMOUK report from the May 23, 2019, cancelled Board meeting to the Board meeting to be held on July 25, 2019.

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Executive Director Garfinkle reported that on October 7, 2018, the M/V ALYARMOUK was inbound from the pilot station. Following a pilot change off the city front, the ship allided with a temporary buoy marking the Fleet Week air box. He reported that the IRC report is not available to be presented at this Board meeting because the IRC lacked a public member. He is requesting an extension to present this report at the July Board meeting. He also noted that there is no risk to the public safety due to the delay of this report.

MOTION: Commissioner Nyborg moved that the Board grant an extension to the Incident Review Committee to present its report on the M/V ALYARMOUK at the July 25, 2019, Board meeting. Vice President Brooks seconded the motion.

VOTE: YES: Connolly, Brooks, Hayes-White, Hoppes, Nyborg, and Prada
NO: None.
ABSTAIN: None.

ACTION: The motion was approved.

C) Progress report on the M/V ARCTIC making unintended contact with the AMORCO dock (MRZ5) on December 2, 2018. Possible Board action to grant the Incident Review Committee an extension to present the M/V ARCTIC report from the May 23, 2019, cancelled Board meeting to the Board meeting to be held on July 25, 2019.

Executive Director Garfinkle reported that on December 2, 2018, the M/V ARCTIC was mooring portside at the AMORCO pier (MRZ5) when the bow made unintended contact with the pier structure, resulting in minor damage to the pier structure. This report is not available to be presented at this Board meeting because the IRC lacked a public member. He is requesting for an extension to present this report at the July Board meeting. He also noted that there is no risk to the public safety due to the delay of this report.

MOTION: Commissioner Hoppes moved that the Board grant an extension to the Incident Review Committee to present its report on the M/V ARCTIC at the July 25, 2019, Board meeting. Vice President Brooks seconded the motion.

VOTE: YES: Connolly, Brooks, Hoppes, Nyborg, Hayes-White, Prada
NO: None.
ABSTAIN: None.

ACTION: The motion was approved.

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D) Initial report of the M/V MOUNT SEYMOUR emergency anchoring while approaching the Rio Vista Bridge on May 10, 2019. Bridge failed to lift as expected and in the process of anchoring, a member of the ship’s crew was injured.

Executive Director Garfinkle reported that on May 10, 2019, while transiting from the Port of Sacramento to sea, the M/V MOUNT SEYMOUR anchored upstream of the Rio Vista Bridge when the bridge failed to lift. During the anchoring process, one of the crew members was injured and was evacuated to a hospital. He noted that no Board action is necessary as this is the initial report, and that he has requested information from the United States Coast Guard and the California Department of Transportation.

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

Report on loss-of-propulsion events arising in April and May 2019, 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 United States Coast Guard’s Prevention/Response-San Francisco Harbor Safety Statistics report for the months of April and May 2019, there were 4 and 2 loss-of-propulsion events, respectively. He added that one incident in April 2019 was caused by poor quality low-sulfur fuel. President Connolly suggested that there be an adjustment to this agenda item to focus on loss or reduction of propulsion instead of fuel issues.

11. Finance Committee (Commissioner Hoppes)

A) Report on the Finance Committee meetings held on March 21, 2019, and June 20, 2019.

Finance Committee Chair Hoppes stated that the Finance Committee met on March 21, 2019, reviewed the surcharge data and recommended no change to the Board Operations Surcharge, Pilot Continuing Education Surcharge, Trainee Training Surcharge, or Navigation Technology Surcharge rates. He noted that the Board did not meet in March 2019, so the quarterly surcharge rates remained the same for the second quarter in 2019. Finance Committee Chair Hoppes also stated the Finance Committee met on June 20, 2019, and thoroughly reviewed the Board’s fund status, and also reviewed the Board Operations, Pilot Continuing Education, Pilot Trainee Training, and Navigation Technology Surcharge rates.

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

- 1. To adjust or not adjust the Board Operations Surcharge rate (currently 2.75% of all pilotage fees). Possible Board action to adjust the Board Operations Surcharge rate.**

Finance Committee Chair Hoppes stated the Committee recommended no change to the Board Operations Surcharge rate. There were no questions and was no further discussion.

MOTION: Commissioner Hoppes moved that the Board accept the Finance Committee’s recommendation that the Board Operations Surcharge rate remain at 2.75% of all pilotage fees. Commissioner Nyborg seconded the motion.

VOTE: YES: Connolly, Brooks, Hayes-White, Hoppes, Nyborg, and Prada.
NO: None.
ABSTAIN: None.

ACTION: The motion was approved.

- 2. 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.**

Finance Committee Chair Hoppes reported that a surcharge rate of approximately \$50 per move is necessary to fully fund the annual expenses of the Pilot Continuing Education Program. He noted that this surcharge rate has been kept artificially low for some time to reduce the excess fund balance, and that the rate was changed last July 1 from \$5 per move to \$25 per move to gradually continue to reduce the fund balance while not exposing the shipping industry to rate shock. Finance Committee Chair Hoppes responded to a query by Commissioner Brooks and noted that the surcharge rate will need to be increased nearer to the \$50 per move rate in the future, that the Finance Committee has not determined when the rate should be increased, but confirmed that the Committee will continue to monitor the fund performance.

MOTION: Commissioner Hoppes moved that the Board accept the Finance Committee’s recommendation that the Pilot Continuing Education Surcharge rate be increased from \$25 per move to \$35 per move. Commissioner Nyborg seconded the motion.

VOTE: YES: Connolly, Brooks, Hayes-White, Hoppes, Nyborg, and Prada.

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NO: None.
ABSTAIN: None.

ACTION: The motion was approved.

3. 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.

Finance Committee Chair Hoppes reported that since there would not be a Pilot Trainee Training Program selection exam next fiscal year, the fund balance can support a slight decrease in the Pilot Trainee Training Surcharge rate even if monthly trainee stipends are increased by the Board next fiscal year. He stated the Committee recommends that the Pilot Trainee Training Surcharge rate be reduced from \$15/trainee/move to \$10/trainee/move. There were no questions or discussion.

MOTION: Commissioner Hoppes moved that the Board accept the Finance Committee's recommendation that the Pilot Trainee Training Surcharge be reduced from \$15/trainee/move to \$10/trainee/move. Commissioner Nyborg seconded the motion.

VOTE: YES: Connolly, Brooks, Hayes-White, Hoppes, Nyborg, and Prada.
NO: None.
ABSTAIN: None.

ACTION: The motion was approved.

4. To adjust or not adjust the Navigation Technology Surcharge rate (currently at \$40/move). Possible Board action to adjust the Navigation Technology Surcharge rate.

Finance Committee Chair Hoppes stated that the Committee reviewed the Navigation Technology fiscal information and is not recommending any change to the Navigation Technology Surcharge rate at this time. There were no questions or discussion.

MOTION: Commissioner Hoppes moved that the Board accept the Finance Committee's recommendation that the Navigation Technology Surcharge rate remain at \$40/move. Commissioner Nyborg seconded the motion.

VOTE: YES: Connolly, Brooks, Hayes-White, Hoppes, Nyborg, and Prada.
NO: None.
ABSTAIN: None.

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ACTION: The motion was approved.

5. **To authorize the San Francisco Bar Pilots Benevolent and Protective Association to recover from the Navigation Technology Surcharge monies navigation technology expenditures for annual software license fees 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, and December 13, 2018. Possible Board action to authorize the San Francisco Bar Pilots Benevolent and Protective Association to recover Navigation Technology expenditures for annual software license fees 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, 2018, and December 13, 2018.**

Finance Committee Chair Hoppes stated that the San Francisco Bar Pilots Benevolent and Protective Association (Benevolent) seeks authorization to recover \$20,986.99 from Navigation Technology Surcharge revenues for reimbursement of costs for precision docking system annual software license fees. He also noted that Benevolent presented documentation of the expenditure for loan interest that was consistent with the Board’s approval on December 13, 2018, and that Benevolent may request the Board consider an increase in finance costs at a later date. Finance Committee Chair Hoppes confirmed for President Connolly that the present request is a reimbursement to Benevolent for costs already paid. Mr. Jacob stated that the current request is consistent with the prior Navigation Technology cost authorization by the Board.

MOTION: Commissioner Hoppes moved to authorize the San Francisco Bar Pilots Benevolent and Protective Association to recover \$20,986.99 from the Navigation Technology Surcharge monies for expenditures for annual software license fees. Commissioner Nyborg seconded the motion.

VOTE: YES: Connolly, Brooks, Hayes-White, Hoppes, Nyborg, and Prada.
NO: None.
ABSTAIN: None.

ACTION: The motion was approved.

President Connolly called for a short recess.

RECESS BEGAN: 11:00 a.m.
RETURN TO OPEN SESSION: 11:15 a.m.

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C) Review of pilotage and surcharge audit report for 2017 calendar year, dated March 29, 2019, prepared by the State Controller’s Office under contract with the Board. Possible Board action to accept the State Controller’s Office pilotage and surcharge audit report for 2017 in satisfaction of the contract scope of work.

Finance Committee Chair Hoppes reported that State Controller’s Office, under contract with the Board, annually audits the pilotage rates and surcharge fiscal activity, and has submitted a report for the 2017 audit. He noted that the issues mentioned in the 2017 audit report were satisfactorily resolved, and that the Committee recommends that the Board accept the audit.

Executive Director Garfinkle further explained that the pilotage and surcharge audit report prepared by the State Controller’s Office is an agreed-upon procedures audit, slightly different than a financial audit undertaken by a state or business entity. He thanked Assistant Director Cristia-Plant and the SFBP staff for their efforts completing the audit.

MOTION: Commissioner Hoppes moved that the Board accept the Finance Committee’s recommendation and accept the 2017 pilotage and surcharge audit prepared by the State Controller’s Office. Commissioner Nyborg seconded the motion.

VOTE: YES: Connolly, Brooks, Hayes-White, Hoppes, Nyborg, and Prada.
NO: None.
ABSTAIN: None.

ACTION: The motion was approved.

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.

Acting Port Agent Captain Carlier presented a status report on the SFBP’s navigation technology equipment and software implementation, and reported that the route piloting equipment and precision docking equipment and software continue to work well.

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13. Pension Committee (President Connolly)

A) Report on the Pension Committee meeting held on June 20, 2019.

Pension Committee Chair Connolly reported that the Pension Committee met on June 20, 2019, and that the purpose of this meeting was to review and discuss the assumptions for an actuarial report on the San Francisco Bar Pilot Pension Plan with the Board's contracted actuary, Roger Burton, from Precision Actuarial Inc.

B) Pension Committee recommendations to the Board on the assumptions to be used by Precision Actuarial Inc. in the development of an actuarial report on the San Francisco Bar Pilot Pension Plan. Possible Board decision on the assumptions to be used by Precision Actuarial Inc. in the development of an actuarial report on the San Francisco Bar Pilot Pension Plan.

Pension Committee Chair Connolly reported that the Pension Committee reviewed various actuarial study assumptions with Mr. Burton, and noted that while the Committee decided on the assumptions, several assumptions were optional, and the assumptions are subject to further review when the firm submits a draft of the actuarial report to the Committee later this year. Pension Committee Chair Connolly noted that the last pension plan actuarial report was completed as of January 1, 2009, and the valuation date for the new report is proposed to be January 1, 2019, exactly ten years later. He noted that the Board was presented a June 21, 2019 email from Roger Burton that listed the assumptions the Committee agreed to with Mr. Burton's assistance and advice. He stated that the Committee recommends that the Board to approve the study assumptions as listed in the email.

Commissioner Nyborg noted that it has been 10 years since the last actuarial report on the pilot pension plan was completed, and noted that assumptions are not facts. Mr. Jacob thanked the staff for their work on contracting with an actuarial firm and commencing the study.

Captain Nancy Wagner referred to her letter dated June 20, 2019, that she presented to the Pilot Pension Committee at its meeting on that date, and noted that her letter cited the pension statutes in the Harbors and Navigation Code Sections 1160–1168.

MOTION: Commissioner Hoppes moved to accept the Pension Committee's recommendations to approve the initial study assumptions listed in a June 21, 2019 email from Roger Burton. Commissioner Nyborg seconded the motion.

VOTE: YES: Connolly, Brooks, Hoppes, Nyborg, and Prada.
NO: None.

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ABSTAIN: None.

ACTION: The motion was approved.

14. Selection Appeal Committee (President Connolly)

Report on the Selection Appeal Committee meeting held on May 23, 2019.

Selection Appeal Committee Chair Connolly reported that the Committee met on May 23, 2019, and considered three appeals, and met again on June 27, 2019, and considered one appeal. He noted that since the June 27, 2019 Committee meeting was not referenced on the Board agenda, that Committee meeting will be reported to the Board at its next Board meeting.

Selection Appeals Committee Chair Connolly stated the Committee reviewed appeals from Captains Elizabeth Bunch, Michael Haight, and Nicholas Rogers. He stated Captain Bunch submitted an appeal regarding the Executive Director's rejection of her application to take the 2019 Pilot Trainee Training Program Selection Examination based upon insufficient maritime experience to meet the minimum requirements, and that both Captains Rogers and Haight appealed the Executive Director's experience-points determinations.

Selection Appeal Committee Chair Connolly reported that the Committee met in closed session regarding Captain Bunch's appeal, and that the committee determined that Captain Bunch met the minimum eligibility requirements for admission to take the written exam of the 2019 Pilot Trainee Training Program selection examination. He also reported the Committee affirmed the Executive Director's points determination for Captain Haight, and that the Committee did not affirm the Executive Director's experience points determination for Captain Rogers, and awarded him 15 points for tug experience. He stated that the Committee's decisions are final and no action is necessary by the Board, and he thanked the Committee members for their efforts reviewing and opining on the appeals.

15. Pilot Trainee Training Program Selection Examination (Executive Director Garfinkle)

A) Report on the Pilot Trainee Training Program Selection Examination.

Executive Director Garfinkle reported that the Pilot Trainee Training Program Selection Examination was conducted June 3-8, 2019. He thanked PEC Chair Captain Teague and the rest of the pilots from SFBP (both current pilots and retired pilots) for assisting with the exam. He reported that the BOPC spent approximately \$35,000 to \$40,000 for advertisements and marketing efforts, and a total of approximately \$200,000 on the exam. He noted that the SFBP didn't charge BOPC for the pilot hours working on the exam.

Executive Director Garfinkle reported the written exam component consisted of a 150-question test with a maximum test time of 4 ½ hours and a 25-minute simulator exam

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component for applicants passing the written exam, and that 19 applicants successfully passed the exam and have been placed on an eligibility list for the Board’s consideration. He noted that there are two candidates remaining on the 2017 eligibility list who are currently in training with other pilot trainee programs. Lastly, he reported that the exam process and results were validated in a report received from Selection Services Program staff at the California Department of Resources (CalHR), who were responsible for administering the exam.

- B) Presentation of the 2019 ranked candidate eligibility list of those candidates who were successful in passing the 2019 Pilot Trainee Training Program selection examination. Possible Board action to accept the 2019 ranked candidate eligibility list of those candidates who were successful in passing the 2019 Pilot Trainee Training Program selection examination.**

Executive Director Garfinkle recommended that the Board accept the 2019 Pilot Trainee Training Program eligibility list as determined by CalHR. He responded to Commissioner Brooks that Board staff know the names of all of the candidates on the proposed eligibility list, and that a trainee may not want his name on a published list due to concerns with a current employer or for other reasons.

MOTION: Vice President Brooks moved to accept the 2019 Pilot Trainee Training Program eligibility list. Commissioner Nyborg seconded the motion.

VOTE: YES: Connolly, Brooks, Hoppes, Nyborg, and Prada.

NO: None.

ABSTAIN: None.

ACTION: The motion was approved.

- C) Board review and discussion of the status of the remaining candidates on the 2017 Pilot Trainee Training Program candidate eligibility list, pilot power needs, and possible direction to staff to contract with one or more trainees to enter the Pilot Trainee Training Program from either the 2017 or 2019 Pilot Trainee Training Program candidate eligibility lists. Possible Board action to direct the Executive Director to contract with one or more candidates from either the 2017 or 2019 Pilot Trainee Training Program candidate eligibility lists.**

Executive Director Garfinkle reported that the two remaining candidates from the 2017 eligibility list have been offered positions in the Pilot Trainee Training Program three different times, that the candidates have forgone a position in the training program and requested their names be moved to the bottom of the list as the regulations allow, and that the 2017 eligibility list expires in July 2020. He noted that the current maximum number of trainees that can be accommodated in the Pilot Trainee Training Program is eight trainees, and that there are currently six trainees in the training program.

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Executive Director Garfinkle recommended that the Board keep the pilot trainee program full at 8 trainees, given the expectation that there will be many pilot retirements over the next several years. He recommended that the Board authorize him to fill the remaining two trainee slots as soon as possible, and to keep the program full for the foreseeable future. Commissioner Nyborg noted that there are some benefits to having a long trainee eligibility list.

MOTION: Commissioner Nyborg moved that the Board authorize the Executive Director to keep the Pilot Trainee Training Program full at 8 trainees until directed otherwise by the Board, and to authorize the Executive Director to offer positions in the Pilot Trainee Training Program from either the 2017 or 2019 trainee eligibility lists as regulations allow and consistent with keeping the program full. Vice President Brooks seconded the motion.

VOTE: YES: Connolly, Brooks, Hoppes, Nyborg, and Prada.
NO: None.
ABSTAIN: None.

ACTION: The motion was approved.

16. Board discussion of best practices in Maritime Safety (President Connolly)

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.

There was no discussion.

17. Pilot Vessel Condition and Valuation Survey (Port Agent Long)

Review and acceptance of Condition and Valuation Survey for the P/V SAN FRANCISCO. Possible Board action to accept Condition and Valuation Survey for the PILOT VESSEL SAN FRANCISCO, and make a finding that the vessel is safe and suitable for pilotage service.

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MOTION: President Connolly moved to accept the Condition and Valuation Survey for the P/V SAN FRANCISCO dated May 29, 2019, and require the Port Agent to submit a letter to the Board affirming that the Findings and Recommendations in the report have been completed. Commissioner Hoppes seconded the motion.

VOTE: YES: Connolly, Brooks, Hoppes, Nyborg, and Prada.
NO: None.

ABSTAIN: None.

ACTION: The motion was approved.

18. Public comment on matters not on the agenda.

There were no comments from the public.

19. Proposals for the next Board meeting agenda.

There were no recommendations for the next meeting agenda.

20. Adjournment.

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

VOTE: YES: Connolly, Brooks, Hoppes, and Nyborg, and Prada.
NO: None.

ABSTAIN: None.

ACTION: The motion was approved, and the meeting adjourned at 12:00 p.m.

Submitted by:



Allen Garfinkle
Executive Director