

<p><b>Meeting Date:</b> <b>October 24, 2019</b></p>	<p><b>Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun 660 Davis Street, San Francisco, CA 94111</b></p> <p><b>BOARD MEETING MINUTES</b></p>	<p><b>Page 1 of 12</b></p>
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**Board Members Present**

Dave Connolly, President, Public Member  
 Joanne Hayes-White, Public Member  
 Captain Oscar Prada, Tanker Company Industry Member  
 Captain Einar Nyborg, Pilot Member  
 Captain Robert Carr, Pilot Member  
 Avital Barnea, Designee of the Secretary of the California State Transportation Agency  
 (CalSTA)

**Board Members Absent**

Matt Brooks, Vice President, Public Member  
 David Hoppes, Dry Cargo Industry Member

**Board Staff Present**

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

**Public Present**

Mike Miller, Past Board President; Captain John Carlier, Acting Port Agent; Captain Anne McIntyre, San Francisco Bar Pilots (SFBP) Business Director; Captain Dennis Plant, Chevron and retired BOPC-licensee; Fred Ellingson, Baydelta Maritime; Ray Paetzold, SFBP General Counsel; Mike Jacob, Pacific Merchant Shipping Association (PMSA) Vice President and General Counsel.

**OPEN MEETING**

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

President Connolly called the meeting to order at 9:36 a.m. Administrative Assistant II Wong called the roll and confirmed a quorum.

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

**Board action to approve the minutes from the Board meeting held on September 26, 2019.**

Board members were presented with draft minutes from the September 26, 2019, meeting. President Connolly requested a minor edit to the draft minutes. There was no further discussion.

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**MOTION:** Commissioner Prada moved to approve the draft minutes of the meeting held on September 26, 2019, as amended. Commissioner Hayes-White seconded the motion.

**VOTE:** YES: Connolly, Carr, Hayes-White, Nyborg, and Prada.  
NO: None.  
ABSTAIN: None.

**ACTION:** The motion was approved.

### **3. President Announcements and Activities (President Connolly)**

President Connolly requested that the Board review the updated committee assignments, and announced that he would like to make new appointments and confirm old appointments.

- Captain Carr – Added to the Rules and Regulations, Pilot Power, and Pilot Safety Committees, and is the chair of these committees. Added to the Navigation Technology Committee.
- Captain Nyborg – Added to the Continuing Education Committee, and is the chair of this committee.
- Captain Prada – Added to the Navigation Technology Committee, and is the chair of this committee.
- Vice President Brooks – Added to the Selection Appeal Committee, and is the chair of this committee.
- Commissioner Hoppes – Will remain the chair of the Finance Committee.
- Commissioner Hayes-White – Will remain on the Pilot Fitness and Pilot Power Committees. Added to the Pilot Continuing Education Committee.
- President Connolly – Removed himself from the Pilot Fitness Committee, and noted that former Board President Mike Miller will remain the chair of this committee. He also removed himself from the Navigation Technology and Selection Appeal Committees.

He stated that all other committee assignments were as previously designated.

### **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 September 26, 2019.**

Executive Director Garfinkle reported the following:

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- On October 3, 2019, Board staff received an email notification from SFBP General Counsel, Mr. Paetzold, that the recommendations made in the Pilot Vessel Condition and Valuation surveys for the Pilot Boat GOLDEN GATE and the Pilot Boat SAN FRANCISCO, have been resolved satisfactorily in satisfaction of the Board's requests made at the April 25, 2019, and the June 27, 2019, Board meetings, respectively.
- On October 6, 2019, Board staff received notice that Captain Donald Cloes, Unit Z, intends to retire on December 31, 2019.
- On October 10, 2019, he attended a Harbor Safety Committee meeting held at the California Maritime Academy Maritime Safety and Security Center, Richmond, California.
- Also on October 10, 2019, he and Captain Paul Ruff's legal counsel visited the AMORCO pier to view the area where the M/V ARCTIC made unintended contact with the pier on December 2, 2018.
- On October 11, 2019, Board staff received a Notice of Deadline for Filing Claims in Pacific Gas & Electric Company (PG&E) Chapter 11 cases. After consulting with the Executive Director, Board Counsel determined that the Board does not have a claim against PG&E in this matter.
- On October 15, 2019, CalSTA Secretary Kim, and Lori Pepper, CalSTA Deputy Secretary for Innovative Mobility Solutions, visited the BOPC office. Board staff discussed the Board's role in maritime commerce in the San Francisco Bay Area. He reported that after meeting with Board staff, the Secretary and Deputy Secretary attended a brief presentation by SFBP leadership at Pier 9.
- On October 17, 2019, Board staff received a memo from the California Department of Finance advising state entities of the State Leadership Accountability Act reporting requirements that involve the requirement for a periodic evaluation of the effectiveness of the BOPC's internal control systems. He stated that the memo also described the top five risks reported by State departments concerning achieving their missions as:
  - Staff – Key Person Dependence, Workforce Planning
  - Fiscal Implementation
  - Funding
  - Staff – Recruitment, Retention, Staffing Levels
  - Oversight, Monitoring, Internal Control Systems
- On October 18, 2019, Board staff received a letter from CalSTA Secretary Kim, naming Stephanie Dougherty, Deputy Secretary of Traffic Safety and Enforcement, as his primary designee to the BOPC Board, and Avital Barnea, Deputy Secretary for Transportation Planning, as his alternate designee.
- On October 21, 2019, he attended a Director's meeting with CalSTA Secretary Kim at the CalSTA office.

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- On October 22, 2019, Board staff received an email from CalSTA Secretary Kim conveying a new CalSTA vision statement—"To transform the lives of all Californians through a safe, accessible, low carbon, 21<sup>st</sup> century multimodal transportation system."
- Also on October 22, 2019, Board staff was made aware of a notice from the Australian Maritime Safety Authority titled, *Pilot transfer arrangements--marine notice 03/2019*, reminding shipowners, operators, masters, crew members, recognized organizations, marine pilots, and pilotage providers to provide safe pilot transfer arrangements. He noted that the article counseled that all parties should observe the spirit and the intent of the regulations, and that pilots should refuse to use the pilot transfer arrangement if it is unsafe.
- Also on October 22, 2019, Board staff received a copy of the PMSA's *West Coast Trade Report* for October 2019.

**B) Report on pilot licensing matters since the Board meeting held on September 26, 2019.**

Executive Director Garfinkle reported that since the September 2019 Board meeting, the Board renewed the license of Captain Vogel, and noted that license renewal activity will pick up by the end of the year.

**C) Report on Board surcharges.**

Executive Director Garfinkle reported that since the September 2019 Board meeting, the Board received a check from SFBP in the amount of \$148,608.44, itemized as follows:

- Board Operations Surcharge: \$88,273.44
- Trainee Surcharge: \$38,350.00
- Continuing Education Surcharge: \$21,985.00

**D) Report on legislative activities and contractual matters.**

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

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

- As stated at last month's Board meeting, Board staff determined that it would be unworkable to contract with the California Department of Human Resources for trainee random drug testing, and that pursuant to discussions with the SFBP, it was agreed that the SFBP could provide trainee random drug testing. She reported that Board staff continues to work on an amendment to the existing contract with the SFBP to expand the scope of work and modify the budget.

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- Also as discussed at last month’s Board meeting, the contract for limited information technology support with the California Department of Transportation (Caltrans) expired at the end of August. She explained that Caltrans has agreed to provide the Board full information technology services above and beyond the information technology services provided by the California Department of Technology (CDT). She reported that on October 12, 2019, Caltrans, CDT, and Board staff transitioned the Board’s electronic files and emails to Caltrans, and that from now on Caltrans will be responsible for ensuring that the Board is in compliance with all state information technology policies and reporting requirements. Lastly, she noted that the service provided to date by Caltrans has been excellent, and that the Board will enter into a new interagency agreement with Caltrans once the cost of the services can be determined.
- The State Controller’s Office continues to work on the 2018 audit of pilotage rates and surcharges, and that an audit completion date is not yet known.
- Board staff provided the actuary at Precision Actuarial Services Inc. the requested data for the firm to complete a draft of the actuarial report regarding the San Francisco Bar Pilot Pension Plan, and that the actuary is estimating that a draft report will be completed in mid-November. She stated the contract with the pension actuary expires at the end of the year, and will be extended into next year to ensure sufficient time for the Pension Committee and the Board to consider the draft and final report.

Executive Director clarified for President Connolly that the State Leadership Accountability Act report is due by December 2019. He also noted that key workforce dependence and workforce planning are always a challenge for a small department like the BOPC.

President Connolly thanked Executive Director Garfinkle for including the Australian Maritime Safety Authority’s notice regarding the importance of safe pilot transfer arrangements in his report. He noted that there were six separate incidents where the man ropes separated cited in the report, and that this is still a safety issue for BOPC-licensees.

## **6. Port Agent’s Report (Port Agent Long)**

### **A) Monthly report for September 2019 on San Francisco Bar Pilots (SFBP) pilot availability and absences.**

Acting Port Agent Carlier reported the following pilots have been absent for medical reasons (AFMR) and their initial absence date:

- Captain Kleess – November 26, 2018.
- Captain Coppo – August 13, 2019.
- Captain Carlier – September 11, 2019.

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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, canceling 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 57 licensed pilots, that there were 17 MRP exceptions in September, and that the shortest rest period was 9.8 hours.

**B) Monthly report for September 2019 on SFBP ship piloting business activity.**

Acting Port Agent Captain Carlier reported that P/V CALIFORNIA has been in the shipyard since August 21, 2019, for scheduled maintenance, and that reduction gear overhauls have caused some delays. He also reported that P/V PITTSBURG was out of service between October 14 and 21, 2019, due to scheduled maintenance and upgrades to the trim tabs.

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

- Bar Crossings: 564 moves
- Bay Moves: 128 moves
- River Moves: 51 moves
- Total Moves: 743 moves
- Gross Registered Tons (GRT): 31.6 million

He also reported that when comparing 2019 year-to-date vessel move data with the same period in 2018, total moves were up 0.6% and GRT was down 3.2%.

Acting Port Agent Captain Carlier introduced Captain Anne McIntyre, the SFBP's new Business Director. He stated that Captain McIntyre was previously a Columbia River Pilot and a commissioner on the Oregon Board of Maritime Pilots. He stated that she has a strong background in pilot association management and regulatory affairs, and she will oversee internal business and financial management for SFBP. Lastly, he stated that Mr. Paetzold has been serving as the Business Director and General Counsel since 2015, and will continue his duties as General Counsel.

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- C) Monthly confidential written report for September 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 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) meeting held on October 16, 2019.**

Acting Port Agent Captain Carlier reported the following on behalf of the PEC Committee Chair, Captain Teague:

- The PEC met on October 16, 2019, and in attendance were Committee members Captains Boriolo, Carlier, Haggerty, Robinson, and Teague.
- All trainees were interviewed and counseled individually in closed session by the PEC members on their progress in the Pilot Trainee Training Program.
- The eight current trainees include Captains Adams, Benedict, Burchard, Deisher, Nelson, Pyne Mercier, Rogers, and Stevens. The range of time in the program for these trainees spans 24 days to 27 months.
- Two of the six trainees have their full unlimited federal pilotage endorsement with the U.S. Coast Guard. Two other trainees have completed all testing and are finalizing the requirement for route trips. These four trainees are handling vessels as much as possible now, with one trainee being in evaluation stage.
- Two of the newer trainees, Benedict and Rogers, are acquiring route trips and are testing for unlimited tonnage pilotage routes, and are currently starting to handle vessels in areas where they have their endorsements.
- The two newest trainees, Adams and Deisher, recently started the program and are presently observing on trips to orient themselves to the training program as well as acquire the necessary pilotage trips for route testing with the U.S. Coast Guard.
- All trainees are presently meeting the recommended benchmarks in the program and are progressing at their own rate.
- The next PEC meeting is scheduled for November 6, 2019, 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.**

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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.)**

Executive Director Garfinkle stated that there were no safety standard violations to report on.

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

- A) Status 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 at the Board meeting to be held on November 14, 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. He reported that the Incident Review Committee (IRC) report is not available for presentation at this Board meeting because the investigation is not yet complete. He stated that he recently visited the pier with the pilot's counsel and the visit identified issues requiring further investigation. He stated that the IRC is requesting an extension to present this report at the November Board meeting. He also noted that there is no risk to the public safety due to the delay of this report.



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**MOTION:** Commissioner Hayes-White moved that the Board grant an extension to the Incident Review Committee to present its report on the M/V ARCTIC at the November 14, 2019, Board meeting. Commissioner Prada seconded the motion.

**VOTE:** YES: Connolly, Carr, Hayes-White, Nyborg, and Prada.  
NO: None.  
ABSTAIN: None.

**ACTION:** The motion was approved.

**B) Status report on the alleged hard landing of the M/V WASHINGTON at the Valero pier (BNC4) on August 12, 2019. Possible Board action to grant the Incident Review Committee an extension to present the M/V WASHINGTON report at the Board meeting to be held on November 14, 2019.**

Executive Director Garfinkle reported that on August 12, 2019, the M/V WASHINGTON was alleged to have landed hard at the Valero pier (BNC4), resulting in minor damage to the structure. He reported that the 90-day statutory deadline for the report is November 9, 2019, and stated the IRC is requesting an extension to present the Incident Review Committee report at the November Board meeting because the investigation is still ongoing.

**MOTION:** Commissioner Nyborg moved that the Board grant an extension to the Incident Review Committee to present its report on the M/V WASHINGTON at the November 9, 2019 Board meeting. Commissioner Prada seconded the motion.

**VOTE:** YES: Connolly, Carr, Hayes-White, Nyborg, and Prada.  
NO: None.  
ABSTAIN: None.

**ACTION:** The motion was approved.

**C) Status report on the possible grounding of the M/V OCEAN GLORY while mooring at the south side of Pier 50 in San Francisco on September 21, 2019.**

Executive Director Garfinkle reported that on September 21, 2019, the M/V OCEAN GLORY was mooring at the southside of Pier 50, San Francisco, when the vessel appeared to possibly go aground momentarily. He stated the pilot determined there was insufficient water to dock the vessel, and the pilot moved the vessel to another pier without further issues. He stated that the IRC determined that there was clearly no pilot error and discontinued the investigation.

He noted that the IRC learned during the investigation that the Port of San Francisco did not provide the SFBP with the updated Pier 50 sounding data, and added that it is likely if

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the SFBP had the correct sounding data, the SFBP's Operations Pilot likely would not have sent the vessel to that berth. He stated that he requested the Port of San Francisco to review their processes for disseminating updated sounding data to the SFBP to ensure that the Board-licensees always have the most current information.

**D) Initial report on the event involving the P/V STAR PRINCESS wherein a tugboat made fast to the P/V STAR PRINCESS made contact with Pier 23 in San Francisco on October 2, 2019.**

Executive Director Garfinkle reported that on October 2, 2019, while the P/V STAR PRINCESS was berthing at Pier 27 in San Francisco, the assist tug DELTA CATHRYN made unintended contact with Pier 23 resulting in damage to the pier structure. He noted that although the incident was reported immediately to him, the ship departed later the same day, and he was unable to send an investigator out or go himself to investigate the event. He stated the IRC is working on collecting statements from witnesses.

He reported that the 90-day statutory deadline for the report is December 30, 2019, and that no Board action is required at this meeting.

**10. Significant Port Safety and Security Cases Report (Executive Director Garfinkle)**

**Report on marine casualties, navigational safety and significant incident management cases relevant to the Board as reported by the U.S. Coast Guard in its Prevention / Response – San Francisco Harbor Safety Statistics report for September 2019.**

Executive Director Garfinkle reported that according to the U.S. Coast Guard's Prevention/Response-San Francisco Harbor Safety Statistics report for the month of September 2019, none of the marine casualties were due to fuel switching. He noted that there were 3 loss-of-propulsion events and one reduction of propulsion event reported.

Mr. Jacob explained that there may be loss of or reduction in propulsion issues in the future when vessels switch to new lower sulfur fuel next year, and that he agrees that this agenda item should remain on the agenda.

**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 and precision docking equipment and software continue to work well. He also noted that there may be additional updates next year.

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**12. Incident Review Committee incident report on the M/V ARCTIC (Committee Chair Connolly)**

**A presentation of the Incident Review Committee report on the event involving the M/V ARCTIC making unintended contact with the AMORCO dock (MRZ5) on December 2, 2018. Board deliberation of the Incident Review Committee’s recommendations to the Board and determination regarding the event involving the M/V ARCTIC. The Board may go into closed session to deliberate concerning the incident report presented under this item pursuant to Harbors and Navigation Code §1180.6(a) and Government Code §11126(c)(3).**

This agenda item was deferred under 9A.

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

**Review and acceptance of the On Hire Survey for the EAGLET. Possible Board action to accept the On Hire Survey for the EAGLET, and making a finding that the vessel is safe and suitable for pilotage service.**

Executive Director Garfinkle reported that on September 27, 2019, Board staff received a copy of the On Hire Survey for the P/V EAGLET dated April 1, 2019. Acting Port Agent Captain Carlier noted that the P/V EAGLET was last chartered on April 11, 2019, and that the survey determined the vessel was safe for BOPC-licensees to use. Executive Director Garfinkle noted SFBP President, Captain Long, submitted a memo to the Board on October 22, 2019, that confirmed the recommended safety items noted in the survey were addressed satisfactorily.

**14. Board Meeting Calendar.**

**Presentation of the proposed Board meeting calendar for 2020. Possible Board action to approve a Board meeting calendar for 2020.**

Board members were presented with the proposed Board meeting calendar for 2020. President Connolly reminded the Board that the Board meeting dates can be changed if needed. President Connolly adopted the Board meeting calendar for 2020 without objections.

**15. 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**

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**the Pilot Safety Committee to develop maritime safety policies and procedures.  
Possible Board action to direct the Pilot Safety Committee to develop maritime safety  
policies and procedures.**

President Connolly stated that he had nothing to report.

**16. Public comment on matters not on the agenda.**

There were no comments from the public.

**17. Proposals for the next Board meeting agenda.**

There were no recommendations for the next meeting agenda.

**18. Adjournment.**

**MOTION:** President Connolly moved to adjourn the meeting. Commissioner Nyborg seconded the motion.

**VOTE:** YES: Connolly, Carr, Hayes-White, Nyborg, and Prada.  
NO: None.  
ABSTAIN: None.

**ACTION:** The motion was approved, and the meeting adjourned at 10:30 a.m.

Submitted by:




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**Allen Garfinkle  
Executive Director**