

<p>Meeting Date: April 23, 2020</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 15</p>
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Board Members Present

Dave Connolly, President, Public Member
 Joanne Hayes-White, Vice President, Public Member
 Captain Robert Carr, Pilot Member (via telephone)
 David Hoppes, Dry Cargo Industry Member (via telephone)
 Captain Einar Nyborg, Pilot Member (via telephone)
 Captain Oscar Prada, Tanker Company Industry Member (via telephone)
 Stephanie Dougherty, Designee of the Secretary of the California State Transportation Agency (CalSTA) (via telephone)

Board Members Absent

Vacant, Public Member

Board Staff Present

Allen Garfinkle, Executive Director
 Roma Cristia-Plant, Assistant Director
 Dennis Eagan, Board Counsel (via telephone)
 Alethea Wong, Administrative Assistant II

Public Present (in person)

Knute Michael Miller, Past Board President; Captain Joe Long, San Francisco Bar Pilot (SFBP) President and Port Agent; Captain Anne McIntyre, San Francisco Bar Pilots (SFBP) Business Director; Captain Steven Teague, SFBP; and Captain James Murney, new BOPC Pilot Trainee.

Public Present (via telephone)

Admiral Frank Johnson, Past Board President; Mike Jacob; Pacific Merchant Shipping Association (PMSA) Vice President and General Counsel; Jason Levin, Chevron; Captain Dennis Plant, Chevron and retired BOPC-licensee; Chris Hendry, Chevron; Mike Moean, State Lands Commission; Eric Osen, Chevron; and Dr. Alan Hobbes.

OPEN MEETING AGENDA OK

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

President Connolly called the meeting to order at 9:30 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 March 26, 2020.

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Board members were presented with the draft minutes from the meeting held on March 26, 2020. There was no discussion of the draft minutes.

MOTION: Commissioner Nyborg moved to approve the draft minutes of the meeting held on March 26, 2020. Vice President Hayes-White seconded the motion.

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

ABSTAIN: None.

ACTION: The motion was approved.

3. Public comment on matters on the agenda or not on the agenda.

President Connolly clarified for Mr. Jacob that this agenda item was to give public an opportunity to comment earlier in the meeting instead of waiting towards the end of the end of the meeting, and that there would be an opportunity for public comment on each agenda item during the meeting. There were no public comments.

4. President Announcements and Activities (President Connolly)

There were no announcements.

5. Board Member Announcements and Activities (Board Members)

There were no announcements.

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

A) Correspondence and activities since the Board meeting held on March 26, 2020.

Executive Director Garfinkle reported on the following:

- On March 20, 2020, he issued a letter to the Port Agent to share with all BOPC-licensees that stated pilots are essential workers pursuant to the current Shelter in Place/Stay at Home Orders regarding the Coronavirus (COVID-19).
- On March 30, 2020, Board staff received U.S. Coast Guard (USCG) Marine Safety Information Bulletin (MSIB) 11-20 titled, *Maintaining Maritime commerce and Identification of Essential Maritime Critical Infrastructure Workers*, and noted that this MSIB identified federal and state pilots, and federal and state agency personnel, as critical infrastructure workers.
- On April 3, 2020, Board staff received a USCG MSIB 8-20 (change 1) titled, *COVID-19 – Mariner Credentials*, and noted that, among other things, this MSIB

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extends national endorsements, Standards for Training, Certification and Watchkeeping for Seafarers (STCW) endorsements, and STCW medical certificates that expire March 2, 2020 through July 31, 2020, until October 31, 2020.

- On April 10, 2020, Board staff received notification that the 2019 State Leadership Accountability Report filed late last year was accepted by the Department of Finance, and noted the audit is an internal review of risks to BOPC’ mission.
- On April 14, 2020, Board staff received a copy of a letter from the Port Agent to notify SFBP customers of the implementation of a 10-hour minimum rest period between piloting assignments.
- On April 14, 2020, Board staff received a USCG MSIB 10-20, titled *COVID -19 – Guidance for Maritime Operators on Compliance with Federal Drug Testing Requirements*, and noted that this MSIB notifies employers that the USCG will give consideration to employers that fall short of the 50% of employees random drug testing requirement.
- On April 15, 2020, Board staff received a USCG MSIB 01-20, titled *Marine Transportation System COVID-19 Precautions*, and noted that this MSIB details safeguards to the Marine Transportation System, and to reduce exposure and transmission of the virus.
- On April 16, 2020, Board staff received the Executive Order N-52-20, signed by the Governor that day, and noted that the order included three provisions impacting the BOPC, including delaying pilot and trainee fit for duty requirements that would have been required between April 1, 2020, through July 31, 2020 to December 31, 2020, extending pilot continuing education requirements required to be met in 2020 to June 30, 2021, and extending pilot trainee contracts by one year for any trainee unable to train on vessels because of the COVID-19 pandemic. He thanked Scott Wyckoff, Stephanie Dougherty, Roma Cristia-Plant, and Dennis Eagan for their work on this executive order.
- On April 21, 2020, he sent all pilot trainees an email notifying them that the BOPC is in the process of providing trainees with personal protective equipment, and for trainees to practice safety precautions as they train.
- On April 21, 2020, Board staff received a copy of the PMSA *West Coast Trade* report for April 2020.

B) Report on pilot licensing matters since the Board meeting held on March 26, 2020.

Executive Director Garfinkle reported that since the March Board meeting, the Board renewed the licenses of Captains Livingstone, Corbett, Horton, Billingsley, Murray, and Weiss.

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C) Report on Board surcharges.

Executive Director Garfinkle reported that the Board received a check from the SFBP for surcharges collected in March 2020 in the amount of \$202,341.03, itemized as follows:

- Board Operations Surcharge: \$110,226.03
- Trainee Surcharge: \$ 28,035.00
- Continuing Education Surcharge: \$ 64,080.00

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:

- The three current Commissioner Investigator contract amendments have been fully signed, and the amendments extend the term of each contract by one year, and add \$10,000 to each contract.
- A three-year, new interagency agreement with the California Department of Transportation of information technology support was drafted and sent to the department for signature.
- The contract for a pilot fatigue study with the San Jose State University Research Foundation expires on June 30, 2020, and agenda item 13 will discuss that not all of the contracted scope of work has been completed, and request the Board to potentially extend and augment the contract to complete the scope of work.
- The current contract with the State Controller’s Office for pilotage and surcharge audits expires on August 30, 2020. The State Controller’s Office anticipates commencing the 2019 audit in early May. Contract amendment paperwork was submitted to the California Highway Patrol contract staff to augment the contract amount by \$50,000 and to extend the contract term to December 31, 2020, to ensure sufficient contract funding and time to complete the audit.
- Two contracts with the California State University Maritime Academy for pilot continuing education and Pilot Trainee Training Program selection examination services will expire June 30, 2020. Draft new contracts were sent to the university earlier this month for their review.
- Artelia Eau & Environment changed their name to Artelia, and a contract amendment was been submitted to the California Highway Patrol contract analyst for processing.

Assistant Director Cristia-Plant also reported on the following administrative updates:

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- Letters were sent to all the beneficiaries of the San Francisco Pilot Pension Plan advising each beneficiary of the new pension monthly target rate amount. Each letter included an annual beneficiary certification form.
- Work is progressing slowly on the Board’s succession and workforce plan.

Commissioner Nyborg thanked Executive Director Garfinkle for providing the pilots an essential worker confirmation letter. Board President Connolly and Commissioner Nyborg thanked Board staff and Board Counsel for their work on the Executive Order.

Mr. Jacob thanked Secretary Kim’s efforts for the overall health of the supply chain, and the open dialog he had with Secretary Kim, Port authority staff and his executive team, and noted that there is more work to do with regard the a healthy and strong supply chain. He also thanked Board staff for reaching out and apprising him of COVID-19 impacts to the Board.

7. Port Agent’s Report (Port Agent Long)

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

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

- Captain Carlier – September 11, 2019
- Captain Kirk – November 27, 2019
- Captain Boriolo – January 6, 2020
- Captain Kleess – March 19, 2020
- Captain Martin – April 14, 2020

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, mitigating measures are employed by the SFBP. He reported that mitigating measures include, but are not limited to, suspending continuing professional development protocols, canceling schedule 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 56 licensed pilots, there were 4 MRP exceptions in March, and that the shortest rest period was 8.7 hours.

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B) Monthly report for March 2020 on SFBP ship piloting business activity.

He reported that P/V GOLDEN GATE was out of service on April 13-19, 2020, due to planned warranty work on the starboard main engine, and that P/V CALIFORNIA was out of service for two days due to a cooling system issue.

Port Agent Long reported that the billed vessel moves for March 2020 were as follows:

- Bar Crossings: 472 moves
- Bay Moves: 125 moves
- River Moves: 41 moves
- Total Moves: 638 moves
- Gross Registered Tons (GRT): 26.1 million

He also reported that when comparing 2020 year-to-date vessel move data with the same period in 2019, total moves were down 12.3% and GRT was down 9.8%.

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.

SFBP President Long responded to queries from Board members, and assured the Board that the pilots have taken extensive efforts to ensure uninterrupted service, and have cleaning and sanitation protocols for the office and pilot boats, and that pilots have access to personal protective equipment. He also noted that there was a good collaboration between the USCG and the Center for Disease Control when a pilot docked the GRAND PRINCESS cruise ship in Oakland and then later taken back out to sea.

Commissioner Nyborg thanked the SFBP management and administrative team for their virus prevention efforts, including a COVID19 Committee, and Captain Eric Johnson and his spouse who were able to assist the pilots with obtaining necessary personal protective equipment. Past Board President Admiral Johnston commented that SFBP placed an order for N-95 masks that were seized by the Federal Emergency Management Agency.

Commissioner Prada wanted to remind everyone to be aware of who they interact with in case there is a need to isolate, and cited a recent example in which contact tracing was instrumental in identifying and isolating ill and exposed mariners.

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8. Pilot Evaluation Committee (Captain Teague)

A) Report on the Pilot Evaluation Committee (PEC) meeting held on April 15, 2020.

PEC Chair Captain Teague reported on the following:

- The PEC met on April 15, 2020, and in attendance were Committee members Captains Boriolo, Carlier, Haggerty, Robinson, and Teague.
- The PEC provided Executive Director Garfinkle a report of trainee activity for March 2020.
- All trainees were interviewed and counseled individually in closed session by the PEC members on their progress in the Pilot Trainee Training Program.
- The seven current trainees include Captains Adams, Benedict, Burchard, Deisher, Nelson, Rogers, and Stevens. The range of time in the program for these trainees is 7 months to 33 months.
- Captains Burchard, Nelson, and Stevens have their full unlimited federal pilotage endorsement with the USCG. Captain Burchard is in the evaluation stage of the Pilot Trainee Training Program. These three trainees are handling vessels as much as possible, with an occasional observation trip to watch a licensed pilot perform their duties.
- The remaining four trainees—Captains Adams, Benedict, Deisher, and Rogers—are acquiring route trips, are testing with the USCG for their pilotage endorsements, and are handling vessels in areas where they have their endorsements. The USCG currently suspended the testing.
- 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 May 20, 2020, at 7:30 a.m. at the Board office.

B) Possible PEC Committee Chair recommendation to the Board to appoint a new PEC Committee member, Captain Dustin Slack, to a four-year term to replace Captain Daniel Boriolo. Possible Board action to appoint a new PEC Committee member, Captain Dustin Slack, to a four-year term on the Committee, to replace Captain Daniel Boriolo.

PEC Chair Captain Teague reported that Committee member Captain Boriolo's term expires in July 2020, he has requested not to have his term on the Committee be renewed, and he has requested to leave the Committee at the end of April 2020, principally since he is currently not fit for duty and cannot actively participate in training and evaluating the trainees. PEC Chair Captain Teague and Board members thanked Captain Boriolo for his service to the PEC.

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PEC Chair Captain Teague stated that the Committee authorized him to recommend to the Board that Captain Dustin Slack be appointed to the Committee for a four-year term. PEC Chair Captain Teague reported that Captain Slack graduated from the California State University Maritime Academy in 1992 and was employed in various mate positions, aboard research and oil spill response vessels and deep sea tank and container vessels, and that prior to entering the Pilot Trainee Training Program, Captain Slack worked for several tugboat companies in the San Francisco Bay as captain conducting ship assist and tank vessel escort operations with z-drive tugs. Lastly, PEC Chair Captain Teague noted that Captain Slack became a Board-licensed pilot in July 2009, and is presently serving as one of the Operations Pilot at SFBP.

MOTION: Commissioner Nyborg moved that the Board appoint Captain Dustin Slack to a four-year appointment to the Pilot Evaluation Committee. Commissioner Hoppes seconded the motion.

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

ACTION: 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.

There was no recommendation.

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**9. 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.

**10. 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 event involving the P/V STAR PRINCESS wherein a tugboat made fast to the P/V STAR PRINCESS made unintended contact with Pier 23 in San Francisco on October 2, 2019. Possible Board action to grant the Incident Review Committee an extension to present the P/V STAR PRINCESS report at the Board meeting to be held on May 28, 2020.

Executive Director Garfinkle reported that on October 2, 2019, the P/V STAR PRINCESS was mooring at Pier 27, San Francisco (SFO 27), and the assistant tug, DELTA CATHRYN, made unintended contact with Pier 23 during the mooring process that resulted in damage to the pier structure. He reported that the 90-day statutory deadline for the report was on December 30, 2019, and that the incident is still under investigation due to issues in gathering evidence. He requested an extension to present the Investigation Review Committee (IRC) report at the May 2020 Board meeting.

MOTION: Vice President Hayes-White moved that the Board grant an extension to the Incident Review Committee to present its report on the P/V STAR PRINCESS at the Board meeting to be held on May 28, 2020.

Commissioner Nyborg seconded the motion.

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

NO: None.

ABSTAIN: None.

ACTION: The motion was approved.

B) Status report on the event involving the allision between the T/V POLAR DISCOVERY with the T/V TORM RESILIENCE that was previously moored at the Richmond Long Wharf in Richmond on November 24, 2019. Possible Board action to grant the Incident Review Committee an extension to present the T/V POLAR DISCOVERY report at the Board meeting to be held on May 28, 2020.

Executive Director Garfinkle reported that on November 24, 2019, the T/V POLAR DISCOVERY allided with the T/V TORM RESILIENCE that was previously moored at the Chevron Long Wharf in Richmond. He reported that there was damage to both ships,

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to the pier, and to the landing arms that were connected to the T/V TORM RESILIENCE. He stated that oil was released, but was contained on the deck of the T/V TORM RESILIENCE, and that no oil went into the water.

Executive Director Garfinkle stated the investigation is ongoing, the 90-day statutory deadline date was February 21, 2020, the incident is still under investigation, and he requested an extension to present the IRC report at the May 2020 Board meeting. He reported the pilot involved in this incident is undergoing medical assessment by the Board's physicians and is currently not piloting. He also stated there is no risk to the public due to the delay in presenting this report.

Commissioner Prada inquired if Chevron can provide information or assistance so that the Incident Review Committee can complete the report. Executive Director Garfinkle responded to a query from Commissioner Prada on how Chevron could be helpful to the IRC, and stated there has been a lack of information from attorneys involved, and that he cannot say much more at a public meeting at this time.

MOTION: Vice President Hayes-White moved that the Board grant an extension to the Incident Review Committee to present its report on the T/V POLAR DISCOVERY at the Board meeting to be held on May 28, 2020.

Commissioner Prada seconded the motion.

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

NO: None.

ABSTAIN: None.

ACTION: The motion was approved.

C) Status report on the event involving unintended contact of the M/V VINCENT GENESIS with Levin's Terminal (RCH 20) in Richmond on December 13, 2019. Possible Board action to grant the Incident Review Committee an extension to present the M/V VINCENT GENESIS report at the Board meeting to be held on May 28, 2020.

Executive Director Garfinkle reported that on December 13, 2019, the M/V VINCENT GENESIS made unintended contact with the corner of Levin Terminal in Richmond (RCH20), and caused damage to the wooden structure of the pier. He reported that the report is not yet complete due to staff workload, that the 90-day statutory deadline was on March 11, 2020, and requested an extension to present the IRC report at the May Board meeting.

MOTION: Commissioner Hoppes moved that the Board grant an extension to the Incident Review Committee to present its report on the M/V VINCENT

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GENESIS at the Board meeting to be held on May 28, 2020. Vice President Hayes-White seconded the motion.

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

ACTION: The motion was approved.

Executive Director Garfinkle reported that there was an incident on April 16, 2020, which took place after the Board agenda was sent out, involving the MSC ANNA, the largest containership to call in the Port of Oakland. He stated that during the mooring process, damage occurred to the fendering system at Berth 57, Oakland Inner Harbor. The investigation is ongoing, and that no Board action is necessary at this time.

Eric Osen noted that the IRC investigations are taking more than 90 days and suggested that the statutory deadline be extended, or that ways be found such that the IRC meets the 90-day deadline. Executive Director Garfinkle acknowledged that meeting the 90-day statutory deadline to complete IRC reports has been an issue, and that legislation is needed to change the statutory timeframe. President Connolly acknowledged that lengthy delays in IRC reports were mentioned by the State Auditor in one of its audits of the Board, and that the Auditor noted that the Board record should include the reason for the delay.

Commissioner Hoppes noted that Executive Director Garfinkle's IRC reports are very thorough and that when he reports that there is no immediate danger to the public, the Board grants the IRC report deadline extension. Executive Director Garfinkle responded to Chris Hendry's inquiry that the process is evidence based and that the IRC reviews various contributing factors to the event to make a determination that a delay to the report will not result in risk to the public.

Board Counsel Eagan noted that National Transportation Safety Board investigations routinely take longer than 90 days, and noted that any change to the 90-day statutory requirement to complete IRC reports, or to change the make-up of the IRC would require legislative changes.

President Connolly thanked everyone for their input and called for a short recess.

RECESS STARTED: 10:49 a.m.
RETURNED TO OPEN SESSION: 10:55 a.m.

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11. 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 March 2020.

Executive Director Garfinkle reported that the March 2020 Prevention/Response – San Francisco Harbor Safety Statistics report noted that there were three loss of propulsion events. He also noted that there was a “Rule 9” violation event on March 26, 2020.

12. Navigation Technology Equipment and Software Acquisition Update (SFBP Business Director McIntyre)

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

Captain McIntyre reported that there were no updates to report on the navigation technology equipment and software acquisition.

13. Report on Board staff’s recommendation for a proposed second amendment to the contract with the San Jose State University Research Foundation to increase the contract amount by \$75,000 from \$416,000 to \$491,000, extend the contract term, and make other technical amendments. Board review and approval of proposed amendments to the contract with the San Jose State University Research Foundation to increase the contract amount from by \$75,000 from \$416,000 to \$491,000, extend the contract term, and make other technical amendments, and delegate to the Executive Director to execute a contract amendment on terms consistent with Board staff’s proposed contract amendments. (Assistant Director Cristia-Plant)

Assistant Director Cristia-Plant reported that the Board entered into a contract with San Jose State University Research Foundation (SJSURF) to perform a study of the effects of work and rest periods on physiological and psychological ability and safety of pilots licensed by the Board, and to make recommendations to the Board for regulations that would prevent pilot fatigue (Study).

She noted that the SJSURF contract will expire on June 30, 2020, that Study Tasks 3 and 4 involving researcher assistance with pilot fatigue management regulation development and post-regulation implementation assessment have yet to be completed, and that there is approximately \$51,000 remaining unspent in the Agreement budget. To ensure adequate time and funding to complete all tasks, she stated the Board may consider extending the augment the budget by \$75,000, which will increase the amount of the contract from \$416,000 to \$491,000, and extend the term from June 30, 2020 to June 30, 2023. She noted

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that the staff report sets forth various options to the Board from doing nothing at all to amending the contract as discussed above. She also stated that if the contract is amended, the amendment should include mention of SJSURF staff changes.

Assistant Director Cristia-Plant also stated that the staff report includes a description of a potential conflict of interest since some of the Study researchers conducted a study for the Puget Sound Pilots, and made a presentation to the Washington State Board of Pilotage Commissioners, and their study and presentation included a recommendation on an adequate number of pilots.

Dr. Hobbes answered Vice President Hayes-White's concern about the assurance that the deliverables will be completed within the budget. Both he and Assistant Director Cristia-Plant stated that the researchers are paid hourly, and that the charges against the contract will be for work performed.

Commissioner Hoppes stated that he believed the Board has already received enough information to develop the pilot fatigue management regulations, and that the pilots could report back to the Board if there are any unintended consequence.

Pilot Fitness Committee Chair Miller thanked Board staff for the thorough staff report and for presenting the various options to the Board. Mr. Miller, Port Agent Long, and Commissioner Nyborg recommended that SJSURF researchers continue with Phase 3 and 4 since the researchers are familiar with the study, have experience and are readily available to assist with the regulation development process, and have the background to easily conduct a post-regulation implementation assessment.

Mr. Jacob stated the shipping industry supported the Study, but that he has serious objections about the Study team's ability to be an objective third party, since the team was part of an advocacy effort in another state involving an adequate number of pilots. He stated that the Study was done well, and that he contacted Dr. Hobbs at the start of the Puget Sound Pilot study, and that Dr. Hobbs noted at that time that he was not personally involved in that study. He further stated that he did not want the shipping industry to subsidize an effort that may not be neutral.

Commissioner Carr stated that with Dr. Hobbs' assurances that the Study team could be objective, he thought it was important to the Board to complete all Study tasks.

President Connolly commented that it is not appropriate to combine a discussion on pilotage rates with the number of pilots. Board Counsel Eagan stated that he does not see any conflict issues with the Study researchers and the study that was completed for the Puget Sound Pilots. Commissioner Hoppes commented that the Board cannot get to 60 pilots, and noted that although \$75,000 is not excessive, he did not believe that the Board needs to spend the

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additional money.

MOTION: Commissioner Nyborg moved that the Board proceed with Phases 3 and 4 of the contract with the San Jose State University Research Foundation, to amend the contract to increase funding by \$75,000, to extend the contract term to June 30, 2023, to make technical amendments to the contract for changes in university staff, and to authorize the Executive Director to execute the contract amendment consistent with these changes.

Commissioner Carr seconded the motion.

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

NO: Hoppes.

ABSTAIN: None.

ACTION: The motion was approved.

14. Presentation and discussion of a request for reasonable accommodation from Captain Carl Martin regarding a medical condition in connection with required manned-model training (Executive Director Garfinkle)

Possible Board deliberation and decision on:

A) Captain Martin’s medical condition.

B) Whether that condition requires a reasonable accommodation in connection with attendance at mandated manned-model training at Port Revel, France.

C) What reasonable accommodation should be accorded Captain Martin.

The Board may go into closed session to discuss Captain Martin’s confidential medical reports as authorized by Harbors and Navigation Code § 1157.1.

Executive Director Garfinkle reported that he has not yet received a written update regarding Captain Martin from the Board’s physicians, and is has 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.

There were no proposals for the next Board meeting.

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17. Adjournment.

- MOTION:** Vice President Hayes-White moved to adjourn the meeting.
Commissioner Nyborg seconded the motion.
- VOTE:** YES: Connolly, Carr, Hayes-White, Hoppes, Nyborg, and Prada.
NO: None.
ABSTAIN: None.
- ACTION:** The motion was approved, and the meeting adjourned at 12:06 p.m.

Submitted by:



Allen Garfinkle
Executive Director