

<p>Meeting Date: May 28, 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 17</p>
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Board Members Present

Dave Connolly, President, Public Member
 Joanne Hayes-White, Vice President, Public Member (via telephone)
 Captain Robert Carr, Pilot Member
 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)

Captain Joe Long, San Francisco Bar Pilots (SFBP) President and Port Agent; Captain Anne McIntyre, SFBP Business Director; and Captain David McCloy, SFBP.

Public Present (via telephone)

Knute Michael Miller, Past Board President; and Mike Jacob; Pacific Merchant Shipping Association (PMSA) Vice President and General Counsel.

OPEN MEETING AGENDA

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 April 23, 2020.

Board members were presented with the draft minutes from the meeting held on April 23, 2020. Commissioner Nyborg requested minor edits to the minutes. There was no further discussion.

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MOTION: Commissioner Carr moved to approve the draft minutes of the meeting held on April 23, 2020, as amended. 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.

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 April 23, 2020.

Executive Director Garfinkle reported on the following:

- He thanked Assistant Director Cristia-Plant for her efforts and contribution to the preparation of the Governor's Executive Order N-52-20, and to her other work for the Board.
- He also thanked Mr. Raymond Paetzold for his valuable, lengthy prior service to the Board, and noted that Mr. Paetzold is no longer providing legal services to the SFBP.
- On April 23, 2020, Board staff received a copy of an article by Captain George Livingstone titled, *One If By Land, All If By Sea*, that discussed the impacts of COVID-19 pandemic on the maritime industry.
- On April 24, 2020, Board staff received a press release from the National Maritime Center regarding the new centralized electronic delivery process for examination renewals. He stated the press release discussed the updated process for mariners to request and submit completed examination renewals via e-mail that will help to maintain the flow of mariner credentials during the pandemic.
- On April 30, 2020, Board staff were notified of a pilot ladder accident in the Port of Durban in South Africa that discussed one of the lines that secured the ladder had parted as the pilot was disembarking, the pilot boat veered away from the ship to

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- provide more space to the pilot, and noted the pilot boat was able to recover the pilot afterwards. He said the article noted the pilot sustained minor injuries.
- On May 1, 2020, Board staff received a copy of the *San Francisco Bar Pilots and San Francisco Bar Pilots Benevolent and Protective Association Consolidating Financial Statements for the year ended December 31, 2019*.
 - On May 22, 2020, Board staff received a copy of the PMSA *West Coast Trade* report for May 2020.

B) Report on pilot licensing matters since the Board meeting held on April 23, 2020.

Executive Director Garfinkle reported that the since the April Board meeting, the Board renewed the licenses of Captains Tylawsky, McCloy, and Wehr.

C) Report on Board surcharges.

Executive Director Garfinkle reported that the Board received a check from the SFBP for surcharges collected in April 2020 in the amount of \$160,469.86, itemized as follows:

- Board Operations Surcharge: \$88,209.86
- Pilot Trainee Surcharge: \$49,930.00
- Continuing Education Surcharge: \$22,330.00

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:

- A three-year, \$112,123 new interagency agreement for information technology support is still with the California Department of Transportation for signature.
- The amendment with the San Jose State University Research Foundation to add \$75,000 and three years to the term has been executed by the university and the Board, and is being sent to the Board’s attorney at the Department of General Services for final review and approval.
- The State Controller’s Office commenced the 2019 pilotage rate and surcharge audit on May 1, 2020. The contract amendment to add \$50,000 to the contract amount to fund the 2019 audit, and to extend the term to the end of this year is at the Controller’s Office for their signature.
- Two contracts with the California State University Maritime Academy for pilot continuing education and Pilot Trainee Training Program selection examination administration will expire June 30, 2020. New multiple-year contracts were sent to the university for signature.

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- The manned model contract amendment to change the contractor name to Artelia was sent to Artelia for signature, and the Board’s contract analyst at the California Highway Patrol is waiting for Artelia to register with the Secretary of State.

Assistant Director Cristia-Plant also reported that work is progressing slowly on the Board’s succession and workforce plan.

Commissioner Nyborg commented that the U.S. Coast Guard had put in great efforts in changing procedures during the pandemic for the Merchant Mariner’s Credential process, and noted that trainees may face some delays in obtaining federal license endorsements while in the training program.

President Connolly thanked Board staff for sharing the Marine Safety Information Bulletin 02-20 Novel Coronavirus – Update (Change 4), and noted that it includes cruise vessels and a requirement to develop robust plan to prevent, mitigate and respond to the spread of COVID-19 aboard the vessel when sailing in U.S. waters. Port Agent Long reported that SFBP is following guidance provided by the U.S. Center for Disease Control.

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.

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He reported that there are currently 56 licensed pilots, there were approximately 17 MRP exceptions, and he was unable to report the number of MRP exceptions due to lack of information.

B) Monthly report on SFBP ship piloting business activity.

He reported that P/V GOLDEN GATE was out of service on May 1, 2020, for part of the day due to a rudder pin that sheared off. He also reported that the P/V CALIFORNIA was out of service as of April 21, 2020, due to a port reduction gear issue, and is being repaired at Bay Ship & Yacht Co.

Port Agent Long provided a discussion on the P/V GOLDEN GATE, and stated that this vessel is the SFBP's run boat that is used to transport pilots all over the bay as well as to the offshore pilot station, and noted that the boat is designed for higher speed. He stated the boat is now 27 years old and is near the end of its service life. He stated that this vessel is used a lot, and is not in rotation like the station boats are, so the wear and tear on the P/V GOLDEN GATE is not evenly distributed like the other pilot boats. He stated that the pilots have been evaluating their pilot boat options, and requested the President to convene a Pilot Boat Advisory Committee to begin the process of replacing the P/V GOLDEN GATE. He apprised the Board that Captain McCloy is the new pilot boat project manager.

President Connolly agreed to establish a Pilot Boat Advisory Committee. He stated that he thought it appropriate for the Committee to include at least one pilot and one industry member, and selected Captains Carr and Prada to be on this committee. He stated that he is still in the process of determining other Committee members.

Captain McCloy reported to the Board that he has reviewed vessel designs from different designers, including from shipyards in Europe and the east coast. He noted that the criteria he was seeking to replace P/V GOLDEN GATE included the ability to quickly run 24-hours throughout the Bay. He reported that he has found a design that fits the SFBP's needs, and will obtain information from the shipyards to present to the Pilot Boat Advisory Committee and the Board.

Captain McCloy responded to an inquiry from Commissioner Hoppes and explained that the pilots are looking to potentially acquire a boat with water jet propulsion instead of propeller propulsion, and that this is a safety feature, can provide speed, and can be certified by the California Air Resources Board. He responded to Commissioner Nyborg's question that the new pilot boat should have a life span of 25 years.

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Captain McCloy also reported that P/V CALIFORNIA is 20 years old and is currently in the shipyard. He stated that the pilots anticipate the P/V CALIFORNIA will be replaced next.

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

- Bar Crossings: 497 moves
- Bay Moves: 124 moves
- River Moves: 64 moves
- Total Moves: 685 moves
- Gross Registered Tons (GRT): 28 million

He also reported that when comparing 2020 year-to-date vessel move data with the same period in 2019, total moves were down 11% and GRT was down 10%.

Port Agent Long reported that the SFBP has implemented COVID-19 safety measures for its essential personnel in line with Federal, state and local requirements. He reported that pilotage revenue is down significantly, that May 2020 revenues are down approximately 23% so far this month, that the SFBP had closely managed expenses over the years, including the deferral of some maintenance costs, and that some such costs can no longer be deferred.

Port Agent Long reported that due to the pandemic, staff that can work remotely are doing so, but that remote work comes at a cost to productivity since their information technology system was not designed for remote work. He also stated that the SFBP so far has avoided any staff furloughs, pay reductions or layoffs, and that there have been large reductions in distributions to pilots this year (down 45% compared to the last two-year average pilot distributions) to offset revenue losses and to ensure sustaining operations.

Port Agent Long also noted that there is no reserve funding source or government relief funding available to the SFBP to cover revenue losses due to the pandemic. He commented that the SFBP is concerned about the organization's ability to sustain operations as currently configured for a prolonged period of time given the economic outlook, and that the organization is evaluating all options for further expense reduction measures to continue to function for as long as possible given an unlikely scenario of a quick return to a normal economy.

Commissioner Prada stated that his company is expecting an increase in Saudi Arabian tanker activity in the near that may increase pilotage work.

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President Connolly inquired if a reduction to pilot services is a solution. Port Agent Long responded that at this time, he is unable to identify cost reductions without a significant consequence to operations.

- 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.

- D) Discussion of the replacement of the P/V GOLDEN GATE, including the need for the President to assemble a Pilot Boat Advisory Committee to review a request for a new pilot boat from the SFBP in compliance with Title 7, California Code of Regulations §236. 1.**

Discussed above in agenda item 7. B.

8. Pilot Evaluation Committee (Captain Teague)

- A) Report on the Pilot Evaluation Committee (PEC) meeting held on May 20, 2020.**

Executive Director Garfinkle presented the PEC report on behalf of PEC Chair Captain Teague, and he reported on the following:

- The PEC met on May 20, 2020, and in attendance were Committee members Captains Carlier, Haggerty, Robinson, Slack, and Teague.
- The PEC provided Executive Director Garfinkle an overview of trainee activity for April 2020.
- 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 8 months to 34 months. A new trainee, Captain James Murney, started the training program on May 1, 2020.
- Captains Burchard, Nelson, and Stevens have their full unlimited federal pilotage endorsement with the United States Coast Guard (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.

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- 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 license endorsement testing due to the pandemic, and he does not have information when testing will continue.
- 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 June 17, 2020, at 7:30 a.m. at the Board office.

Executive Director Garfinkle responded to Commissioner Prada’s inquiry that the trainee who is approaching the 36th training month will not have his trainee contract extended since all trainees have continued to train during the pandemic. He also stated that due to the urgent need of reaching 60 licensed pilots, trainees have continued to train aboard vessels.

B) Possible PEC recommendation to place one or more Pilot Trainee Training Program trainees on probation, or dismiss one or more trainees from the program. Possible Board action to place one or more Pilot Trainee Training Program trainees on probation, or dismiss one or more trainees from the program.

There was no recommendation.

C) Possible PEC recommendation for a determination that a trainee has or trainees have completed the Pilot Trainee Training Program. Possible Board action to award a Certificate of Completion to a trainee who has completed the Pilot Trainee Training Program.

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.

**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.

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**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 June 23, 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 reported that he had to issue a subpoena to obtain a statement from the tug operator, and was in the process of receiving a final statement. President Connolly added that this statement was a critical piece of information to the investigation. Executive Director Garfinkle requested an extension to present the Investigation Review Committee (IRC) report on the P/V STAR PRINCESS at the June 2020 Board meeting.

MOTION: Commissioner Nyborg 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 June 25, 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.

- 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 June 23, 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 Richmond Long Wharf in Richmond. He reported that there was damage to both ships, to the pier, and to the landing arms that were connected to the T/V TORM

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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 June 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.

Executive Director Garfinkle noted that most of the evidence gathering for this investigation is complete, and that the IRC is expecting its report to be presented to the Board at the July 2020 meeting. He clarified for Vice President Hayes-White that the IRC typically requests the Board to extend the presentation of IRC reports that are not complete beyond the 90-day statutory deadline in month increments so that the Board could be provided a monthly status of an investigation. President Connolly noted that this monthly extension process is in part due to a concern of the State Auditor that the IRC reports were taking longer than the statutory 90 days, and that the monthly extensions also apprise the public of the status of an investigation.

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 June 25, 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 June 23, 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 he requested an extension to present the IRC report at the June Board meeting.

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MOTION: Commissioner Carr moved that the Board grant an extension to the Incident Review Committee to present its report on the M/V VINCENT GENESIS at the Board meeting to be held on June 25, 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.

D) Status report on the event involving the MSC ANNA making contact with and causing damage to the fendering system during mooring at Berth 57, Oakland Inner Harbor on April 16, 2020.

Executive Director Garfinkle reported that there was an incident on April 16, 2020, 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. He stated the IRC determined that there was clearly no pilot error and discontinued its investigation. He noted that the Port of Oakland acknowledged that the fendering at this berth is old, was not sufficient to handle a vessel of this size, and needs to be upgraded before allowing similar large vessels to dock at the berth in the future. He commented that the port is not pursuing a claim for damages.

E) Status report on the event involving the M/V CHAMPION CONCEPT making unintended contact with the corner of the dock while performing a shift from Berth 8 to Berth 9 in Stockton, California on April 28, 2020,

Executive Director Garfinkle reported that on April 28, 2020, while making a shift from Berth 8 (SCK 8) to Berth (SCK 9) in Stockton, California, the M/V CHAMPION CONCEPT made unintended contact with the corner of the dock between the two berths. He stated that the vessel's shell plating was deflected, and there was concrete damage to the corner of the dock. He reported that the investigation is still ongoing, that the 90-day statutory deadline is on July 26, 2020, and that no Board action is required for this agenda item.

Executive Director Garfinkle reported that there was an incident on May 21, 2020, which took place after the Board agenda was sent out, involving the M/V THALALLSA AVRA. While moored at Oakland 37, the M/V THALASSA AVRA suffered some damage due to interaction with the M/V HYUNDAI NEPTUNE and the M/V HANOVER EXPRESS, who were passing by. He reported the damage consisted of parted lines and possibly some contact with a container crane. He reported both Board-licensees aboard the passing vessels underwent post-incident chemical testing. He reported the investigation is still ongoing, the

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90-day deadline is August 18, 2020, and that no Board action is required for this agenda item.

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 April 2020.

Executive Director Garfinkle reported that the April 2020 Prevention/Response – San Francisco Harbor Safety Statistics report noted that there was one loss of propulsion event. He also noted that there was a “Rule 9” violation event on April 18, 2020, in which a sailing vessel tacked back and forth in front of a tanker vessel causing the tanker vessel to change course to avoid a collision. Port Agent Long noted that the sailing vessel was very close to the ship, and the USCG issued a fine to its owner.

12. Finance Committee (Commissioner Hoppes)

A) Report on the Finance Committee meetings held on May 20, 2020.

Commissioner Hoppes reported that the Finance Committee met on May 20, 2020, that the Committee reviewed the Board’s financial statements, proposed budget for the fiscal year 2020-21, fiscal analysis on surcharges set by the Board, and reviewed Budget Letter 20-11 issued by the California Department of Finance. He commented that the Budget Letter directs all agencies and departments under the direct executive authority of the Governor to take immediate action to reduce current year expenditures regardless of funding source, and encourages other state entities to do the same. He noted that the Board is self-funded and does not contribute to the State’s general fund.

Board Counsel Eagan confirmed that the Board is not under the direct authority of the Governor. Ms. Dougherty stated that the Governor’s Budget Letter is acknowledging the fiscal crises resulting from COVID-19, and is encouraging state entities to be more efficient to achieve cost savings. She stated that CalSTA is having discussions with the Department of Finance on budget issues, that budgets are being reviewed on a case-by-case basis, and that CalSTA encourages the Board to comply with the Budget Letter, but it is not required to do so. She stated that CalSTA Secretary Kim will continue to work with the Board and the Department of Finance on the Board’s budget issues.

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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.

Commissioner Hoppes reported that the Committee recommends to the Board to raise the Board Operations Surcharge rate from 2.75% to 4.5%. He explained that typically the Committee looks to the prior year's performance to assess projected revenue, and that the Committee seeks to set the surcharge rate at a level to maintain a fund balance equal to one year of budgeted expenditures as a cushion against unforeseen events. He stated that given the downturn in shipping activity since the beginning of this year, the Committee reviewed a sensitivity analysis for the projections that included various reductions in pilotage revenue and various surcharge rates, that the Committee determined a projected 15% reduction in pilotage revenue appears reasonable given current information, and that to maintain one year of budgetary expenditures in the fund balance it was prudent to increase the Board Operations Surcharge rate to 4.5% of all pilotage fees. He also noted that if the Committee did not get ahead of the downturn now, there was a concern that if shipping volumes are severely reduced beyond a 15% reduction this year, that potentially a 7.5% surcharge rate, that maximum allowed in the statutes, would not be adequate.

Mr. Jacob stated that a 15% reduction is in line with future calls, but that there have been disparate projections of shipping activity for this year. He further stated that there is no reason at this point to expect a quick recovery, and that an increase in the surcharge rate is appropriate. Executive Director Garfinkle reminded the Board that changes to the Board Operations Surcharge rate require review and approval from the Department of Finance. He also stated that the highest Board Operations Surcharge rate during his tenure at the Board was 6.6%.

MOTION: Commissioner Nyborg moved that the Board Operations Surcharge rate increase to from 2.75% to 4.5% of all pilotage fees.

Commissioner Hoppes seconded the motion.

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

NO: None.

ABSTAIN: None.

ACTION: The motion was approved.

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2. To adjust or not adjust the Pilot Continuing Education Surcharge rate (currently \$35 per move). Possible Board action to adjust the Pilot Continuing Education Surcharge rate.

Commissioner Hoppes reported that the Committee recommends to the Board to increase the Pilot Continuing Education Surcharge rate from \$35/move to \$40/move. He noted that the recommendation is a small increase to move the rate towards a rate that will fully fund annual expenditures, and noted that the Committee will closely monitor the Pilot Continuing Education budget and fund balance.

MOTION: Commissioner Nyborg moved that the Pilot Continuing Education Surcharge rate increase to \$40/move. Commissioner Carr seconded the motion.

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

ACTION: The motion was approved.

3. To adjust or not adjust the Pilot Trainee Training Surcharge rate (currently \$10/trainee/move). Possible Board action to adjust the Pilot Trainee Training Surcharge rate.

Commissioner Hoppes reported that the Committee determined that there is no need to adjust the Pilot Trainee Training Surcharge rate and recommends to the Board to maintain the rate at \$10/trainee/move.

MOTION: Commissioner Hoppes moved that the Pilot Trainee Training Surcharge rate remain at \$10/trainee/move. Commissioner Nyborg seconded the motion.

VOTE: YES: Connolly, Carr, 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.

Commissioner Hoppes reported that the Committee recommends to the Board to increase the Navigation Technology Surcharge rate from \$40/move to \$50/move. He noted that the surcharge expires at the end of the year, and that with the downturn in shipping volume, there is a risk that there will be insufficient time to collect the

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surcharge revenues in the amount of navigation technology costs approved by the Board before the end of the year.

Captain McIntyre reported that the SFBP was authorized to collect \$1.125 million and that the bank loan taken out by the SFBP to finance navigation technology costs is scheduled to be paid in full in December 2020.

MOTION: Commissioner Nyborg moved that the Navigation Technology Surcharge rate increase from \$40/move to \$50/move.
Commissioner Carr seconded the motion.

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

ACTION: The motion was approved.

13. 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 SFBP had originally made plans to request the Board to approve to additional equipment purchases this year that would increase total navigation technology expenses to the maximum \$1.2 million amount allowed in statutes, but the pilots are now looking into additional navigation technology costs that will extend the useful life of existing equipment. She also noted that it appears that the pilots will not be incurring about \$100,000 of Board-approved navigation technology software license costs that could be applied to new costs.

She requested the President to reconvene the Navigation Technology Committee so that the Committee can review a request from the SFBP to increase Board-authorized navigation technology costs that will prolong the useful life of the current equipment.

President Connolly concurred, and noted that Commission Prada will chair that Committee, Commissioner Carr will also be a Committee member.

14. Discussion of Board delegation to the Executive Director the authority to consummate or amend certain Board contracts and to make staff hiring decisions, where applicable, on behalf of the Board, with reporting back to the Board upon the Executive Director’s exercising of any delegated authority. Possible Board action to delegate to the Executive Director the authority to consummate or amend certain Board contracts and to make staff hiring decisions, where applicable, on behalf of the Board, with reporting

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back to the Board upon the Executive Director’s exercising of any delegated authority.

Executive Director Garfinkle stated that he has been making decisions regarding Board contracts and staff hires on behalf of the Board since he was employed by the Board, and that he has been reporting those activities to the Board on an ongoing basis. However, he stated that as part of good governance, he is recommending that the Board delegate to the Executive Director the authority to consummate or amend certain Board contracts, and to make staff hiring decisions on behalf of the Board, with reporting back to the Board whenever he exercises any of his delegated authority. Assistant Director Cristia-Plant commented that this is standard procedures at other Boards for efficiency purposes.

Board Counsel Eagan noted that the contents of the proposed delegation resolution is consistent with similar resolutions at other state agencies. President Connolly concurred that the resolution is good governance and a housekeeping item.

MOTION: Commissioner Hoppes moved to approve resolution 2020-01 delegating certain functions of the Board to the Executive Director, and requiring reporting back to the Board whenever the Executive Director exercises any of the delegated authority.

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

ACTION: The motion was approved.

15. 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 completed report regarding Captain Martin from the Board’s physicians, and has nothing new to report.

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16. Public comment on matters not on the agenda.

There were no comments from the public.

Commissioner Carr thanked the San Francisco Fire Department for their efforts in saving the World War II Liberty Ship, the U.S.S. Jeremiah O'Brien, from a fire on Pier 45 earlier this month. Executive Director Garfinkle commented some of the ship's maritime artifacts stored in a warehouse on the pier were lost, and the vessel was safely moved to Pier 35.

17. Proposals for the next Board meeting agenda.

There were no proposals for the next Board meeting.

18. Adjournment.

MOTION: Commissioner Carr moved to adjourn the meeting. President Connolly 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 was adjourned at 11:27 a.m.

Submitted by:



Allen Garfinkle
Executive Director