

<p>Meeting Date: December 21, 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>VIRTUAL BOARD MEETING MINUTES</p>	<p>Page 1 of 3</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
 David Hoppes, Dry Cargo Industry Member
 Captain Einar Nyborg, Pilot Member
 Captain Oscar Prada, Tanker Company Industry Member
 Jennifer Ferrera Schmid, Public Member
 Stephanie Dougherty, Designee of the Secretary of the California State Transportation Agency (CalSTA)

Board Staff Present

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

Identified Public Present

Knute Miller past Board President; Karen Tynan, future Board Commissioner; Captain Anne McIntyre, San Francisco Bar Pilots (SFBP) Business Director; Mike Jacob, Pacific Merchant Shipping Association (PMSA) Vice President and General Counsel; and Captain Steven Teague, SFBP.

OPEN MEETING AGENDA

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

Board 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 December 10, 2020.

Executive Director Garfinkle reported that the draft minutes from the meeting held on December 10, 2020, were not yet completed.

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

There were no comments from the public.

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4. President Announcements and Activities (President Connolly)

There were no announcements.

5. Board Member Announcements and Activities (Board Members)

There were no announcements.

6. Board decision concerning trainee completion of Pilot Trainee Training Program (Board Counsel Eagan)

Board consideration and action on the draft formal written decision following the Board’s decision at the November 12, 2020, Board meeting on whether Captain David Burchard has successfully completed the Pilot Trainee Training Program and whether he should be issued a certificate of completion. The Board may go into closed session to consider this item under section 11126(c)(3) of the Government Code.

Board Counsel Eagan advised that Commissioner Schmid is not able to vote on this matter as she was not present at the November Board meeting at which the Board decision was made to not grant Trainee Burchard a certificate of completion from the Pilot Trainee Training Program. He noted the six Board members who are eligible to vote are Commissioners Connolly, Carr, Hayes-White, Hoppes, Nyborg, and Prada.

President Connolly stated the Board is taking action on the formal written decision resulting from its decision made at the Board meeting held on November 12, 2020, to not grant Captain David Burchard a certificate of completion from the Pilot Trainee Training Program. He stated that Board Counsel Eagan prepared a nine-page draft written decision that lists the issues, the evidence, and the reasoning of the Board to not grant Trainee Burchard the certificate of completion consistent with the Board’s decision at the November Board meeting. He asked the other Board members if they wished to go into closed session to discuss the written decision. No request was made by any Board member to go into closed session, and no comments were made about Board Counsel Eagan’s draft written decision of the Board.

Board Counsel Eagan confirmed for Commissioner Hoppes that Captain Burchard is no longer in the Pilot Trainee Training Program. He also confirmed that Captain Burchard was offered the opportunity to extend his training contract by one year pursuant to the Governor’s Executive Order N-52-30, which allowed a trainee’s contract to be extended by one year if training was interrupted due to the COVID-19 pandemic, which it was in early July, and noted that Trainee Burchard declined the trainee contract extension offer made to him by the Board before his contract ended on July 16, 2020.

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MOTION: Commissioner Nyborg moved that the Board accept the draft formal written decision as prepared by Board Counsel entitled, “Decision on Whether Captain David Burchard Has Successfully Completed the Pilot Trainee Training Program and Whether He Should Be Issued a Certificate of Completion,” which included the reasons the Board declined to determine that Captain Burchard had successfully completed the Pilot Trainee Training Program and declined to issue him a certificate of completion, which decision was made by the Board at its meeting on November 12, 2020. Commissioner Carr seconded the motion.

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

ACTION: The motion was approved.

7. Public comment on matters not on the agenda. (President Connolly)

There were no comments from the public.

8. Proposals for the next Board meeting agenda. (President Connolly)

There were no proposals for the next Board meeting.

9. Adjournment.

MOTION: Commissioner Nyborg moved to adjourn the meeting. Commissioner Hoppes seconded the motion.

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

ACTION: The motion was approved, and the meeting was adjourned at 9:47 a.m.

Submitted by:



Allen Garfinkle
Executive Director