

<p>Meeting Date:</p> <p>December 9, 2021</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 22</p>
--	---	----------------------------

Board Members Present

Jennifer Ferrera Schmid, Vice President, Public Member
 Captain Robert Carr, Pilot Member
 Captain Einar Nyborg, Pilot Member
 Karen Tynan, Public Member
 Captain Oscar Prada, Tanker Company Industry Member
 Stephanie Dougherty, Designee of the Secretary of the California State Transportation Agency
 (CalSTA)

Board Members Absent

Joanne Hayes-White, President, Public Member
 Vacant, Dry Cargo Industry Member

Board Staff Present

Allen Garfinkle, Executive Director
 Dennis Eagan, Board Counsel
 Brenda Pugh, Staff Services Manager I
 Alethea Wong, Administrative Assistant II

Identified Public Present

Knute Michael Miller, Past Board President; Captain John Carlier, San Francisco Bar Pilots (SFBP) President and Port Agent; Captain Anne McIntyre, SFBP Business Director; Mike Jacob, Pacific Merchant Shipping Association (PMSA) Vice President and General Counsel; Captain Eric Robinson, SFBP; Eusebio Fabia, California State Lands Commission; and Captain Eric Weber, BOPC-trainee.

OPEN MEETING AGENDA

1. Call to Order and Roll Call (President Hayes-White)

Vice President Schmid 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 Hayes-White)

Board members were presented with the draft minutes from the September 23, 2021, meeting. The draft meeting minutes from October 28, 2021, are not ready.

A) Board action to approve the minutes from the Board meetings held on September 23, 2021.

<p>Meeting Date: December 9, 2021</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 2 of 22</p>
--	---	----------------------------

Executive Director Garfinkle reported that the current draft of the minutes from the September 23, 2021, meeting includes Board Counsel Eagan’s edits. He added that Board staff have corrected the draft minutes to reflect that Commissioner Tynan was absent.

Board Counsel Eagan noted that there were some minor edits, and reminded Board staff that actions were taken on agenda item 14C and 14D.

Commissioners Carr and Nyborg requested minor edits to the minutes.

MOTION: Vice President Schmid moved to approve the draft minutes of the meeting held on September 23, 2021, as amended. Commissioner Nyborg seconded the motion.

VOTE: YES: Schmid, Carr, Nyborg, Prada, and Tynan.
NO: None.
ABSTAIN: None.

ACTION: The motion was approved.

B) Board action to approve the minutes from the Board meeting held on October 28, 2021.

Board meeting minutes for October were not available and no action was taken on this item.

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

There were no comments.

4. President Announcements and Activities (President Hayes-White)

Vice President Schmid reported that President Hayes-White is absent but wishes everyone happy holidays, and she is looking forward to the opportunity to work with everyone in 2022.

5. Board Member Announcements and Activities (Board Members)

Commissioner Carr reported that he had requested that Board staff include the International Maritime Pilots’ Association (IMPA) Safety Campaign, which includes results from the annual Pilot Ladder Survey from 2021. He explained that it is a campaign completed during the summer of 2021, and IMPA asked pilots to submit pilot ladder reports. He noted that at previous meetings, SFBP have mentioned safety issues with combination ladders, especially the trap door arrangements, and are still experiencing issues when the combination ladders are not secured to the ship appropriately. He found the report to be a helpful resource,

<p>Meeting Date: December 9, 2021</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 3 of 22</p>
--	---	----------------------------

demonstrating that other pilots around the world are concerned with the same safety issues. He noted that only approximately 20% of pilots in North America are participating and encourages more pilots to participate in the Safety Campaign.

Vice President Schmid reported that on November 18, 2021, she attended a portion of the Combination Course offered by the Board at the California State University Maritime Academy. She noted that the route she observed involved a 1,200-foot container vessel with a 45-foot draft, passing through the Delta-Echo span of the Bay Bridge with a 2-knot flood. She noted that the graphics, compared to the last simulator training she attended, has greatly improved, and noted that the better graphics give participants a realistic experience. The scenario observed was a good example of the addition of high risk/low frequency situations that were added to the combination course in 2016/2017, and vital to the pilots' continuing education training. Overall, the simulation was very educational and encourages other Commissioners to attend a session if possible. She thanked SFBP Business Director Captain McIntyre for making the arrangements.

Commissioner Nyborg agreed with Vice President Schmid that the simulation is a very helpful tool, and encourages the Commissioners to also attend a Pilot Evaluation Committee meeting during open session, as it is also an important part of the Board's work. He added that developing simulations that incorporate the use of PPU's is an improvement in simulator training. He thanked SFBP Business Director Captain McIntyre for her efforts with the transition of the combination course to the new instructor.

6. Directors' Report (Executive Director Garfinkle)

A) Correspondence and activities since the Board meeting held on September 23, 2021.

Executive Director Garfinkle reported on the following:

- On September 22, 2021, Board staff received the West Coast Trade Report for the month of September 2021.
- On September 27, 2021, he received a request from Captain Kirk for a disability pension.
- Also, on September 27, 2021, Board staff received a copy of the New York Pilots annual report.
- On October 7, 2021, he attended the Ad Hoc Committee to Review the Pilotage Rate Setting Process meeting.
- Also, on October 7 and 8, 2021, he attended the Pacific Admiralty Seminar conducted virtually.
- On October 15, 2021, he attended a Pilot Trainee Training Exam development session for the simulator exam at the California State University Maritime Academy with Captains Gates and Schisler, and members from the Pilot Evaluation Committee.
- On October 20, 2021, he attended the Pilot Evaluation Committee meeting.

<p>Meeting Date:</p> <p>December 9, 2021</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 4 of 22</p>
--	---	----------------------------

- On October 18, 2021, Board staff submitted the amendments to the trainee regulations to the Office of Administrative Law (OAL).
- On October 26, 2021, he attended the Ad Hoc Committee to Review the Pilotage Rate Setting Process meeting.
- Also on October 26, 2021, Board staff received a copy of Executive Order N-19- 21, which highlighted that 40% of U.S. imports flow through San Pedro Bay, and noted the launch of the California Supply Chain Success Initiative 2021.
- On October 27, 2021, Board staff received an article by Mike Jacob, PMSA Vice President and General Counsel, titled *The Goods Won't Move By Themselves*, discussing the surge in demand and the lack of federal freight policy. He quoted from the article:“The supply chain has pulled off the most improbable of feats: being both ubiquitous to the world economy and invisible to the world’s consumers at the same time.”
- On November 8, 2021, Board staff received a copy of SFBP’s November 2021 newsletter.
- On November 9, 2021, he attended a simulator exam development session at the California State University Maritime Academy.
- On November 10, 2021, he attended the Ad Hoc Committee to Review the Pilotage Rate Setting Process meeting.
- On November 12, 2021, he was on the interview panel for the Assistant Director’s position.
- On November 15, 2021, he attended the commencement of the combination course held at the California State University Maritime Academy. This is the first course held since the start of the pandemic. Six Board licensees attended the course taught by Captain Ken Graham, a retired Chevron master. SFBP Business Director Captain McIntyre, who previously taught the class, was present to assist Captain Graham with the transition.
- On November 16, 2021, Board staff received a copy of a letter from Commander Jones of the California Highway Patrol, addressed to Kathy McCloud, an analyst at the Department of Finance, requesting a budget augmentation of \$400,000.00, to cover costs related to the administration of the Pilot Trainee Training Program Selection Exam.
- On November 29, 2021, Board staff received a copy of the PMSA *West Coast Trade Report* for November 2021.
- On November 28, 2021, the *San Francisco Chronicle* published an obituary for SFBP-retiree Captain Russ Nyborg, titled, *S.F. Bay tugboat captain, bar pilot fulfilled dream of growing grapes and making wine*.
- On December 1, 2021, he attended the Pilot Evaluation Committee meeting and received a letter of resignation from Pilot Trainee Captain Bunch, citing a desire to prioritize family over career.
- On December 2, 2021, he attended the Finance Committee meeting.

<p>Meeting Date: December 9, 2021</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 5 of 22</p>
--	---	----------------------------

- On December 6, 2021, Board staff received a *gCaptain* article titled, *Diversity in Maritime: Recruiting Alone Won't Fix It*, noting that recruiting from the pool of mariners that has been cultivated by misogynist and racist hiring practices, has distorted both the available pool of human resources and created a tense work environment for those hired by surface level attempts at diversity.

B) Report on pilot licensing matters since the Board meeting held on September 23, 2021.

Executive Director Garfinkle reported that since the October Board meeting, the Board renewed the licenses of Captains Freese, Vogel, Lowe, McCloy, Favro, Johnson, Rocci, Teague, Epperson, Ridens, and Robinson.

C) Report on Board surcharges.

Executive Director Garfinkle reported that the SFBP wired to the Board the surcharges collected in October 2021 in the amount of \$238,054.03, as itemized as follows:

- Board Operations Surcharge: \$135,279.03
- Continuing Education Surcharge: \$ 31,090.00
- Pilot Trainee Surcharge: \$ 71,685.00

D) Report of pension fiduciary.

Executive Director Garfinkle reported that the pension fiduciary report is a new section added to the Executive Director's report, to apprise the Commissioners of activities related to the pension.

The Board currently has 80 pensioners, with two more pending retirement at the end of 2021 – Captains Haggerty and Horton, and one disability pension applied for by Captain Kirk.

The mill rate for the Fourth Quarter of 2021 is 0.04443, and the tonnage for November 2021 was 19,924,399, resulting in collections totaling \$885,242.23, on a target of \$1,073,599.71, resulting in a variance of \$188,358.48. The administrative costs for the month of November totaled \$2,304.70. The last cost of living increase to the pension became effective on April 1, 2020.

E) Report on outstanding requirements of Board actions in response to Board determination and direction on Incident Review Committee reports.

Executive Director Garfinkle reported that there are no outstanding items to report.

<p>Meeting Date: December 9, 2021</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 6 of 22</p>
--	---	----------------------------

F) Report on legislative activities and contractual matters.

Staff Services Manager I Pugh reported that there were no legislative matters to report.

Staff Services Manager I Pugh reported that with regard to Section 213, Trainee Training Program, the 45-day public comment period ended on December 6, 2021. Per the regulatory process, DOF reviewed our amendments and requested updates to DOF form Std. 399. The updated form requires approval by the CalSTA Secretary’s office. She responded to Commissioner Carr that there were no public comments received.

Staff Services Manager I Pugh reported the following contractual matters:

- Manned model contract: A Non-competitive bid contract justification was submitted to CHP contract staff, and will be sent to the Department of General Services (DGS) for review and approval.
- The amendment to the current San Francisco Bar Pilots contract was submitted to DGS and is pending approval.
- University of California, San Francisco (UCSF) staff have completed their review of the contract and requested minor changes. Those changes will be reviewed for incorporation into the proposed contract.

Commissioner Nyborg asked if the Board needs to address the issue of pensioners not making the target amount for the month. Executive Director Garfinkle explained that the formula to calculate the pension is statutory, that there is no mechanism to recoup the differential between the target and what is actually distributed, and it is to be expected that in some months, the amount distributed will be higher or lower than the target. Executive Director Garfinkle added that the pension surcharge mill rate is derived from average tonnage over a 12-month look-back period, and that when actual tonnage is less during any month in the ensuing benefit period the pension amount available for distribution will be lower. He noted that there have been months when the actual tonnage was higher than the projected tonnage used to calculate the pension surcharge mill rate, which resulted in the pension benefits distributed being higher than the target.

Commissioner Nyborg thanked Executive Director Garfinkle for including the pension report and said he will review the statutes for more details. Executive Director Garfinkle added that the statutes call for the Board to review the pension every 3 years or when the cost of living exceeds 12%.

Commissioner Carr thanked Mr. Jacob for his article, *The Goods Won’t Move By Themselves*, and thanked him for highlighting that although the federal government is

<p>Meeting Date: December 9, 2021</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 7 of 22</p>
--	---	----------------------------

assisting by providing extra funding, the ports are not receiving much compared to other national infrastructures such as Amtrak.

Commissioner Tynan thanked Executive Director Garfinkle for reporting Captain Bunch’s resignation, but disagrees with his characterization of Captain Bunch’s reason for resigning from the Pilot Trainee Training Program, as putting her family over her career. She feels that will negatively impact the Board’s efforts to promote inclusion. She added that she has reviewed Captain Bunch’s resignation letter and noted that the letter specifies the logistics of commuting between San Francisco and Maui is negatively affecting her family. She has read the resignation letter multiple times and noted that reasons for resignation can be complex, and would like to discourage the cliché of a woman prioritizing her family over her career.

Commissioner Tynan thanked Mr. Jacob for his knowledge and for providing resources, such as the PMSA *West Coast Trade Report*, and that he had provided her analytics to help educate California employers on short and long-term outlooks for the supply chain issues. She noted that Mr. Jacob and Captain John Betz, a Los Angeles pilot, are helpful resources regarding supply chain issues. She will also be doing a webinar for national manufacturers in January 2022.

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

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

Port Agent Carlier reported that the following pilots were absent for medical reasons (AFMR):

- Captain Kasper – June 11, 2020
- Captain McCloy – April 20, 2021
- Captain Alden – April 30, 2021

Port Agent Carlier reported that the SFBP continually monitors the dispatch list for possible 12-hour minimum rest period (MRP) exceptions. For any potential exception that is likely to result in a rest period of less than 10 hours, SFBP will ensure that mitigating measures are enacted. He reported that mitigating 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 53 licensed pilots. In October, there were 5 MRP exceptions, with the shortest rest period being 10.2 hours. In November, there were 19 MRP exceptions, with the shortest rest period being 10 hours.

<p>Meeting Date: December 9, 2021</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 8 of 22</p>
--	---	----------------------------

B) Monthly report on SFBP ship piloting business activity.

For the months of October and November, Port Agent Carlier reported normal operations for P/V CALIFORNIA, P/V DRAKE, P/V GOLDEN GATE, P/V PITTSBURG, and P/V SAN FRANCISCO.

Port Agent Carlier reported that vessel moves for October 2021 were as follows:

- Bar Crossings: 406 moves
- Bay Moves: 144 moves
- River Moves: 47 moves
- Total Moves: 597 moves
- Gross Registered Tons (GRT): 18.6 million

He also reported that when comparing 2021 year-to-date vessel move data with the same period in 2020, total moves were down 4.7% and GRT was down 21.4%.

Port Agent Carlier reported that vessel moves for November 2021 were as follows and are preliminary, since SFBP is still finalizing numbers from the new dispatch and billing system:

- Bar Crossings: 407 moves
- Bay Moves: 119 moves
- River Moves: 32 moves
- Total Moves: 558 moves
- Gross Registered Tons (GRT): 19.9 million

He also reported that when comparing 2021 year-to-date vessel move data with the same period in 2020, total moves were down 6.6% and GRT was down 18.7%.

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.

Vice President Schmid announced that she had received a request to move up agenda item 17.

<p>Meeting Date: December 9, 2021</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 9 of 22</p>
--	---	----------------------------

17. Report on shipping activity regionally and within the Board’s jurisdiction (Captain McIntyre)

SFBP Business Director Captain McIntyre reported that on November 1, 2021, SFBP started using the new dispatch and billing system. She confirmed that SFBP is still in the process of reconciling the numbers for November 2021 against the old dispatch system. She reported that the shipping outlook has not changed much. There was a slight uptick at the Port of Oakland. She and Port Agent Carlier have attended multiple meetings with the Port of Oakland, but reports are that ship movements are still down. She reported that an article on shipping activities in the Ports of Los Angeles and Long Beach noted that they are expected to have incremental increases, but ship movements are expected to be down through 2022. She reported that Chinese New Year is approaching, and traditionally ship movements are lower during this period as well.

She noted that the public is paying closer attention to the International Longshore and Warehouse Union (ILWU) West Coast contract negotiations. Efforts to extend the contract by a year due to the supply chain disruption were refused. She, Port Agent Carlier, and Mr. Jacob were able to meet to discuss possible resolutions if the supply chain disruption continues in 2022. Since it will take time before changes can be made to the current rate-hearing process, SFBP may need more assistance before the process can be finalized.

Commissioner Nyborg is glad to hear, and is supportive of, SFBP and PMSA continuing to discuss, and thanks both for their efforts.

Commissioner Carr asked if the previous report of 22 cruise ships coming to the Port of San Francisco is still on the schedule. SFBP Business Director Captain McIntyre reported that she met with the Port of San Francisco last week and the plans to receive the cruise ships were promising, but the Port of San Francisco was working on finalizing the appropriate COVID-19 safety procedures when passengers are present.

Mr. Jacob clarified that the backup in Southern California is now a bit diversified. Southern California now has a new queuing system, and that before, in line with the labor allocation, the vessels would rush across the Pacific to get to the ports earlier, which caused a congestion at the ports, impacts on air quality, and safety issues.

In Southern California and the Northwest, a new queuing system was integrated for vessels to be identified and get in line earlier. Others may see the line of local vessels going down, but the queue for berth space and labor includes non-local vessels. PMSA encourages slow steaming and not coming into harbor until necessary. Southern California’s queue is still close to 100 vessels. Expect to see larger ships at the Port of Oakland when the supply chain improves. PMSA would prefer not to have an increase of smaller vessels at the Port of

<p>Meeting Date: December 9, 2021</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 10 of 22</p>
--	---	-----------------------------

Oakland. He clarified that small vessels make transportation less efficient, use more fuel, require more moves, and bring less cargo per vessel.

8. Pilot Evaluation Committee (Captain Robinson)

A) Report on the Pilot Evaluation Committee (PEC) meeting held on December 1, 2021.

PEC Committee Chair Captain Robinson reported on the following:

- The PEC met on December 1, 2021, and in attendance were Committee members Captains Aune, Ruff, Slack, Wehr, and Robinson.
- The PEC provided Executive Director Garfinkle a report of trainee activity over the past month.
- To date, 5 of the 19 candidates from the 2019 Pilot Trainee Training Program Examination Ranked List, decided not to accept the BOPC's offer to train, deferred, or have been accepted as a pilot trainee with another pilot organization.
- Trainees were interviewed and counseled individually in closed session by the PEC members on their progress in the Pilot Trainee Training Program.
- There are currently eight trainees: Captains Adams, Barnum, Burns, Olmsted, Pascucci, Sappington, Snapp, and Weber. The trainees' range of time in the program is 1 month to 26 months.
- Captains Adams and Weber received their First-Class pilotage endorsements for unlimited tonnage on San Francisco Bay by the U.S. Coast Guard. Captain Weber is in the evaluation stage of the Pilot Trainee Training Program, and is handling vessels as much as possible along with the occasional observation trip to watch a licensed pilot. Captain Adams is handling ships in all areas.
- Captains Barnum, Burns, Olmsted, Pascucci, Sappington, and Snapp are acquiring route trips and handling or part handling vessels in all areas.
- Most trainees are presently meeting the recommended benchmarks in the program and are progressing at their own rate.
- The next PEC meeting is scheduled for January 19, 2022, 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.

PEC Chair Captain Robinson reported that at the PEC meeting on December 1, 2021, the Committee assessed whether trainee Captain Scott Adams is successfully meeting the

<p>Meeting Date: December 9, 2021</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 11 of 22</p>
--	---	-----------------------------

requirements for subsection 214 (b) and (h) of Title 7, California Code and Regulations, which list topics and skills required of trainees in the Pilot Trainee Training Program.

Captain Adams has been in the Pilot Trainee Training Program for 25 months and has completed more than 784 jobs as either observe, part handle, or handle. Every month, the PEC evaluates all the trips completed by each trainee. All these trips are made with Board licensed pilots. The details of every trip and the trainee’s overall performance are written on the back of the trainee’s trip card by the pilot. Section 214 (b) and (h) define some of the topics and skills a trainee must become proficient at to successfully complete the Pilot Trainee Training Program, including but not limited to: ship handling, traffic management, communications, and tug control. These and other skills are required to be performed consistently on every job. Upon reviewing Captain Adams’ trip cards each month, he lacks the consistency of performance in one or more of the skills required of a licensed pilot.

The Committee has unanimously agreed, and recommends to the Board, that Trainee Scott Adams be placed on probation until such time he can demonstrate consistent and proficient piloting skills required to successfully complete the Pilot Trainee Training Program. Board action on this item was deferred until items 8-C and 8-D are completed.

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

PEC Chair Captain Robinson reported that the PEC concluded its training of Captain Eric Weber at its meeting on December 1, 2021, and determined that Captain Weber successfully completed all elements of Section 214(c) and (h) of the Pilot Trainee Training Program requirements listed in the Board’s regulations. PEC Chair Captain Robinson provided the following data:

- Captain Weber entered the Pilot Trainee Training Program on August 5, 2020.
- Since that time, Captain Weber completed a total of 509 training jobs with the San Francisco Bar Pilots, of which 138 were as an observer and 371 were handled or partially handled in which Captain Weber directed the navigation and control of the vessel.
- Captain Weber completed 120 training jobs with PEC members, 40 of which were in the previous 90 days.
- As required by regulation, Captain Weber maintained an average PEC evaluation score of 4.0 or greater in each of the last three months, resulting in a three-month average score of 4.27.

<p>Meeting Date: December 9, 2021</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 12 of 22</p>
--	---	-----------------------------

- The PEC determined that Captain Weber has successfully completed the Pilot Trainee Training Program, and recommended that the Board issue Captain Weber a Certificate of Completion from the program, effective December 9, 2021.

Executive Director Garfinkle confirmed for the Board that Captain Weber has completed all the Pilot Trainee Training Program requirements.

MOTION: Commissioner Nyborg moved that the Board award Captain Eric Weber a Pilot Trainee Training Program Certificate of Completion. Vice President Schmid seconded the motion.

VOTE: YES: Schmid, Carr, Nyborg, Prada, and Tynan.
NO: None.
ABSTAIN: None.

ACTION: The motion was approved.

Commissioner Nyborg commented that he has worked with Trainee Weber and assures the Board that Captain Weber will be a good pilot.

D) Possible recommendation from the Executive Director for the Board to issue a state pilot license to a trainee who holds a Certificate of Completion from the Pilot Trainee Training Program. 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.

Executive Director Garfinkle reported that the Board received an application for licensing from Captain Weber. He stated that Captain Weber met all the Board's requirements for licensure. He recommended to the Board that, since there are fewer than 60 licenses issued currently, a license can be issued to Captain Weber.

MOTION: Commissioner Carr moved that the Board issue a pilot license to Captain Eric Weber. Commissioner Tynan seconded the motion.

VOTE: YES: Schmid, Carr, Nyborg, Prada, and Tynan.
NO: None.
ABSTAIN: None.

ACTION: The motion was approved.

Vice President Schmid administered the oath of office to Captain Weber.

Executive Director Garfinkle reminded the Board members that agenda item B requires Board action, and if they place Captain Adams on probation, to set the time parameters for this probation. The Board commenced discussion on agenda item 8-B.

<p>Meeting Date: December 9, 2021</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 13 of 22</p>
--	---	-----------------------------

Commissioner Nyborg suggested that a month-to-month probation would enable updates month-to-month, and offers the PEC an opportunity to lift the probation as soon as they feel the trainee is meeting benchmarks.

Commissioner Carr was wondering if the probation will affect the trainee. Executive Director Garfinkle clarified that the Harbors and Navigation Codes provide some guidance and noted that the probation places responsibilities on the PEC such as having to notify the trainee in writing, evaluate the trainee’s performance, and provide performance updates to the trainee at the monthly meetings.

Commissioner Nyborg added that the Pilot Trainee Training Program is formulated for success for each person, and that does not change during probation period. He suggested that the plan for success is to focus on the trainee’s weakness and for the PEC to include the specifics concerning which areas Captain Adams should focus on.

PEC Chair Captain Robinson reported that the PEC members have been providing feedback to Captain Adams on what to improve on, but each month focuses on different areas. There isn’t a particular area that Captain Adams needs to improve on – he would like to see improvement in all areas. Captain Adams is meeting the number of jobs benchmark, but needs better quality work.

Nyborg again suggested a month-to-month probation. He is open to consider placing Captain Adams on a 90 days probation but wanted Captain Adams to have the opportunity to get out of probation sooner, and he reminded the Board that Captain Adams has yet to start the evaluation stage, which takes three months. He recalled trainees having been placed on probation before. Executive Director Garfinkle noted that no trainees have been placed on probation during his time as Executive Director; therefore the last time a trainee was placed on probation was over a decade ago.

Commissioner Nyborg clarified for Commissioner Tynan that, in the past, the probation period was a focused training period for the trainee, to promote success for that trainee, and identified weaknesses that were specific. If the trainee needed improvements with tug commands, the trainee would be assigned to jobs that require tug commands. There were monthly meetings to discuss the progress.

PEC Chair Captain Robinson noted that Commissioner Nyborg’s description is accurate for a trainee needing improvement in one area, but Captain Adams needs improvement in all areas. The PEC members have isolated specific jobs that Captain Adams needed improvement on and they discuss this with him, including input from the pilot involved in the job.

<p>Meeting Date: December 9, 2021</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 14 of 22</p>
--	---	-----------------------------

Commissioner Prada was concerned about safety and any fatigue issues. PEC Chair Captain Robinson reported that Captain Adams has been notified to focus on doing quality work instead of quantity. He also reported that trainees monitor their own schedules and if the trainee doesn't feel alert enough to handle a job, they can sign up for a different job. He reported that when trainee start, they are instructed to never handle ships when fatigued.

Board Counsel Eagan inquired if one month was a sufficient amount of time for the PEC to evaluate Captain Adams and determine if he needs to stay on probation or not. PEC Chair Captain Robinson noted that due to the schedules of the PEC and Board meetings in December 2021 and January 2022, there is sufficient amount of time for the PEC to assess Captain Adams' progress, which will include about two months' work.

Commissioner Nyborg is in favor of having the month-to-month probation because there is flexibility in having a trainee be removed from probation sooner rather than waiting a set number of days, and should the trainee need more time on probation, there is flexibility for the trainee to stay on probation.

Commissioner Nyborg also requested that the Board make a quick decision about this, and more specifics about an individual would be best in a closed session. Commissioner Nyborg suggested a closed-session option be included with agenda item 8-B in future meetings. Board Counsel Eagan commented that adding a closed session for agenda item 8-B may not be appropriate, and would require an internal discussion. He further explained that evidence is presented during open session, such as the case for the incident reports. Deliberations can be done during closed session. It is not appropriate for new evidence to be presented during closed session.

Executive Director Garfinkle noted month-to-month would mean the next reporting period is January 9, 2022, and suggested instead that the next report be at the next Board meeting.

MOTION: Commissioner Nyborg moved to accept the Pilot Evaluation Committee's recommendation to place a pilot trainee on probation, with a reporting at each monthly Board meeting on the progress of the probation, with an emphasis on training for specific weaknesses. Vice President Schmid seconded the motion.

VOTE: YES: Schmid, Carr, Nyborg, Prada, and Tynan.
NO: None.
ABSTAIN: None.

ACTION: The motion was approved.

<p>Meeting Date: December 9, 2021</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 15 of 22</p>
--	---	-----------------------------

**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.

**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 an interaction between the M/V HYUNDAI NEPTUNE, the M/V HANOVER EXPRESS and the M/V THALASSA AVRA causing the M/V THALASSA AVRA to have multiple parted lines and making contact with a container crane at Berth 37 in Oakland, California on May 21, 2020. Possible Board action to grant the Incident Review Committee an extension to present the M/V HYUNDAI NEPTUNE and the M/V HANOVER EXPRESS report at the Board meeting to be held on January 27, 2022.

Executive Director Garfinkle reported that the incident report on the M/V THALASSA AVRA is not yet ready due to staff workload and personal issues. He reported that the subpoena evidence has been received and new evidence has been gathered. The report is not yet available but is in the preparations stage. He noted that Board staff's focus was diverted to two other highly visible incidents: one at Pier 27, and the other at the Richmond Long Wharf. The IRC requests an extension to present the report. There is no danger to public safety due to the delay in presenting the report.

B) Status report on the M/V GLOBE PEGASUS allision with several pilings at Levin Terminal in Richmond, CA, on April 8, 2021. Possible Board action to grant the Incident Review Committee an extension to present the M/V GLOBE PEGASUS report at the Board meeting to be held on January 27, 2022.

Executive Director Garfinkle reported that the incident report on the M/V GLOBE PEGASUS is not yet ready, but is in the preparations stage. The IRC requests an extension to January 27, 2022, present the report. There is no danger to public safety due to the delay in presenting the report.

C) Status report of interaction between the M/V CHARLIE and the moored M/V EVA SHANGHAI in the Port of Stockton on October 17, 2021. Possible Board action to grant the Incident Review Committee an extension to present the M/V CHARLIE report at the Board meeting to be held on January 27, 2022.

<p>Meeting Date: December 9, 2021</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 16 of 22</p>
--	---	-----------------------------

Executive Director Garfinkle reported that the M/V EVA SHANGHAI is currently within the 90 days reporting period, but will be past this at the next Board meeting on January 27, 2022, and the IRC requests an extension to present the report. There is no danger to public safety due to the delay in presenting the report.

MOTION: Commissioner Nyborg moved that the Board grant an extension to the Incident Review Committee to present its report on the M/V THALASSA AVRA, M/V GLOBE PEGASUS, AND M/V EVA SHANGHAI at the Board meeting to be held on January 27, 2022. Commissioner Prada seconded the motion.

VOTE: YES: Schmid, Carr, Nyborg, Prada, and Tynan.

NO: None.

ABSTAIN: None.

ACTION: The motion was approved.

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.

Executive Director Garfinkle stated that there was nothing to report.

12. Finance Committee meeting (Committee Chair Captain Nyborg)

A) Report on the Finance Committee meeting held on December 2, 2021.

Committee Chair Captain Nyborg reported that the Finance Committee met on December 2, 2021, reviewed the Board’s financial statements for the last fiscal year, itemized budget for 2021-22, and financial information on surcharges set by the Board.

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

The below agenda items were discussed together.

- 1) To adjust or not adjust the Board Operations Surcharge rate (currently at 5% of all pilotage fees), and the revenues, expenditures, and reserve balance. Possible Board action to adjust the Board Operations Surcharge rate.**

<p>Meeting Date: December 9, 2021</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 17 of 22</p>
---	---	-----------------------------

- 2) **To adjust or not adjust the Pilot Continuing Education Surcharge rate (currently at \$50 per move). Possible Board action to adjust the Pilot Continuing Education Surcharge rate.**
- 3) **To adjust or not adjust the Pilot Trainee Training Surcharge rate (currently \$15/trainee/move). Possible Board action to adjust the Pilot Trainee Training Surcharge rate.**
- 4) **To adjust or not adjust the Pilot Dispatch Program Surcharge rate (currently \$35/move). Possible Board action to adjust the Pilot Dispatch Program Surcharge rate.**
- 5) **To adjust or not adjust the Pilot Boat Maintenance Surcharge rate (currently \$90/move). Possible Board action to adjust the Pilot Boat Maintenance Surcharge rate.**

Committee Chair Captain Nyborg reported that the Committee recommends that the Board Operations Surcharge rate be increased from 5% to 5.5%, effective January 1, 2022, due to a 33% decline in vessel movements and fees being down 28%, which is affecting some of the fee collections; that the Pilot Continuing Education Surcharge rate remain the same at \$50/move, due to unspent money still available when pilots were unable to travel for manned model or continuing education training; that the Pilot Trainee Training Surcharge rate be increased from \$15 to \$20/trainee/move, due to there being fewer trainees in the Pilot Trainee Training Program and therefore less collection; that no changes be made to the Pilot Dispatch Program Surcharge rate or Pilot Boat Maintenance Surcharge rate since they are new. The next Finance Committee meeting is scheduled for March 2, 2022.

MOTION: Vice President Schmid moved that the Board approve the Finance Committee recommendation that the Board Operations Surcharge rate be increased from 5% to 5.5% of all pilotage fees; that the Pilot Trainee Training Surcharge rate be increased from \$15 to \$20/trainee/move, with changes effective January 1, 2022.

Commissioner Tynan seconded the motion.

VOTE: YES: Schmid, Carr, Nyborg, Prada, and Tynan.

NO: None.

ABSTAIN: None.

ACTION: The motion was approved.

Executive Director Garfinkle reminded the Board that the Board Operations Surcharge rate change is the only one that requires the Department of Finance's approval.

<p>Meeting Date: December 9, 2021</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 18 of 22</p>
--	---	-----------------------------

13. Ad Hoc Committee on Pilot Diversity Meeting (Committee Chair Schmid)

Report on the progress to implement changes to the Trainee Training Selection Exam minimum qualifications and exam format.

Vice President Schmid reported that the Committee has not met, and she has nothing new to report.

14. Ad Hoc Committee to Review the Pilotage Rate Setting Process meeting (Committee Chair Captain Carr)

Report on the Ad Hoc Committee to Review the Rate Setting Process meetings held on November 10, 2021. Possible recommendation to Board to change the statutory rate setting process. Possible Board action to approve Committee recommendation to proceed with statutory changes the rate setting process.

Committee Chair Captain Carr reported that the Ad Hoc Committee to Review the Pilotage Rate Setting Process met on November 10, 2021, and that the Committee is close to forming a recommendation to the Board. The Committee is scheduled to meet again on December 21, 2021. He reported that the Committee agreed on a process framework, and that there are reference documents on the website that have contributed to the discussion. The Committee has identified the steps for the process, is working on finalizing what the Board's role will be after receiving the ALJ's recommendation, and is considering the possibility of including the CalSTA Secretary in lieu of having the Legislature be the final approving authority.

The Committee has been using various documents from Washington and Oregon for reference, especially when identifying the framework and factors for rate-setting. The Committee requested that SFBP and PMSA collaborate to discuss the factors, which will help guide the Committee.

15. Review the results of the Retirement Survey conducted in July of 2021. (Administrative Assistant Alethea Wong)

Administrative Assistant II Wong reported on the results of the Retirement Survey conducted in July 2021.

- 53 pilots received the Retirement Survey on July 22, 2021, but only 47 pilots completed the survey.
- There were some changes made to the last question, and there are now 4 questions on the Retirement Survey.
- Question 1: I am or will be eligible for retirement benefits during the year selected.

<p>Meeting Date:</p> <p>December 9, 2021</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 19 of 22</p>
--	---	-----------------------------

- 61.7% (29 pilots) selected after 2027.
- 14.89% (7 pilots) selected 2021.
- 8.51% (4 pilots) selected 2027.
- Question 2: With information that I have as of today, I intend to retire some time during the year listed.
 - 70.21% (33 pilots) selected after 2027.
 - 8.51% (4 pilots) selected 2021 and 8.51% (4 pilots) selected 2022.
- Question 3: With the information that you have as of today, please select from the options below the most applicable reason impacting the length of time you plan to hold a BOPC-issued pilot license.
 - 42.55% (20 pilots) selected I plan to continue working as a BOPC-licensee only until about the time that I am eligible to receive retirement benefits.
 - 42.55% (20 pilots) selected I plan to continue working as a BOPC-licensee beyond the date I am eligible to receive retirement benefits.
- Question 4: Please take a moment to note the factors that may impact your decision when to retire. Mark all the factors that apply. Your comments will be reviewed by both the Pilot Power Committee and the Board.
 - Most answers were either health or physical demands of piloting work, personal finance, issues related to work/rest balance, and/or dissatisfaction with piloting income.
- Between July 1, 2022, and December 9, 2021, 2 pilots have retired.
- The next Retirement Survey will be sent out in January 2022.

Commissioner Carr and Vice President Schmid requested that Board staff try to schedule the next Pilot Power Committee soon. Commissioner Carr noted that the data is slightly dated and having updated data will be helpful.

Executive Director Garfinkle responded to Commissioner Prada that a pilot can surrender their license prior to their retirement eligibility. The pension is based on years of piloting service and age, and noted that just recently, a pilot had relinquished his pilot license to pursue other interests, and the pilot will be eligible to receive his pension in 2022.

Executive Director Garfinkle reported that the Board's last instruction to him was to keep the Pilot Trainee Training Program full at 8 trainees, but there are currently 7 trainees. He requested guidance on these instructions, as SFBP leadership and PEC members suggest not accepting more trainees as this time, but this conflicts with the Board's direction.

Commissioner Nyborg thanked Executive Director Garfinkle for mentioning the conflict with instructions and suggested that the Pilot Power Committee meet to review and discuss these issues.

Captain Robinson thanked Commissioner Carr and the Ad Hoc Committee to Review the

<p>Meeting Date: December 9, 2021</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 20 of 22</p>
--	---	-----------------------------

Pilotage Rate Setting Process for their efforts. He was disappointed to hear that Captain Bunch decided to resign from the Pilot Trainee Training Program due to what seems to be family-related reasons, and notes that economic reasons are also a high possibility.

16. Discuss progress of Pilot Fitness Program regulation implementation, current state of the board contract negotiations with the University of California San Francisco Medical Center, Occupational and Environmental Medicine Clinic, and related issues with delayed reports following medical assessments. (Executive Director Garfinkle)

Executive Director Garfinkle reported that Commissioner Nyborg requested this agenda item due to an extended delay in getting a licensee to return to work after a medical disability period. When he inquired as to the reasons for the delay, the University of California San Francisco (UCSF) staff responded that the delays were related to the pandemic. The concern did seem to resonate with UCSF staff, as the next medical disability was handled considerably faster. This latter medical disability was cleared with only a few days between the licensee’s medical appointment and when the Board received the paperwork.

Executive Director Garfinkle reported that the contract negotiations included some price increases, which is expected, and are not unreasonable. He added that Board staff rarely go over the amount allocated for the UCSF contract.

Commissioner Nyborg thanked Board staff for including the agenda item, and is concerned with pilot power and potential fatigue issues. He emphasized that when a pilot is off the board much longer than necessary, it’s a loss of pilot time and pilot power. It increases the risk for fatigue of other pilots on the board.

UCSF and those on the Pilot Fitness Committee need to understand the issues when a pilot is off the board longer than required. Therefore, it is critical that a pilot return to work promptly when medically cleared. He reported there were times when a pilot was seen but the Medical Review Officer does not sign off the paperwork for an extended amount of time. This delay is not acceptable. He opined that there needs to be a method by which the Board and/or Board staff account for time lost, and ensure that it doesn’t keep happening. He confirmed that the last pilot was cleared faster, but noted that the pilot also completed the agility and toxicology tests before his appointment with UCSF, yet the process still took 7 days to clear even though he believes a UCSF doctor had all of the assessments already completed. This pilot was on his “off” week; therefore, his absence didn’t have an effect on the board. As a Commissioner, he’s very concerned about pilot power and he expects improvements to efficiency (in the process) to be made, since having fatigued pilots affects the industry and customers.

<p>Meeting Date: December 9, 2021</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 21 of 22</p>
--	---	-----------------------------

17. Report on shipping activity regionally and within the Board’s jurisdiction (Captain McIntyre)

This agenda item was discussed earlier in the meeting.

18. Presentation of the proposed Board meeting calendar for 2022. Possible Board action to approve a Board meeting calendar for 2022.

Board members were presented with the proposed Board meeting calendar for 2022. Executive Director Garfinkle reported that the Board meetings are generally on the fourth Thursday of the month, except in November and December, where, due to the holidays, these dates are advanced.

Mr. Jacob noted that the Board meetings in November and December 2022 may conflict with the Harbor Safety Committee. Executive Director Garfinkle noted that the statutes do not specify that the Board meets monthly, but the regulations do, and may require regulatory change if the Board desires to forgo a monthly meeting.

MOTION: Vice President Schmid moved to approve the Board meeting calendar, as presented, for 2022. Commissioner Prada seconded the motion.

VOTE: YES: Schmid, Carr, Nyborg, Prada, and Tynan.
NO: None.
ABSTAIN: None.

ACTION: The motion was approved.

19. Incident Review Committee report on the M/V HYUNDAI NEPTUNE and M/V HANOVER EXPRESS interaction with the M/V THALASSA AVRA, resulting in multiple parted lines and contact with a container crane at Berth 37, Oakland Outer Harbor, on May 21, 2020. (Executive Director Garfinkle/Vice President Schmid)

A presentation of the Incident Review Committee report on the event involving the M/V HYUNDAI NEPTUNE and M/V HANOVER EXPRESS interaction with the M/V THALASSA AVRA, resulting in multiple parted lines and contact with a container crane at Berth 37, Oakland Outer Harbor, on May 21, 2020. Board deliberation of the Incident Review Committee’s recommendations to the Board and determination regarding the event involving the M/V HYUNDAI NEPTUNE and M/V HANOVER EXPRESS interaction with the M/V THALASSA AVRA. The Board may go into closed session for the deliberation of the incident report presented under this item pursuant to Harbors and Navigation Code §1180.6(a) and Government Code §11126(c)(3) and (e)(1).

This agenda item was discussed earlier at the meeting.

Meeting Date: December 9, 2021	Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun 660 Davis Street, San Francisco, CA 94111 BOARD MEETING MINUTES	Page 22 of 22
---	--	----------------------

20. Public comment on matters not on the agenda. (President Hayes-White)

There were no public comments.

21. Proposals for the next Board meeting agenda. (President Hayes-White)

There were no proposals for the next Board meeting.

22. Adjournment.

Vice President Schmid adjourned the meeting at 11:42 a.m.

Submitted by:



Allen Garfinkle
Executive Director