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Board Members Present

Joanne Hayes-White, President, Public Member
Jennifer Ferrera Schmid, Vice President, Public Member
Captain Robert Carr, Pilot Member
Captain Einar Nyborg, Pilot Member
Karen Tynan, Public Member
Stephanie Dougherty, Designee of the Secretary of the California State Transportation Agency (CalSTA).

Board Members Absent

Captain Oscar Prada, Tanker Company Industry Member
Vacant, Dry Cargo Industry Member

Board Staff Present

Allen Garfinkle, Executive Director
Dennis Eagan, Board Counsel
Alethea Wong, Staff Services Manager I

Identified Public Present

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; Captains Eric Robinson and Zack Kellerman, SFBP; Rex Clack, Esq.; Jennifer Barton; Roma Cristia-Plant; Robert Booker; Captain Scott Adams, BOPC Trainee.

OPEN MEETING AGENDA

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

President Hayes-White experienced some technical difficulty initially, so Vice President Schmid called the meeting to order at 9:37 a.m. President Hayes-White resolved her technical issues and joined the meeting at 9:43 a.m. Executive Director Garfinkle presented an overview of the virtual meeting format and participation instructions. Staff Services Manager I Alethea Wong called roll and declared there was a quorum present.

2. Review and approval of Board meeting minutes (President Hayes-White)

Board action to approve the minutes from the Board meeting held on July 28, 2022.

There were no Board minutes available from the July meeting to approve and they were deferred to the September Board meeting. As the agenda did not include the minutes deferred from the June Board meeting, it was agreed that there will be three sets of minutes

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available in September. Commissioner Carr noted that the meeting minutes need not be so detailed.

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)

President Hayes-White is a proponent for meeting in person at the next Board meeting in September 2022. Dennis Eagan would like both WebEx, teleconference calls, and in-person options. Executive Director Garfinkle reports that Board staff do not have the personnel to manage such flexibility; however, teleconference line is an option while having in-person meetings. Vice President Schmid, and Commissioners Nyborg and Carr agree to have in-person meetings.

5. Board Member Announcements and Activities (Board Members)

Vice President Schmid announced that on August 9, 2022, the Selection Appeal Committee allowed one more qualified candidate to move forward with an interview process, and to be placed in the Pilot Trainee Training Program Selection Examination candidate list.

6. Directors' Report (Executive Director Garfinkle)

A) Correspondence and activities since the Board meeting held on July 28, 2022.

Executive Director Garfinkle reported on the following:

- On July 29, 2022, he met with Secretary Omishakin for a regularly scheduled monthly meeting
- Also, on July 29, 2022, he met with representatives from California Highway Patrol's Human Resources to discuss efforts to have the BOPC fully staffed.
- On August 1, 2022, Board staff provided the Department of Finance Analyst with a fiscal analysis of AB 2056.
- On August 2, 2022, the Department of General Services provided Board staff with a list of questions they had concerning the Non-Competitive Bid (NCB) for manned model services.
- On August 9, 2022, he attended a meeting of the Selection Appeal Committee where six appeals were heard. Of the six appeals, one was successful.
- On August 10, 2022, he met with stakeholders and representatives of CalSTA to discuss impacts of AB 2056.
- On August 12, 2022, he attended a director's meeting with the CalSTA directors.

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- On August 17, 2022, he met with members of a Salesforce team to determine whether they have a database management tool that would be appropriate for Board staff's use in licensing and obtain an estimate the cost of such an acquisition.
- On August 18, 2022, he attended a meeting of the Pilot Boat Advisory Committee to review a request from SFBP for a necessity determination for three new station boats.
- On August 22, 2022, Board staff received a copy of the PMSA *West Coast Trade Report* for August 2022.
- On August 23, 2022, Board staff made an offer to hire Mr. Charles Louie as a new Administrative Assistant II (AA II) and he accepted. Mr. Louie will start his employment at the Board on September 1, 2022.

Vice President Schmid stated that she was pleased with the news of filling the AA II position, which was also acknowledged by President Hayes-White. Commissioner Nyborg noted that Board staff had polled Pilot Fitness Committee members on availability in an effort to schedule a meeting.

B) Report on pilot licensing matters since the Board meeting held on July 28, 2022.

Executive Director Garfinkle reported that since the June Board meeting, the Board renewed the licenses of Captains Starnitzky, Laakso, and Merritt.

C) Report on Board surcharges.

Executive Director Garfinkle reported that the SFBP wired to the Board the surcharges collected in July 2022 in the amount of \$240,709.27, as itemized as follows:

- Board Operations Surcharge: \$128,729.17
- Continuing Education Surcharge: \$ 27,184.88
- Pilot Trainee Surcharge: \$ 84,795.22

D) Report of Pension Fiduciary.

Executive Director Garfinkle reported on the following as the Pension Fiduciary:

- As of August 1, 2022, there are 84 pensioners, with one disability pension added, and another pensioner passed away.
- The pension surcharge rate has been set for the third quarter of 2022 at \$0.06091, based on a 12-month tonnage lookback period from April 2021 through March 2022.
- The surcharge rate for July was set at \$0.06091, and the tonnage for July was 19,584,323, resulting in collections totaling \$1,192,881.07, reduced by a true-up payment of \$61,796.06, resulting in target distributions of \$1,131,085.01. The target

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payments were \$1,158,023.82, resulting in a variance of \$26,938.81 under target (compared to the June 2022 variance of \$66,751.81 under target).

- Administrative costs for July 2022 were \$2,250.06. The total distribution for July 2022 was \$1,190,630.22.
- The last COLA increase to the pension was 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.

F) Report on legislative activities and contractual matters.

Executive Director Garfinkle did not have additional legislative activities to report.

Executive Director Garfinkle reported that Board staff is still waiting on the University of California of San Francisco to finish reviewing and sign the contract, and there is a random drug testing contract signed with the American Maritime Safety, Inc.

7. Port Agent's Report (Port Agent Carrier)

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

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

- Captain Rocci – March 28, 2022

Port Agent Carrier 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, SFPB will ensure that mitigating measures are enacted. He reported that mitigating measures include, but are not limited to, suspending continuing professional development protocols, cancelling scheduled meetings, cancelling previously granted compensated time off requests, suspending SFBP internal working rules, or calling in off-watch pilots.

He reported there are currently 50 licensed pilots. In July, there were 4 MRP exceptions, with the shortest rest period being 11.2 hours.

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B) Monthly report on SFBP ship piloting business activity.

For the month of July, Port Agent Carlier reported normal operations for all pilot vessels except for P/V PITTSBURG, which has been laid up since March 9, 2022.

Port Agent Carlier reported that the billed vessel moves for July 2022 were as follows:

- Bar Crossings: 409 moves
- Bay Moves: 134 moves
- River Moves: 57 moves
- Total Moves: 600 moves
- Gross Registered Tons (GRT): 19.6 million

He also reported that when comparing 2022 vessel move data with the same period in 2021, total moves were down 6.0% and GRT was down 7.9%.

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 discussion of this item.

8. Pilot Evaluation Committee (Captain Robinson)

A) Report on the Pilot Evaluation Committee (PEC) meeting held on August 17, 2022.

PEC Committee Chair Captain Robinson reported on the following:

- The PEC met on August 17, 2022, 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.
- 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, Meyer, Olmsted, Pascucci, Sappington, and Snapp. The trainees' range of time in the program is 4 months to 34 months.

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- Captains Adams, Olmsted, Barnum, and Snapp received their First-Class pilotage endorsements for unlimited tonnage on San Francisco Bay by the U.S. Coast Guard. Captains Adams, Olmsted, Barnum, and Snapp are handling in all areas. Captain Adams is still on probation and continues to work on consistency with his piloting.
- Captain Barnum was placed in the evaluation stage of the Pilot Trainee Training Program. The evaluation stage of training requires the trainee to pilot on their own, with no coaching from the pilot. The licensed pilot will only intervene if there is a safety concern.
- Captains Burns, Meyer, Pascucci, and Sappington are acquiring route trips and are handling or part handling in all areas.
- Most of the trainees are presently meeting the recommended benchmarks in the program and are progressing at their own rate.
- The next PEC meeting is scheduled for September 14, 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 or off probation, or dismiss one or more trainees from the program.

There was no recommendation.

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.

There was no recommendation.

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.

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 reported that there were no safety standard violations to report.

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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.)**

Executive Director Garfinkle reported that there were no reportable piloting incidents, and confirmed for President Hayes-White that there are no incidents pending review.

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 reported that the Harbor Safety Committee meeting does not meet in the month of August, and therefore there were no reports available.

12. Report on the progress of the Ad Hoc Committee to Review the Pilotage Rate Setting Process initiative (Commissioner Carr)

Commissioner Carr reported that the report of the Ad Hoc Committee has been reviewed by CalSTA staff and they expressed interest in further development of a consensus by stakeholders. He noted AB 2056 has rate reform language and the bill is in legislative committee currently. He is hopeful that progress is being made, and requested that this agenda item be removed from future agendas. Executive Director Garfinkle thanked Commissioner Carr and the stakeholders involved in the committee work, as AB 2056 draws heavily on the work of the Ad Hoc Committee, and for finding common ground to move this issue forward.

**13. Report on the Pilot Boat Advisory Committee meeting held on August 18, 2022.
(Commissioner Carr)**

A) Progress report on the shipyard building of the P/V GOLDEN GATE replacement.

Commissioner Carr reported that the Committee has reviewed the request for a necessity determination by the SFBP to replace three station boats, and will be making a recommendation to the full Board on this request today. He noted that the Committee actually met twice, once on July 12, 2022, and once on August 18, 2022. The July 12th meeting lacked a quorum, and therefore was an information only meeting.

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Commissioner Carr explained that between the two meetings there were three significant items for discussion. The first of which was a progress report on the build of P/V GOLDEN GATE replacement, provided by Captain McCloy, who informed the Committee that progress has been steady, with the major components arriving for installation. Completion is scheduled for the first quarter of 2023. Also at the July meeting, the elements of AB 2056 that concern the funding of new pilot boats were discussed. He expressed his opinion that this was a robust and beneficial conversation, as it appeared to have an impact on the proposed legislation. Finally, at the August 18 meeting, the Committee voted to recommend to the Board to accept the necessity determination request by SFBP (see agenda item 13 (B) below).

- B) In accordance with California Code of Regulations, title 7, section 236.1(d), review the necessity determination request from the San Francisco Bar Pilots to replace three station boats, the PV SAN FRANCISCO, the PV CALIFORNIA, and the PV DRAKE. (Chair Captain Carr and SFBP representative Captain McCloy). Possible Board action to approve a necessity determination, in accordance with California Code of Regulations, title 7, section 236.1(d), to replace the PV SAN FRANCISCO, the PV CALIFORNIA, and the PV DRAKE.**

Commissioner Carr stated that the Pilot Boat Advisory Committee reviewed the request by SFBP for a necessity determination to replace the PV SAN FRANCISCO, PV CALIFORNIA, and PV DRAKE and voted to recommend to the full Board to accept the recommendation of the Committee and approve the necessity determination.

MOTION: Commissioner Carr moved to approve the Pilot Vessel Advisory Committee recommendation to accept the necessity determination request by SFBP. Commissioner Schmid seconded the motion.

VOTE: YES: Hayes-White, Schmid, Nyborg, Carr, and Tynan.
NO: None.
ABSTAIN: None.

ACTION: The motion was approved.

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

Captain McIntyre reported that July was not good. She noted that the Port of Oakland was shut down for almost a week due to trucker protests over AB 5. ILWU negotiations seem to be progressing, but the more ominous labor issue looming is the railroad negotiations, which appear to be at an impasse, with federal intervention likely. She expressed appreciation at

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the cooperation provided by industry partners on AB 2056, as the relief is still very much needed.

Mike Jacob followed up by providing insight to the railroad labor situation. He also noted that a chassis shortage in the mid-west is exacerbating the issue. He opined that industry does not expect more fallout from AB 5. He also noted that PMA and ILWU continue to negotiate, and he found this encouraging. He provided an update on vessel queues in Southern California and Oakland.

Commissioner Nyborg expressed his frustration at the myriad of issues that seem to be having an impact on maritime trade regionally. He noted that he recently was aboard an MSC ship that spent 30 days slow steaming to the Port of Oakland, then spent six days at the dock, as opposed to pre-pandemic normal of a day or day and a half. He thanked Mike Jacob for his collaborative efforts on AB 2056, and also Commissioner Carr and his committee for their work, which became the foundation for the changes anticipated in this legislation.

Commissioner Nyborg noted that he has seen a multitude of chassis sitting in the Port of Oakland and Alameda. Mike Jacob explained that there is a major chassis imbalance, where there are chassis located in places where there is low demand, and none where they are in high demand. A discussion of chassis logistics ensued.

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

Mr. Jacob reported on the Howard Terminal project and proposed Oakland A's development. He noted that the Bay Conservation and Development Commission (BCDC) voted at the end of June to remove the Port Priority Use designation from the Howard Terminal property. This opens up the use of the property for other uses. PMSA has filed litigation against BCDC on this issue, as well as challenging the EIR review.

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

President Hayes-White requested that staff add the Assistant Director Conflict of Interest to the next month's agenda.

Commissioner Nyborg requested that the Board consider removing the November Board meeting from the calendar and have this item added to the agenda.

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17. Adjournment.

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

VOTE: YES: Hayes-White, Schmid, Nyborg, Carr, and Tynan.

NO: None.

ABSTAIN: None.

ACTION: The motion was approved, and the meeting was adjourned at 10:32 a.m.

Submitted by:



Allen Garfinkle
Executive Director

DRAFT