

Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun

660 Davis Street, San Francisco, CA 94111
Phone: (415) 397-2253 Fax: (415) 397-9463
Email: bopc@bopc.ca.gov
Website: www.bopc.ca.gov



May 15, 2023

REVISED NOTICE OF BOARD MEETING

The Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun (Board or BOPC) will conduct a public meeting on Thursday, May 25, 2023, at 9:30 a.m.

Based on the recent changes to the Bagley Keene Open Meeting Act (Government Code section 11123 and 11133) by the passage of SB 189, the Board meeting will be held in-person at the Board offices, located at 660 Davis Street, San Francisco, California, 94111. Members of the Board and members of the public may participate in this meeting in person or via telephone.

Location

Board of Pilot Commissioners
660 Davis Street
San Francisco, California 94111

To participate via telephone please use:

888-808-6929
Access Code:
4310981#

There will be an opportunity for public comments on all agenda and non-agenda items at the outset of the open session. There will also be an opportunity for public comment during the presentation of each agenda item, and on non-agenda items at the end of the meeting. Meeting documents will be available on the Board’s website listed below.

The meeting will be public. This meeting is accessible to the physically disabled. A person who needs a disability-related accommodation or modification in order to participate in the meeting should call the Board office at (415) 397-2253, or write to the Board at the above address. Providing your request at least five (5) business days before the meeting will help ensure availability of the requested accommodation.

BOARD OF PILOT COMMISSIONERS

Allen Garfinkle
Executive Director

#####

This notice and agenda may also be found on the Board’s website:
www.bopc.ca.gov

* Order of business is approximate and subject to change.

**Board of Pilot Commissioners
for the Bays of San Francisco, San Pablo, and Suisun
Board Meeting
Thursday, May 25, 2023, at 9:30 a.m.**

REVISED MEETING AGENDA

OPEN MEETING

1. Call to Order and Roll Call (President Tynan)
2. Public comment on matters on the agenda or not on the agenda.
3. Review and approval of Board meeting minutes (President Tynan)

Board action to approve the minutes from the Board meeting held on April 27, 2023.

4. President Announcements and Activities (President Tynan)
5. Board Member Announcements and Activities (Board Members)
6. Directors' Report (Executive Director Garfinkle)
 - A) Correspondence and activities since the Board meeting held on April 27, 2023.
 - B) Report on pilot licensing matters since the Board meeting held on April 27, 2023.
 - C) Report on Board surcharges.
 - D) Report of Pension Fiduciary.
 - E) Report on outstanding requirements of Board actions in response to Board determination and direction on Incident Review Committee reports.
 - F) Report on legislative activities and contractual matters.
7. Port Agent's Report (Port Agent Carlier)
 - A) Monthly report on San Francisco Bar Pilots (SFBP) pilot availability and absences.
 - B) Monthly report on SFBP ship piloting business activity.
 - 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.**
8. Pilot Evaluation Committee (Captain Robinson)
 - A) Report on the Pilot Evaluation Committee (PEC) meeting held on May 17, 2023.

* Order of business is approximate and subject to change.

- 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.**
 - 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.**
 - 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.**
9. Reported Safety Standard Violations (Executive Director Garfinkle)
(Reported safety standard violations occurring up to the start of the meeting will be reported on.)
10. Incident Review Committee—Reportable Piloting Events (Executive Director Garfinkle)
(Reportable piloting events occurring up to the start of the meeting will be reported on.)
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.
12. Joint Pilot Boat and Finance Committee (Commissioner Captain Carr)
- Report on the Joint Pilot Boat and Finance Committee meeting held on April 11, 2023, that included discussions on (1) the status of the shipyard building of the P/V GOLDEN GATE, (2) Pilot Boat Program projected timeline and costs for new pilot boats, and, (3) the implementation of Harbors and Navigation Code Section 1159.1 and 1194 and the identification and documentation of allowable costs, surcharge disbursement conditions, record keeping and auditing requirements that may be suitable for rulemaking actions.
13. Finance Committee (Commissioner Captain Nyborg)
- A) Report on the Finance Committee meeting held on May 23, 2023.
 - B) Finance Committee recommendations to the Board on the following Board surcharges:
 - 1) To adjust or not adjust the Board Operations Surcharge rate (currently at 6.0% of all pilotage fees), and the revenues, expenditures, and reserve balance. **Possible Board action to adjust the Board Operations Surcharge rate.**

- 2) To adjust or not adjust the Pilot Continuing Education Surcharge rate (currently at \$60 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 \$20/trainee/move). **Possible Board action to adjust the Pilot Trainee Training Surcharge rate.**
 - 4) To adjust or not adjust the Pilot Boat Surcharge rate (currently at \$0.0255 per gross registered ton). **Possible Board action to adjust the Pilot Boat Surcharge.**
- C) Finance Committee report to the Board on the Pilot Boat Maintenance Surcharge, billings and collections, which surcharge ended of its own accord in December 2022.
14. Board review of the status of the pilot fatigue prevention regulation rulemaking process with the Office of Administrative Law. (Executive Director Garfinkle/Board Counsel Eagan)
 15. Report on shipping activity regionally and within the Board's jurisdiction (Captain McIntyre, SFBP/Mike Jacob, Pacific Merchant Shipping Association)
 16. Closed session to consider issues raised concerning the 2022 Pilot Trainee Training Program examination and, in addition, various anonymous allegations concerning alleged irregularities in the conduct of the Board's affairs involving pilots and Board personnel. (Board Counsel Eagan)

A closed session is authorized under the Open Meeting Act, Government Code section 11126, subdivisions (c)(1) and (e).

17. Pilot Trainee Training Program Selection Examination (Executive Director Garfinkle)

Presentation of the 2022 ranked candidate eligibility list of those candidates who were successful in passing the 2022 Pilot Trainee Training Program selection examination. **Board action to accept the 2022 ranked candidate eligibility list of those candidates who were successful in passing the 2022 Pilot Trainee Training Program selection examination.**

18. Discussion of Vessel Assignments (Executive Director Garfinkle and Board Counsel Eagan)

The following matters will be discussed:

- The role of the Port Agent in assignment of pilots who are fit for duty
- The role of the Board in assignment of pilots who are fit for duty
- The April 13, 2023, letter from attorney Robert Weaver objecting to the Port Agent's refusal to make vessel assignments to Captain Ron Greger and demanding that the Port Agent dispatch Captain Greger for vessel assignments. The Board may go into closed session to discuss this letter. **A closed session is authorized under the Open Meeting Act, Government Code section 11126, subdivision (e).**

19. Consideration of possible Board action in response to the matters discussed in item 18. (Executive Director Garfinkle and Board Counsel Eagan)

Board of Pilot Commissioners
May 25, 2023, Board Meeting Agenda, continued

20. Public comment on matters not on the agenda. (President Tynan)

21. Proposals for the next Board meeting agenda. (President Tynan)

22. Adjournment.

* Order of business is approximate and subject to change.