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Board Members Present

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

Board Members Absent

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

Board Staff Present

Allen Garfinkle, Executive Director
Matthew Millspaugh, Assistant Director
Dennis Eagan, Board Counsel
Alethea Wong, Licensing and Training Programs Manager
Charles Louie, Administrative Assistant II

Identified Public Present (in person and by phone)

Roma Cristia-Plant, former Assistant Director (by phone), 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; Kevin Baldwin, San Francisco Bar Pilots General Counsel; Courtney Patton, Diana Crow, Melanie Woodrow and Thomas Fietsch (ABC 7 News)

OPEN MEETING AGENDA

OPEN MEETING

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

President Tynan called the meeting to order at 9:30 a.m. Administrative Assistant II Louie called the roll and confirmed a quorum.

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

There was no public comment.

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3. Review and approval of Board meeting minutes (President Tynan)

Board action to approve the minutes from the Board meetings held on April 27, 2023, May 25, 2023, June 1, 2023 (hearing), and June 22, 2023.

Board members were presented with draft minutes from the Board meetings held on April 27, 2023, May 25, 2023, June 1, 2023 (hearing), and June 22, 2023.

Commissioner Carr requested that when staff or members of the public offer an opinion, it be reflected as an opinion in the minutes.

MOTION: Vice President Schmid moved to approve the draft minutes of the meeting held on April 27, 2023, as amended. Commissioner Nyborg seconded the motion.

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

ACTION: The motion was approved.

Commissioner Carr stated he will submit May 25, 2023, minute edits to the Board to which Executive Director Garfinkle commented that there are no barriers to receiving written submission of edits, however, he added that he encourages prompt submission of edits as soon as the minutes are published.

Kevin Baldwin, Esq. stated that his question was misquoted on Agenda Item 21 and would like his quote to correctly ask: “If Board staff is taking the position that if a pilot was disassociated with SFBP then would the Port Agent still be required to dispatch the pilot?” He identified himself as the person who stated that this discussion was too involved to be addressed under agenda item 21.

MOTION: Vice President Schmid moved to approve the draft minutes of the meeting held on May 27, 2023, as amended. Commissioner Nyborg seconded the motion.

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

ACTION: The motion was approved.

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There was no Board discussion or public comment regarding the June 1, 2023, minutes.

MOTION: Commissioner Nyborg moved to approve the draft minutes of the hearing held on June 1, 2023, as amended. Commissioner Carr seconded the motion.

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

ACTION: The motion was approved.

Captain McIntyre stated that she did not have the opportunity to review June 22, 2023, minutes. Because stakeholders had not had the chance to review the June 22, 2023, minutes, Commissioner Nyborg recommended that stakeholders be given additional time to review minutes, to which Vice President Schmid agreed.

MOTION: Commissioner Nyborg moved that the draft meeting minutes from June 22, 2023, be deferred to the Board meeting in August for approval. Commissioner Carr seconded the motion.

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

ACTION: The motion was approved.

4. President Announcements and Activities (President Tynan)

President Tynan introduced two interns from her law firm who were observing the Board meeting as members of the public: Courtney Patton and Diana Crow.

5. Board Member Announcements and Activities (Board Members)

Board members Tynan, Carr, Nyborg, Schmid, and Doherty announced that they had met individually with Mr. Jacob in the period since the last Board meeting, regarding stakeholders not having enough time to prepare, present, and defend their interests.

6. Directors' Report (Executive Director Garfinkle)

A) Correspondence and activities since the Board meeting held on June 22, 2023.

Executive Director Garfinkle reported on the following:

- On June 21, 2023, he received a formal request from Captain Ron Greger to investigate

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the actions of an SFBP Operations Pilot in conjunction with events concerning the M/V CENTURY HIGHWAY on January 4, 2023.

- On June 23, 2023, Board staff received a copy of the PMSA West Coast Trade Report for June 2023.
- On June 28, 2023, Board staff was awarded a Website Accessibility Certification stating our website is designed, developed, and maintained to be accessible in compliance with California Government code sections 7405, 11135, 11546.7, the Web Content Accessibility Guidelines 2.1 published by the Web Accessibility Initiative of the World Wide Web Consortium, and at a minimum Level AA success criteria. He thanked Alethea Wong for all her hard work at getting our website through this rigorous process.
- On June 30, 2023, Board staff received a copy of an email from Kevin Baldwin, attorney for SFBP, to President Tynan, requesting that a separately scheduled Board meeting tentatively planned for July 18, 2023, be postponed until the Board and stakeholders have an opportunity to understand the facts, weigh the potential consequences based on those facts, and prepare briefs that are informed by those facts and potential consequences.
- Also on June 30, 2023, he informed Captain Ron Greger, by email, that the IRC had reviewed the material he provided in his formal request for an investigation dated June 21, 2023, and determined that the information submitted in support of his request does not warrant an investigation by the IRC into the conduct of the Operations Pilot on January 4, 2023.
- Also on June 30, 2023, he provided the Port Agent with the third quarter surcharge implementation letter.
- Also on June 30, 2023, he received a letter from Robert Weaver, attorney for Captain Greger, demanding that the BOPC maintain and prohibit the destruction of any and all documents, records, electronic data, and other evidence related to Captain Greger in the event that litigation is initiated.
- On July 1, 2023, Board staff received a copy of an email from Mike Jacob, PMSA Vice President and General Counsel, addressed to Kevin Baldwin and President Tynan, concurring with Kevin Baldwin's request to postpone the tentatively scheduled July 18, 2023, separately scheduled Board meeting.
- On July 6, 2023, Board staff received a press release highlighting the Governor's Announcement of \$1.5 billion in Port Infrastructure Upgrades to Power Nation-Leading Supply Chain. Highlights included:
 - Estimated creation of 20,000 jobs;
 - Investments to support a more sustainable, efficient goods movement system and produce lifesaving safety improvements;
 - \$450 million to support zero-emission projects;
 - Projects funding to include modernizing upgrades at the ports of Los Angeles and Long Beach – the busiest ports in the Western Hemisphere.
- Also on July 6, 2023, Board staff notified all pensioners, by mail, of the Board-approved

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cost of living increases to their target pensions.

- On July 7, 2023, Board staff submitted a required update to our State Leadership Accountability Act audit.
- Also on July 7, 2023, Veronica Boe, of Cal Maritime Extended Learning, informed Board staff that Captain Graham, the instructor CMA employed to teach our combination course at CMA, has taken a new position in Honolulu, and will no longer be available to teach our course. We were assured they are actively seeking a replacement.
- On July 10, 2023, Board staff received the 2021/2022 State Agency Buy Recycled Campaign (SABRC) Annual Report. This is one of the many state mandates the Board is required to follow. This mandate is for Board staff to purchase a minimum level of post-consumer content recycled content paper. It appears that, while our copy paper purchases met this requirement, the board did not meet the standard due to our purchase of charts for the simulator module of the 2022 Trainee Training Selection Exam, for which post-consumer content recycled paper was not available.
- Also on July 10, 2023, he and Assistant Director Millspaugh attended a California Leadership Summit in Sacramento, at which Governor Newsom spoke about his vision and direction for leadership in the state.
- Also on July 10, 2023, Board staff received a copy of a letter from Mike Jacob, Vice President and General Counsel of PMSA, to Board members and colleagues containing thoughts for organizing and planning questions about the Port Agent assignment duties.
- On July 12, 2023, he received an email from John Carlier, President of SFBP, notifying staff that, effective that day, Captain Greger's membership in SFBP and SFBP B&P has been terminated. Based on this information, the Staff request that the Board order the Port Agent to dispatch Captain Greger has been rendered moot because Captain Greger no longer has access to SFBP pilot boats and therefore does not have the means to perform piloting assignments. There had been an attempt to schedule a separate Board meeting to review the staff's request and the issues it raised, but based on the current situation, attempts at scheduling that Board meeting have ceased.
- On July 21, 2023, Board staff received a copy of a letter from Mike Jacob, addressed to members of the Governor's Appointment Office, nominating three persons for the dry cargo industry member seats on the board.
- On July 24, 2023, Board staff hosted a visit from members of the Department of Finance. Board staff thanks Captains Anne McIntyre and Dave McCloy, who graciously hosted a visit to the SFBP facility.
- On July 24, 2023, he received an email from Captain Ron Greger inquiring if the Port Agent is required to dispatch him, and whether there is a specific date the Port Agent will dispatch him.
- On July 26, 2023, he responded to Captain Greger's query that because he no longer has available for his use the pilot boats of the San Francisco Bar Pilots, he is unable to perform piloting assignments, and therefore the Port Agent is not required to dispatch

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him.

B) Report on pilot licensing matters since the Board meeting held on June 22, 2023.

Executive Director Garfinkle reported that since the June 2023 board meeting, the Board has issued license renewals to Captains Manes, Slack, Long, Nyborg, Larwood, D’Aloisio, and Crowl.

C) Report on Board surcharges.

Executive Director Garfinkle reported that the SFBP wired to the Board the surcharges collected in June 2023 in the amount of \$887,407.49, itemized as follows:

- Board Operations Surcharge: \$204,111.09
- Continuing Education Surcharge: \$ 38,013.89
- Pilot Trainee Surcharge: \$ 51,405.19
- Pilot Boat Program Surcharge: \$593,877.32

D) Report of Pension Fiduciary.

Executive Director Garfinkle reported that as of July 1, 2023, there are 86 pensioners.

Surcharge Rate for the Quarter	\$0.05870/gross registered ton
Rolling Look-Back Period	January 2022 through December 2022
Monthly Tonnage	27,040,156
Surcharge Billing Total	\$1,584,389.50
Administrative Costs for the Month	\$2,748.60
Amount Distributed to Pension Beneficiaries	\$1,581,640.90
Total Monthly Target Rates	\$1,228,232.84
Amount Over/(Under) Target	\$356,156.66

There was an adjustment in billings due to reductions made for medical emergencies of \$2,867.79, which means the calculated billings and actual billings would differ by this amount. The last COLA increase to the pension was on April 1, 2023.

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

None to report.

F) Report on legislative activities and contractual matters.

Assistant Director Millspough reported on the following:

Legislative Report:

SB 544, authored by Senator John Laird, is an act to amend Government Code Section 11123 and removes from the Bagley-Keene Open Meeting Act, indefinitely, requirements that a state body post agendas at all teleconference locations, that each teleconference location be identified in the notice and agenda of the meeting or proceeding, and that each teleconference location be accessible to the public. There is no urgency clause associated with this bill, so if passed it will not go into effect until Jan 1, 2024.

Specifically, this bill as currently written will:

- Require state bodies to offer remote audio access, remote observation, and in-person attendance for teleconferenced meetings by listing teleconference numbers, online platforms, and physical addresses on the agenda, ensuring equivalent access for remote members, as specified.
- Require the applicable teleconference telephone number, internet website or other online platform, and physical address indicating how the public can access the meeting remotely and in person to be specified in any notice required by Bagley-Keene.
- Delete the requirement in Bagley-Keene that the agenda provide an opportunity for members of the public to address the state body directly at each teleconference location.
- Provide that the requirement that at least one member of the state body be physically present at the location specified in the notice of the meeting may be satisfied by at least one staff member of the state body.
- Requires state bodies conducting teleconferenced meetings to establish and advertise a procedure for handling accessibility requests from individuals with disabilities, in compliance with the Americans with Disabilities Act of 1990.

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Status of Bill:

- The bill was read in the Assembly on May 15, 2023, referred to the Committee on Governmental Organization on May 26, 2023, and on July 18, 2023, the bill passed out of committee with a do pass as amended recommendation and was re-referred to the Committee on Appropriations. BOPC staff will continue to track the bill and provide updates to the Board.

Contracts Report:

Caltrans—General IT Support (22M900004)

Contract Expiration: January 31, 2023; new three-year contract to start retroactively on 2.1.2023

- The IAA agreement between BOPC and Caltrans for continued IT Support of the BOPC has been completed with term dates of February 1, 2023, through January 31, 2026.

SFBP—Trainee and Pilot Continuing Education Programs Support, and Surcharge Audit Support (23M900001)

Contract Expiration: June 30, 2023; New contract term is 5 years

- In June through mid-July 2023, BOPC staff worked with the California Highway Patrol contract staff toward the submission of the Non-Competitive Bid (NCB) contract with the SFBP. On July 19, 2023, CHP submitted the justification to the Department of General Services (DGS). To date BOPC is awaiting word of approval but anticipates questions from DGS, which is not unusual. BOPC staff expect this process to continue for the next 2-3 months. Once the justification process is completed, then the contract will go through the regular contracting process, including final DGS contract approval. CHP continues to estimate this new 5-year SFBP contract could be fully executed by the end of the year.

SFBP—Trainee and Pilot Continuing Education Program Support, and Surcharge Audit Support (Emergency) (23M900003)

Contract Term: July 1, 2023, to December 31, 2023

- The emergency contract is being put in place due to the length of time it will take to process a long-term non-competitive contract with the San Francisco Bar Pilots. The BOPC and CHP contract staff have finalized the draft of the contract and worked to

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obtain all the necessary accompanying documentation required, which was submitted to DGS on July 11, 2023. The BOPC has not yet received approval of the contract from DGS. The contract does not go into effect until DGS provides its approval.

California State University Maritime Academy – Trainee Training Program Selection Exam Services

Contract Expiration: TBD

- Board staff continue put on hold a new contract with Cal Maritime for Trainee Selection Exam services since the university has not identified staffing for the next simulator exam test component. Cal Maritime also provides a test site for the Trainee Selection Exam written component.

State Controller’s Office – Pilot Boat Program Audit

Contract Expiration: TBD

- As reported to the Board before, Board staff will need to enter into a new contract for a program audit of the Pilot Boat Program as required by statutes. The State Controller’s Office has yet to assign a project manager for this audit.

Caltrans – IT Modernization Project Support

Contract Expiration Date: June 30, 2025

- Board staff submitted a separate interagency agreement between the Board and Caltrans to the California Highway Patrol for Caltrans support for the IT Modernization Project. CHP Contract staff continue to work drafting the agreement.

Request for Offer – IT Modernization Project Manager (23M900002)

Contract Expiration Date: TBD

- BOPC staff, Caltrans IT Staff and CHP Contract staff continue to work toward the release of a Request for Offer (RFO) document to solicit proposals from state-certified IT Project Manager contractors to lead the overall project planning for the IT Modernization Project. BOPC has submitted the final draft of the Statement of Work (SOW) and related documents to CHP. CHP has several key contracts staff out on leave as well as being short of staff. BOPC staff is working closely with Caltrans and CHP IT staff on next steps toward releasing the RFO. It is expected to be released before the end of August.

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In response to Vice President Schmid’s question about the length of time to explore other options pending the hiring of new staff at Cal Maritime, Executive Director Garfinkle explained that Cal Maritime believes they have the staff to prepare an exam. Board staff must therefore further explore that action. He also said that they already have an extensive question bank in response to Commissioner Nyborg’s inquiry about developing more written questions. In response to Commissioner Carr’s question about how much time Board staff is devoting to the Cal Recycle Program, Executive Director Garfinkle stated that there are many State administrative programs that create administrative hurdles, such as preparing the Board website for ADA compliance, that consume a fair amount time away from core tasks of licensing and incident investigations.

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 Aune since March 27, 2023

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. Mitigating measures include, but are not limited to, suspending continuing professional development protocols, cancelling scheduled meetings, cancelling previously granted compensation time off request, suspending SFBP internal working rules, or calling in off-watch pilots.

He reported currently there are 50 licensed pilots.

In June, there were 19 MRP exceptions, with the shortest rest period being 10 hours.

On June 16, 2023, Captain Drue Kasper resigned from SFBP and the SFBP B&P.

On July 12, 2023, Captain Ronald Greger’s membership in SFBP and SFBP B&P was terminated by a vote of the membership, 48 Yes, 1 No.

B) Monthly report on SFBP ship piloting business activity.

For the month of June, Port Agent Carlier reported normal operations for P/Vs CALIFORNIA, DRAKE, GOLDEN GATE, and PITTSBURG. P/V SAN FRANCISCO

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was in the shipyard from May 12, 2023, to August 14, 2023.

Port Agent Carlier reported that vessel moves for June 2023 were as follows:

- Bar Crossings: 444 moves
- Bay Moves: 144 moves
- River Moves: 43 moves
- Total Moves: 631 moves
- Gross Registered Tons (GRT): 27 million

He also reported that when comparing 2023 year-to-date vessel move data with the same period in 2022, total moves were up 7% and GRT was up 16.8%.

- 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 this item.

8) Pilot Evaluation Committee (Captain Robinson)

Report on the Pilot Evaluation Committee (PEC) meeting held on July 19, 2023.

On behalf of PEC Committee Chair Captain Robinson, Port Agent Carlier reported on the following:

- The PEC met on July 19, 2023, and in attendance were Committee members Captains Ruff, Wehr, and Robinson. Captains Aune and Slack were absent.
- 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 four trainees: Captains Burns, Meyer, Olmsted, and Pascucci. The trainees’ range of time in the program is from 15 months to 33 months.
- All trainees have their First-Class pilotage endorsements for unlimited tonnage on San Francisco Bay by the U.S. Coast Guard.
- Captains Burns, Olmsted, and Pascucci are in the evaluation stage of the Pilot Trainee Training Program and are handling vessels as much as possible along with the occasional observation trip to watch a licensed pilot.
- All trainees are handling in all areas and are progressing at their own rates.
- Trainee Meyer has been moved into the evaluation stage of training, which means he will be expected to safely pilot all ships without coaching from the licensed pilot,

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who is only expected to intervene to keep the ship safe.

- Committee Chair Robinson recommended that the Board vote to approve Captain Dan Bridgman to temporarily replace Captain Drew Aune on the PEC until Captain Aune returns to work from medical disability leave.
- The next PEC meeting is scheduled for August 16, 2023, at 7:30 a.m. at the Board office.

a. 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.

b. 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.

c. 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.

E) Possible PEC Committee Chair recommendation to the Board to appoint a new PEC Committee member, Captain Daniel Bridgman, to temporarily replace Captain Drew Aune for the period that he is on medical disability leave. Possible Board action to appoint Captain Daniel Bridgman to the Pilot Evaluation Committee to temporarily replace Captain Drew Aune for the duration of his medical disability leave.

MOTION: Commissioner Carr moved that the Board appoint a new PEC Committee member, Captain Daniel Bridgman, to temporarily replace Captain Drew Aune for the period that he is on medical disability leave. Vice President

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Schmid seconded the motion.

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

ACTION: The motion was approved.

**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 presented the June 27, 2023, Pilot Boarding Arrangements Deficiency Report confirming that the starboard side pilot ladder rungs and spreaders were not horizontal, and therefore needed rectification as soon as possible. This report was provided to United States Coast Guard Port State Control. He reported he has not received further information on this case.

Recess at 10:30 a.m.

Open Session resumed at 10:35 a.m.

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) Initial report on the June 30, 2023, event involving the M/V EVER LOGIC passing the M/V EVER FASHION, which suffered gangway damage as the result of hydraulic interaction.

Executive Director Garfinkle reported that The Incident Review Committee (IRC) is still investigating this event. No Board action is necessary as the investigation is still within the 90-day statutory deadline.

B) Initial report on the July 6, 2023, event involving the P/V RUBY PRINCESS, which made unintended contact with Pier 27.

Executive Director Garfinkle reported that The Incident Review Committee (IRC) is still investigating this event. No Board action is necessary as the investigation is still within the 90-day statutory deadline.

C) Initial report on the July 24, 2023, event involving the P/V TURICUM, which made unintended contact with the dock at Richmond, CA.

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Executive Director Garfinkle reported that The Incident Review Committee (IRC) is still investigating this event. No Board action is necessary as the investigation is still within the 90-day statutory deadline.

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 noted that he limits his reporting of marine casualties to those incidents where a Board licensee would be employed. He reported that there were five reportable events since the last Board meeting.

- On June 7, 2023, A U.S. flag tankship experienced a loss of propulsion (LOP) while underway in the San Francisco Traffic Separation Scheme. The crew identified a fuel leak on the main engine and secured the engine to effect repairs. A failure of the cylinder number three fuel oil pump shock absorber caused the fuel leak. The vessel conducted repairs at sea and class witnessed satisfactory operation of the main engine. LOP was not attributed to fuel switching. Case closed.
- On June 8, 2023, A U.S. flag Ro-Ro experienced a loss of propulsion while outbound from Oakland, CA. A failure of the main engine lubricator No. 8 caused the loss of propulsion. The vessel was escorted to Anchorage eight by assisting tugs and conducted repairs. Class attended vessel and witnessed satisfactory operation of the main engine. LOP was not attributed to fuel switching. Case closed.
- On June 13, 2023, A foreign flag bulk carrier experienced a loss of propulsion while getting underway from Anchorage 9. The vessel immediately dropped anchor and began troubleshooting the problem. The vessel's main engine RPM was fluctuating and exhaust gas temp on the no. 6 cylinder dropped due to the valve being stuck in the open position. The spring air valve was also found to be leaking. The exhaust valve was replaced. Class attended vessel and witnessed satisfactory operation of the main engine. Case closed.
- On June 18, 2023, A foreign flag containership experienced a loss of propulsion while getting underway from Oakland, CA. The vessel immediately re-moored with tug assist. The starting air stop solenoid valve #84 was found to be defective and the starting control air valve # 28 was found to be slacking. Both valves were replaced. Class attended the vessel and witnessed satisfactory operation of the engines. Case closed.

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- On June 21, 2023, A U.S. flag Ro-Ro experienced a loss of propulsion while getting underway in Richmond, CA. Low oil in the camshaft reservoir that powers ahead and astern timings caused the loss of propulsion. The oil reservoir was refilled by the crew onboard. Class attended the vessel and witnessed the engine operating properly at ahead and astern. Case closed.

12) Status report on the regulatory process for mitigating pilot fatigue (Executive Director Garfinkle)

Executive Director Garfinkle stated that he was waiting for the hearing minutes and June Board minutes to be approved before he submitted the regulatory package to the Office of Administrative Law (OAL) tomorrow. He reported anticipating the OAL would temporarily accept the June draft minutes until they are finalized in August. OAL has 30 days to approve the regulations. He added that regulations are effective quarterly, in response to Commissioner Carr’s question on timing.

13) Status report on the Board’s Information Technology Modernization Project. (Executive Director Garfinkle)

Executive Director Garfinkle stated that staff is evaluating the Board’s requirements to determine who among the California Highway Patrol, California Department of Transportation, and California Department of Technology, will be the procuring authority that best meets the needs of the Board in the process of selecting a Project Manager.

14) Pilot Vessel Condition and Valuation Survey (Port Agent Carlier)

Review and acceptance of Condition and Valuation Survey for the P/V GOLDEN GATE (NEW). Possible Board action to accept Condition and Valuation Survey for the Pilot Vessel P/V GOLDEN GATE and make a finding that the vessel is safe and suitable for pilotage service.

Port Agent Carlier stated that the delivery of P/V GOLDEN GATE might be in August or September. In response to Executive Director Garfinkle’s inquiry about the open recommendations from the survey, Captain McIntyre responded that they will be corrected once the boat is in their possession. In response to Vice President Schmid’s inquiry about training, Captain McIntyre stated that a senior operator from the Columbia River Bar will be conducting training for a core group of SFBP operators. Those operators will, in turn, train the remainder of the group. President Tynan inquired whether the new boat would present any new boarding challenges, but Captain McIntyre stated the boarding arrangements would be essentially the same on each boat. On Board

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Counsel's suggestion, Commissioner Carr amended his motion to be contingent on the five outstanding recommendations in the survey being corrected.

- MOTION:** Commissioner Carr moved that the Board accept the Condition and Valuation Survey for the P/V GOLDEN GATE and make a finding that the vessel is safe and suitable for pilotage service, contingent on the outstanding recommendations in the survey being corrected. Vice President Schmid seconded the amended motion.
- VOTE:** YES: Tynan, Schmid, Carr, and Nyborg.
NO: None.
ABSTAIN: None.
- ACTION:** The motion was approved.

15) Board discussion concerning Board of Pilot Commissioners website protocols. Possible formation of Ad Hoc Committee to review website protocols.

Commissioner Nyborg stated that potentially objectionable information should be reviewed, with the Board President's input, prior to posting to the website. Board Counsel Eagan responded that relevant material is difficult and complex to parse out from material that may be objectionable. There are issues of transparency versus issues of privacy. In response to President Tynan's inquiry on who is the resource for redacting information, Executive Director Garfinkle credited Staff Services Manager Alethia Wong for diligently redacting personal information prior to posting on the Board's website and when there is an item in question, she has sought advice. In some cases, if necessary, he will elevate the item in question to Board Counsel Eagan for guidance to stay in compliance with the Open Meeting Act. President Tynan stated she will be happy to join an ad hoc committee and will look into what other boards do. Vice President Schmid questioned whether there are existing policies that can be followed so that Board staff isn't constantly guessing what is appropriate for publishing on the web. Assistant Director Millsbaugh stated that the policies that he has come across are very broad, and he suggested looking at other state agencies for best practices. Captain McIntyre requested future Board guidance on protecting vendor confidential business information.

16) Report on shipping activity regionally and within the Board's jurisdiction (Captain McIntyre, SFBP/Mike Jacob, Pacific Merchant Shipping Association)

Mr. Jacob reported global industry trends slowing, especially with China not doing as well as expected and with continued economic uncertainty. While the conversation around deflationary pressures raises hope for more import/export activities, they are yet to be realized locally. He also stressed that cargo ships are getting larger, which means

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fewer piloting opportunities available to licensees. He also mentioned that United Parcel Service and the teamsters have finally reached a contract agreement.

17) 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. (Roma Cristia-Plant)

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

Closed session started at 11:30 a.m.
Open session resumed at 12:45 p.m.

18) 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.

Executive Director Garfinkle recommended that the Board accept the revised 2022 ranked candidate list.

MOTION: Commissioner Carr moved that the Board accept the revised 2022 ranked candidate eligibility list of those candidates who were successful in passing the 2022 Pilot Trainee Training Program selection examination. Vice President Schmid seconded the motion.

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

ABSTAIN: None.

ACTION: The motion was approved.

19) Pilot Power (Commissioner Carr)

Assessment of the adequacy in the current number of pilots and pilot trainees, including reviewing the most recent data required in Title 7, California Code of

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Regulations, §237(d). Possible Board action regarding contracting with one or more pilot trainees for participation in the Pilot Trainee Training Program.

Executive Director Garfinkle stated that if there is no change to the previous direction provided by the Board, which is to bring in two candidates once the Ranked Candidate Eligibility List from the 2022 exam is approved, no further Board action is required at this time.

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

None

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

President Tynan proposed a closed session to evaluate the Executive Summary Report requested from the Department of Justice on their investigation into alleged exam irregularities in the 2022 Trainee Training Program Selection Exam.

22) Adjournment.

MOTION: Vice President Schmid moved to adjourn the meeting. President Tynan seconded the motion.

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

ACTION: The motion was approved.

President Tynan adjourned the meeting at 12:57 p.m.

Submitted by:



Allen Garfinkle
Executive Director