

<p><b>Meeting Date:</b>  <b>December 14, 2023</b></p>	<p><b>Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun 660 Davis Street, San Francisco, CA 94111</b></p> <p><b>BOARD MEETING MINUTES</b></p>	<p><b>Page 1 of 16</b></p>
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**Board Members Present**

Karen Tynan, President, Public Member  
Jennifer Ferrera Schmid, Vice President, Public Member  
Captain Robert Carr, Pilot Member  
Captain Einar Nyborg, Pilot Member  
Captain Lynn Korwatch, Dry Cargo Industry 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

**Board Staff Present (in person and by phone)**

Allen Garfinkle, Executive Director  
Matthew Millspaugh, Assistant Director  
Dennis Eagan, Board Counsel  
Alethea Wong, Licensing and Training Programs Manager  
Roma Cristia-Plant, Deputy Secretary, Administration and Audits, California State Transportation Agency, on loan to the Board (by phone)

**Identified Public Present (in person and 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; and Kevin Baldwin.

**OPEN MEETING AGENDA**

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

President Tynan called the meeting to order at 9:30 a.m. Licensing and Training Programs Manager Wong called the roll and confirmed a quorum.

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

None

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

Board action to approve the minutes from the Board meeting held on November 2, 2023. Approval of the November 2, 2023, minutes was deferred to the January 2024 Board meeting.

### **4. President Announcements and Activities (President Tynan)**

President Tynan welcomed Commissioner Korwatch to the Board.

### **5. Board Member Announcements and Activities (Board Members)**

Jennifer Ferrera Schmid reported she attended the memorial service for Captain John Keever. Commissioner Korwatch added that she also attended this memorial. Vice President Schmid reported that Captain Keever was a California State University Maritime Academy graduate and was a Commodore of the U.S. Naval Reserve.

### **6. Directors' Report (Executive Director Garfinkle/Assistant Director Millspaugh)**

#### **A) Correspondence and activities since the Board meeting held on November 2, 2023.**

- On November 6, 2023, he received correspondence from Dan Noyes, a reporter for Channel 7, requesting video of the Bar Pilots at work (citing he received one year ago, but wondered if there was anything new; and inquiring about the outcome of the RUBY PRINCESS investigation.
- On November 7, 2023, Board staff published the second Notice of Proposed Rulemaking for the Fatigue Regulations, starting an additional 15-day comment period
- Also on November 7, 2023, Board staff received a copy of a letter from Lauren Kramer Sujeeth, an attorney with Rogers Joseph O'Donnell, representing Captain Greger, addressed to Board President Tynan, titled "Re: Port Agent's Abuse of Authority".
- Also on November 7, 2023, Board staff received a follow-up email requesting the IRC report on the RUBY PRINCESS and elevating his request to a Public Records Act request.
- Also on November 7, 2023, he responded to the Public Record Act request by Dan Noyes.
- Also on November 7, 2023, he sent a letter to licensee Captain Drue Kasper by certified mail, informing him that he has not complied with the requirement of section 217.37 of the Board's regulations that he obtain a periodic re-evaluation of his fitness for duty. The letter went on to provide a timeline of attempts to communicate with him, and a statement that within 15 days of the letter he must arrange for

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commencement of a fitness evaluation by a Board-appointed physician and advise Board staff by email that he has made such an arrangement. It concluded that a failure to do so will subject his license to suspension or revocation.

- On November 8, 2023, he extended an offer to enter the training program to two candidates from the 2022 exam list, Captains Johnson and Shuler. They both accepted the offer the same day.
- On November 9, 2023, he received an email stating that Dr. Kosnik of UCSF had become aware of a grant that may be available under the title “Climate-Ready Workforce for Coastal States and Territories Competition” and he was considering submitting a proposal to examine the impact of climate change on the Pilots of San Francisco, addressing the impacts of more storms, larger storms, higher sea levels and tides, and the difficulty it may cause berthing ships.
- On November 17, 2023, Board Counsel replied to the letter from Lauren Kramer Sujeeth, an attorney with Rogers Joseph O’Donnell, representing Captain Greger.
- On November 20, 2023, Board staff met with SCO Audit staff to conduct an exit conference for the 2021 surcharge audit.
- Also on November 20, 2023, Board staff received word that former head of the Navigation Technology Program at CMA and one-time Captain of the Training Ship Golden Bear, John Keever, had passed.
- Also on November 20, 2023, Board staff received a copy of Professional Mariner magazine, within which there was an article on the PV GOLDEN GATE entering service.
- On November 21, 2023, Board staff received the PMSA West Coast Trade report for November 2023.
- On November 28, 2023, Dan Noyes, reporter for Channel 7 news once again checked in to see if the report on the RUBY PRINCESS was complete. Executive Director Garfinkle responded to him the same day informing him that the report was not complete.
- On November 30, 2023, Board staff received the annual notice from the OAL reminding us that the annual rulemaking calendar is due by January 30, 2014.
- On December 6, 2023, he attended the start of the PEC meeting at the Board offices.
- Also on December 6, 2023, Board staff received a copy of the San Francisco Bar Pilots winter 2023 newsletter. The newsletter featured stories on the christening of the PV GOLDEN GATE, the PV DRAKE rescue mission, and a note from SFBP President John Carlier.
- On December 7, 2023, he received a public records Act request from Captain Greger for a list of all board approved pilot vessels for the Bays of San Francisco, San Pablo, and Suisun. Executive Director Garfinkle responded to this request the same day.
- On December 12, 2023, Commissioner Carr provided Board Staff with a copy of the report on the IMPA Safety Campaign 2023. A copy is included in your binder.

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**B) Report on pilot licensing matters since the Board meeting held on November 2, 2023.**

Since the November Board meeting, the Board has issued license renewals to the following Board licensees: Freese, Vogel, Lowe, Weber, Favro, Johnson, Epperson, Ridens, Robinson, and Teague.

**C) Report on Board surcharges.**

**Board surcharges collected for the Month of October 2023, were \$1,145,655.32 comprising the following surcharge amounts:**

- Operations Surcharge \$280,909.68
- Pilot Training Surcharge \$ 49,909.46
- Trainee Surcharge \$ 61,387.02
- Pilot Boat Surcharge \$753,449.16

**Board surcharges collected for the Month of November 2023, were \$906,822.56 comprising the following surcharge amounts:**

- Operations Surcharge \$259,647.67
- Pilot Training Surcharge \$ 35,459.42
- Trainee Surcharge \$ 31,935.71
- Pilot Boat Surcharge \$579,779.76

**D) Report of Pension Fiduciary.**

As of November 1, 2023, we had 84 pensioners.

Surcharge Rate for the Quarter	\$0.05362/gross registered ton
Rolling Look Back Period	July 2022 through June 2023
Monthly Tonnage for October	30,485,693
Surcharge Billing Total	\$1,634,642.83
Administrative Costs for the Month	\$2,236.85
Amount Distributed to Pension Beneficiaries	\$1,632,405.98
Total Monthly Target Rates	\$1,215,097.74
Amount Over/(Under) Target	\$419,545.09

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As of December 1, 2023, we had 84 pensioners.

Surcharge Rate for the Quarter	\$0.05362/gross registered ton
Rolling Look Back Period	July 2022 through June 2023
Monthly Tonnage for November	25,879,664
Surcharge Billing Total	\$1,387,667.59
Administrative Costs for the Month	\$2,759.70
Amount Distributed to Pension Beneficiaries	\$1,384,907.89
Total Monthly Target Rates	\$1,215,097.74
Amount Over/(Under) Target	\$172,569.85

The last COLA increase to the pension was April 1, 2023.

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

Nothing to report.

**F) Report on legislative activities and contractual matters.**

**Legislative Report:**

The BOPC staff are not currently tracking any legislation. The Legislature reconvenes January 3, 2024.

**Contracts Report:**

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

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

The NCB has been approved and CHP is working with the San Francisco Bar Pilots to finalize contract documents, staff expect the contract to be in place by Jan 1, 2024.

California State University Maritime Academy – Trainee Selection Exam Services

Contract Expiration: TBD

Board staff continue to put on hold a new contract with Cal Maritime for Trainee Selection Exam services as the university has not identified staffing for the next simulator

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exam test component. Cal Maritime also provides a test site for the Trainee Selection Exam written component.

State Controller’s Office –Audit Services - Surcharges  
Contract Expiration: 20M90004-A2

Board staff have met with the SCO and agreed to an extension of the current Interagency Agreement, adding the audit for calendar year 2023, and increasing the term by one year to end 12/31/2024. The budget of the agreement will increase by \$59,225, increasing the total contract budget from \$175,250 to \$234,476.

State Controller’s Office – Pilot Boat Program Audit  
Contract Expiration: TBD

Board staff have met with SCO staff regarding the pending Interagency Agreement and expect to begin collaborating on the development of an agreement in January 2024.

Request for Offer – IT Modernization Project Manager (23M900002)  
Contract Expiration Date: TBD

The Request for Offer (RFO) was released on November 17, 2023. Questions from prospective vendors were due November 30, 2023, and BOPC staff developed answers which were provided by the due date of December 7, 2023. The RFO is due on January 25, 2024, after which evaluations of the offers will be completed.

Certified Public Accountant Services to The SFBP Pension Plan (23M900006)  
Contract Expiration Date: TBD

Through an informal Request for Interest (RFI), Board staff solicited interest from certified Small Business’s offering CPA of their interest in providing certified public accountant services to the San Francisco Bar Pilot Pension Plan. The RFI did not warrant enough interest to solicit services via a small business procurement method. BOPC staff are now developing an Invitation for Bid which should be released this month. Services include quarterly surcharge calculations, monthly pension payment reports, and periodic cost of living increase calculations.

On December 12, 2023, the Department of Finance (DOF) issued Budget Letter 23-27. The Budget Letter provided direction to all entities under the Governor’s direct executive authority to take immediate action to reduce current-year General Fund expenditures. The guidance restricts all Department procurement of goods and services, IT equipment, Travel, etc. The BOPC is taking measure to comply with the directive and has inquires out regarding what steps may need to be taken to justify procurement of PAL services for

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the IT modernization project. BOPC Staff have also submitted inquires to the California State Transportation Agency as to what information they may need should any questions arise regarding the Pilot Boat Program expenditures. Staff will report on any updates they receive.

## **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.

- Captain Aune since March 27, 2023
- Captain Rubino since September 27, 2023
- Captain Barnum since October 4, 2023

Port Agent Carlier reported that the SFBP continually monitors the dispatch list for possible 12-hour Minimum Rest Period (MRP) exceptions. If the potential MRP is likely to result in a rest period of less than 10 hours, mitigating measures are employed. These measures include, but are not limited to, suspending continuing professional development protocols, cancelling scheduled meetings, cancelling previously granted compensating time off requests, suspending internal working rules, or calling in off-watch pilots.

He reported that that the SFBP currently has 54 licensed pilots, that there were 17 MRP exceptions in October and 20 MRP exceptions in November. The shortest rest period was 10.2 hours.

### **B) Monthly report on SFBP ship piloting business activity.**

For the month of November, Port Agent Carlier reported normal operations for P/Vs DRAKE, GOLDEN GATE (new), PITTSBURG, and SAN FRANCISCO. P/V GOLDEN GATE (old) was at the shipyard from September 7, 2023, to the end of November. It resumed service on December 14, 2023.

Port Agent Carlier reported that the billed vessel moves for October 2023 were as follows:

- Bar Crossings: 502 moves
- Bay Moves: 125 moves
- River Moves: 50 moves
- Total Moves: 677 moves
- Gross Registered Tons (GRT): 30.5 million

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Port Agent Carlier reported that the billed vessel moves for November 2023 were as follows:

- Bar Crossings: 443 moves
- Bay Moves: 134 moves
- River Moves: 48 moves
- Total Moves: 625 moves
- Gross Registered Tons (GRT): 25.9 million

He also reported that when comparing 2023 year-to-date vessel data through the same period in 2022 for October, total moves were up 9.5% and GRT was up 26.5%.

He also reported that when comparing 2023 year-to-date vessel data through the same period in 2022 for November, total moves were up 9.9% and GRT was up 26.2%.

**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 reports of pilots who have been absent for medical reasons. There was no closed session discussion of this item.

**8. Pilot Evaluation Committee (Captain Robinson)**

**A) Report on the Pilot Evaluation Committee (PEC) meeting held on December 6, 2023.**

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

- The PEC met on December 6, 2023, and in attendance were Captains Robinson, Bridgman, Ruff, Slack, and Wehr.
- All trainees were interviewed and counseled individually in closed session by the PEC members on their progress in the Pilot Trainee Training Program.
- The two current trainees are Trainees Barron and Gallo. The range of time in the program for these trainees spans from 3 months.
- Trainees Barron and Gallo are completing trips in certain areas to obtain an unlimited pilotage federal license endorsement for those areas. They are observing, part handling, and handling ships on jobs under the supervision of a licensed pilot.



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- All of the trainees are progressing at their own rates.
- The next PEC meeting is scheduled for January 17, 2024, 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.

Executive Director Garfinkle reported that two new trainees from the 2022 Pilot Trainee Training Program Examination List will be joining the Pilot Trainee Training Program on January 9, 2024. One of the new trainees may request a leave of absence to care for his spouse.

**9. Reported Safety Standard Violations (Executive Director Garfinkle)**

**(Reported safety standard violations occurring up to the start of the meeting will be reported on.)**

None reported.

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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.)**

- A) Progress report on the June 30, 2023, event involving the M/V EVER LOGIC that was passing the M/V EVER FASHION, which suffered gangway damage as the result of hydraulic interaction. Possible IRC request and Board action on an extension to present this report at the next monthly Board meeting.**
- B) Progress report on the July 6, 2023, event involving the P/V RUBY PRINCESS, which made unintended contact with Pier 27. Possible request and Board action on an extension to present this report at the next monthly Board meeting.**
- C) Progress report on the July 23, 2023, event involving the M/V NEW HANDY, which made unintended contact with the San Joaquin River Light #39. Possible request and Board action on an extension to present this report at the next monthly Board meeting.**
- D) Progress report on the September 1, 2023, event involving the M/V BOHOL ISLAND, which made unintended contact with the pier at Sacramento, CA. Possible request and Board action on an extension to present this report at the next monthly Board meeting.**

Executive Director Garfinkle reported that the Committee is still gathering evidence and working on the reports. He requested that the Board grant extensions for the IRC to present reports, in all four events, to the January 2024 Board meeting.

Staff Counsel, Dennis Eagan inquired as to what is causing the delays. Director Garfinkle reported that we are awaiting responses to several Freedom of Information Act (FOIA) requests which will hopefully provide some critical evidence. Director Garfinkle reported he has received some evidence from other parties, but is still awaiting information from the U.S Coast Guard. Commissioner Carr inquired if a change in the review extension period could be made, from 90 days to, for example, 120 days. Director Garfinkle responded this change would need to be made by the Legislature. Director Garfinkle further reported that, in the past, on occasion, he has entered into a Memorandum of Understanding (MOU) with the U.S. Coast Guard to share confidential information, but that comes with limitations that restrict the use of the evidence, which can be problematic is it is relied upon for a recommendation.

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**MOTION:** Commissioner Nyborg moved to extend the M/V EVER LOGIC report, the P/V RUBY PRINCESS report, the M/V NEW HANDY report, and the M/V BOHOL ISLAND report to be presented at the January 2024 monthly Board meeting. Vice President Schmid seconded the motion.

**VOTE:** YES: Tynan, Nyborg, Carr, Schmid and Korwatch.

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 reported that that October 2023 Prevention/Response – San Francisco Harbor Safety Statistics report included a description of one loss of propulsion and one equipment failure. Both cases are closed.

#### **12. Finance Committee (Commissioner Captain Nyborg)**

##### **A) Report on the Finance Committee meeting held on November 3, 2023.**

Committee Chair Captain Nyborg reported that the Finance Committee met on November 3, 2023, reviewed the Board’s financial statements for the last fiscal year, itemized budget for fiscal year 2023-24, and financial information on surcharges set by the Board.

##### **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 6.5% of all pilotage fees), and the revenues, expenditures, and reserve balance. Possible Board action to adjust the Board Operations Surcharge rate.**

Committee Chair Captain Nyborg reported that the Committee recommends to the Board that the Board maintain the Operations Surcharge rate at 6.5% of all pilotage fees.

- 2) To adjust or not adjust the Pilot Continuing Education Surcharge rate**

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**(currently at \$50 per move). Possible Board action to adjust the Pilot Continuing Education Surcharge rate.**

Committee Chair Captain Nyborg reported that the Committee recommends to the Board that the Board maintain the Pilot Continuing Education Surcharge rate at \$50 per move.

- 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.**

Committee Chair Captain Nyborg reported that the Committee recommends to the Board that the Board maintain the Pilot Trainee Surcharge rate at \$15 per move.

- 4) To adjust or not adjust the Pilot Boat Surcharge rate (currently at \$0.0200 per gross registered ton). Possible Board action to adjust the Pilot Boat Surcharge.**

Committee Chair Captain Nyborg reported that the Committee recommends to the Board that the Board maintain the Pilot Boat Surcharge rate at \$0.0200 per gross registered ton.

Mike Jacob, Vice President at Pacific Merchant Shipping Association, commented that the tonnage figures used to forecast shipping activity are conservative and changes to the surcharges may be warranted in Quarter 1 of 2024.

Commissioner Nyborg moved that the Board accept the Finance Committee's recommendation that the Board Operations Surcharge rate remain the same at 6.5% of all pilotage fees, the Pilot Continuing Education Surcharge remain the same at \$50 per move, the Pilot Trainee Training Surcharge rate remain the same at \$15/trainee/move, and that the Pilot Boat Surcharge rate remain the same at \$0.0200 per gross registered ton.

Committee Chair, Captain Nyborg reported to the Board the Finance Committee agreed to set their next meeting for February 27, 2024. Captain Nyborg also reported the Committee agreed to conduct a Finance Committee Workshop to discuss the Pilot Boat Program surcharge administration at the Board office on January 25, 2024. Commissioner Nyborg requested future Board materials include the Finance Committee spreadsheets.

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**13. Pilot Fitness Committee (Committee Chair Miller)**

**Review of Final Statement of Reasons for the Pilot Fatigue Regulations, following the public comment period on changes made to the Express Terms in response to suggestions from the Office of Administrative Law, and possible approval of Final Statement of Reasons. Possible Board action to approve Final Statement of Reasons for the proposed Pilot Fatigue Regulations.**

Executive Director Garfinkle reported that the 15-day comment period for the Pilot Fatigue Regulations has closed, and that Board staff did not receive any comments. He expects to submit the Pilot Fatigue Regulations by the end of the year, which would make April 1, 2024 the earliest effective date.

**14. Status report on the regulatory process for mitigating pilot fatigue (Executive Director Garfinkle)**

Executive Director Garfinkle reported on this agenda item along with agenda item 13.

**15. Status report on the Board’s Information Technology Modernization Project. (Executive Director Garfinkle/Assistant Director Millspaugh)**

Executive Director Garfinkle reported that Board staff received a budget letter from the Department of Finance, requesting that all departments reduce current year expenditures, which may impact the Board’s Information Technology Modernization Project.

Assistant Director Millspaugh will be meeting with CalSTA regarding the parameters for the budget letter. He responded to Commissioner Korwatch’s inquiry about background for the project that the Board is shifting its current processes to digital, but many things are still manually done and stored as paper files, separate excel files, etc. He further reported, if paper files are destroyed, it will be hard for Board staff to recover the information that is lost. The IT Modernization project will aim to automate processes utilizing a relational database which will reduce staff time days for compiling data. Commissioner Korwatch reminded Board staff that it would be helpful if the project could also communicate among other systems. Assistant Director Millspaugh added that the State currently uses FI\$Cal and it would be ideal if the Board’s system can interact with it.

Executive Director Garfinkle reported that initially and, Board staff contacted Salesforce, seeking to obtain an off-the-shelf system to meet the Board needs, but staff was soon made aware that all IT related projects are overseen by the California Department of Technology (CDT), and that under the CDT program, it would, by necessity, be a much more robust process.

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**16. Board discussion concerning Board of Pilot Commissioners website protocols.  
Discussion and possible formation of Ad Hoc Committee to review website protocols  
(Executive Director Garfinkle/Board Counsel Eagan)**

Board Counsel Eagan provided an overview of the issues the Board has faced when determining what information should be posted to the Board’s website, including determining what items are pertinent to ensure the public has the information needed to support decisions by the Board, balanced with personal rights to privacy. Commissioner Korwatch inquired if the issues could be addressed with an internal website utilized by Board members only. Board Counsel Eagan responded by noting that when the Board addresses issues that do not fall under exceptions to the Open Meeting Act (allowing discussion in closed session), and has documents submitted by parties that may be relevant to Board meeting agenda items, they are to be made public. He added that when a submission contains both relevant and potentially not-relevant information, it becomes problematic for staff to attempt to redact or censor documents, which could raise some First Amendment issues. He also noted that when there is a perception of potential libel or slander, there are other remedies available under the law.

SFBP Business Director Captain Anne McIntyre commented that some of the materials posted were potentially damaging, therefore the issue is an important one that needs to be addressed and thanked the Board for their continued diligence on the matter.

The Board made the decision to carry this agenda item over to the January 2024 Board meeting.

Commissioner Nyborg suggested that agenda item 18 be moved up so some may leave the meeting earlier. Item 17 was then moved to the end of the meeting.

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

Mr. Jacob reported shipping within the Board’s jurisdiction has not seen the increases that have been seen in Southern California ports. He reported the ongoing drought issues in the Panama Canal may be pushing shipping to the West Coast and towards Southern California ports. He also noted that some agriculture shipping from the central valley region may have shifted to Southern California ports. On Agenda Item # 17, Mike Jacobs commented that he hopes, to the extent that it can be, a public forum on this issue be maintained.

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**19. Comment by public and Board members on matters not on the agenda. (President Tynan)**

Mr. Jacob requested that the Board refer to his letter from July 10, 2023, regarding public interests in the management of issues between the Board and Port Agent. That no matter the individual claims raised, it's all in the context. He requested that the Board continue to maintain a forum for discussion.

Executive Director Garfinkle thanked Vice President Schmid for her service to the Board. The Governor has not yet appointed a replacement. He added that if no replacement has been announced, she is able to serve for an additional 60 days.

Commissioner Carr reported the International Maritime Pilot's Association's 2023 Report reflected a high rate of pilot organizations reporting data. Commissioner Carr reported pilot ladders remain one of the greatest safety risks and that the IMO is looking into trap doors.

Commissioner Carr reported the International Maritime Association's 2023 Report included pilots worldwide were able to voice their concerns regarding the trapdoor arrangement. The International Maritime Organization (IMO) is also trying to limit trap door arrangements. SFBP had produced a letter regarding the safety issues of the trapdoor arrangements, and it is at the IMO level. He thanked Executive Director Garfinkle for his role at the Board since the pilot boarding arrangements deficiency report are sent to him for timely action. In some other pilot organizations, there is a 90% not report rate.

**17. Closed session for the Board to confer with legal counsel regarding potential significant exposure to litigation against the Board by a currently-licensed pilot. (Dennis Eagan/ Board Counsel/Patrick Tuck, Deputy Attorney General)**

**The Board is authorized to discuss this matter in a closed session pursuant to the Open Meeting Act, Government Code section 11126, subdivision (e)(1) and (e)(2)(B).**

*Recess started at 11:05 a.m.*

*Closed session started at 11:15 a.m.*

*Open session resumed at 12:29 p.m.*

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

Board members requested that agenda items #16 and #17 remain on the agenda.

**21. Adjournment.**

President Tynan adjourned the meeting at 12:30 p.m.

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Submitted by:



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Allen Garfinkle  
Executive Director

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