

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

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March 18, 2024

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, March 28, 2024, at **10:00 a.m.** Items of business scheduled for the meeting are listed on the attached agenda. There may be recesses at the discretion of the Chairperson.

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.

This meeting is accessible to the physically disabled. A person who needs a disability-related accommodation or modification to participate in the meeting should call the Board office at (415) 397-2253 or write to the Board at the above address or email 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

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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, March 28, 2024, at 10:00 a.m.**

MEETING AGENDA

OPEN MEETING

1. Call to Order and Roll Call (President Tynan)
2. Board members to elect a Vice President of the Board.

Board action to elect a Vice President of the Board.

3. Public comment on matters on the agenda or not on the agenda.
4. Review and approval of Board meeting and meeting minutes (President Tynan)

Board action to approve the minutes from the Board meeting held on February 22, 2024.

5. President Announcements and Activities (President Tynan)
6. Board Member Announcements and Activities (Board Members)
7. Directors' Report (Executive Director Garfinkle/Assistant Director Millspaugh)
 - A) Correspondence and activities since the Board meeting held on February 22, 2024.
 - B) Report on pilot licensing matters since the Board meeting held on February 22, 2024.
 - 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.
8. Port Agent's Report (Port Agent Carlier and Board staff)
 - 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 licensed pilots who have been absent for medical reasons (AFMR). **The Board may go into closed session to discuss the**

contents of the Port Agent's confidential report and other relevant confidential medical information, as authorized by Harbors and Navigation Code § 1157.1.

9. Pilot Evaluation Committee (Committee Chair)

- A) Report on the Pilot Evaluation Committee (PEC) meeting held on March 20, 2024.
- B) Possible PEC recommendation to the Board to appoint a new PEC chair to replace Chair Captain Eric Robinson. **Possible Board action to appoint a new Pilot Evaluation Committee chair to replace Chair Captain Eric Robinson.**
- C) Possible PEC recommendation to the Board to reappoint PEC Committee member Captain Dustin Slack to a second four-year term. **Possible Board action to reappoint PEC member Captain Dustin Slack to a second four-year term, effective April 23, 2024.**
- D) Possible PEC recommendation to the Board to reappoint PEC Committee member Captain Shane Wehr to a second four-year term. **Possible Board action to reappoint PEC member Captain Shane Wehr to a second four-year term, effective June 25, 2024.**
- E) Possible PEC recommendation to the Board to appoint a new PEC member to a four-year term to replace Captain Eric Robinson. **Possible Board action to appoint a PEC member to a four-year term on the Pilot Evaluation Committee to replace Captain Eric Robinson.**
- F) 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.**
- G) 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.**
- H) 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.**

10. Reported Safety Standard Violations (Executive Director Garfinkle)

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

11. 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 Executive Director 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 Executive Director 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 Executive Director 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 Executive Director request and Board action on an extension to present this report at the next monthly Board meeting.**

12. Finance Committee (Commissioner Captain Nyborg)

- A) Report on the Finance Committee meeting held on February 27, 2024.
- B) Finance Committee recommendations to the Board on the following Board surcharges:
 - i. 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.**
 - ii. To adjust or not adjust the Pilot Continuing Education Surcharge rate (currently at \$50 per move). **Possible Board action to adjust the Pilot Continuing Education Surcharge rate.**
 - iii. 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.**

- iv. 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 rate.**
- 13. Status report on the regulatory process for mitigating pilot fatigue. (Executive Director Garfinkle)
- 14. Status report on the Board's Information Technology Modernization Project. (Executive Director Garfinkle/Assistant Director Millspaugh)
- 15. 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)
- 16. Board discussion of inviting an additional trainee candidate to enter the Pilot Trainee Training Program. **Possible Board action to direct the Executive Director to make an offer to train to an additional trainee candidate from the 2022 Pilot Trainee Training Program Candidate List.** (Executive Director Garfinkle)
- 17. Board discussion of meeting time for future Board meetings. **Possible Board action to change the Board meeting time.** (President Tynan)
- 18. Board discussion of forming an ad-hoc committee to review status of pilot trainee exam. **Possible Board action to form an ad-hoc committee to review status of the pilot trainee exam.** (Board Members)
- 19. Report on shipping activity regionally and within the Board's jurisdiction (Mike Jacob, Pacific Merchant Shipping Association/Captain McIntyre, SFBP)
- 20. Closed session for the Board to confer with legal counsel regarding potential significant exposure to litigation against the Board by two currently licensed pilots. (Board Counsel)

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).
- 21. Comment by public and Board members on matters not on the agenda.
- 22. Proposals for the next Board meeting agenda, including discussing changing the date of the April Board meeting. **Possible Board action to select an alternate date for the April 2024 Board meeting.** (President Tynan)
- 23. Adjournment.