

<p>Meeting Date: March 28, 2024</p>	<p>Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun 660 Davis Street, San Francisco, CA 94111 BOARD MEETING MINUTES</p>	<p>Page 1 of 19</p>
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Board Members Present

Karen Tynan, President, Public Member
 Captain Robert Carr, Pilot Member
 Captain Einar Nyborg, Pilot Member
 Captain Lynn Korwatch, Dry Cargo Industry Member (by phone)
 Joanna Hayes-White, Public Member
 Christine Casey, Designee of the Secretary of the California State Transportation Agency (CalSTA)(by phone)

Board Members Absent

Sam Rodriguez, Public Member
 Vacant, Wet Cargo Industry Member

Board Staff Present (in person and by phone)

Allen Garfinkle, Executive Director
 Matthew Millspaugh, Assistant Director
 Joseph Isenstadt, Acting Board Counsel
 Alethea Wong, Licensing and Training Programs Manager
 Roma Cristia-Plant, Deputy Secretary, Administration and Audits, California State Transportation Agency (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 (by phone); Mike Jacob, Pacific Merchant Shipping Association (PMSA) Vice President and General Counsel (by phone); Kevin Baldwin, SFBP General Counsel; Captain Paul Ruff, SFBP; Rex Clack, esq., and Captain Roy Mathur, PBF Energy.

OPEN MEETING AGENDA

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

President Tynan called the meeting to order at 10:00 a.m. Licensing and Training Programs Manager Wong called the roll and confirmed a quorum.

2. Board members to elect a Vice President of the Board.

Board action to elect a Vice President of the Board.

Commissioner Carr nominated Commissioner Hayes-White to be the Board’s Vice President. He noted that Commissioner Hayes-White has a great deal of experience and had previously served as the Board’s Vice President and President roles will be a good fit as the Board’s Vice President again.

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MOTION: Commissioner Carr moved to elect Commissioner Hayes-White as Vice President of the Board. Commissioner Nyborg seconded the motion.

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

ACTION: The motion was approved.

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

Mr. Jacob thanked the Board for offering the public an opportunity to participate by phone. He added he has a schedule conflict and if he's not available to present agenda item 19, he can provide a written report. President Tynan suggested that agenda item 19 be moved up and be presented after agenda item 9, Pilot Evaluation Committee's report.

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.

The Board members were presented with the draft minutes from the Board meeting held on February 22, 2024. There were no edits requested and no further discussion.

MOTION: Vice President Hayes-White moved to approve the minutes from February 22, 2024. Commissioner Nyborg seconded the motion.

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

ACTION: The motion was approved.

5. President Announcements and Activities (President Tynan)

President Tynan announced that the United States Merchant Marine Academy (U.S.M.M.A.) is celebrating the 50th anniversary of the first women admitted to the school in 1973. She noted that Captain Nancy Wagner, a former Board licensee, is being honored.

6. Board Member Announcements and Activities (Board Members)

None.

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7. Directors' Report (Executive Director Garfinkle/Assistant Director Millspaugh)

A) Correspondence and activities since the Board meeting held on February 22, 2024.

Executive Director Garfinkle reported on the following:

- On February 22, 2024, Board staff received notice that the Fatigue Regulations were approved by the Office of Administrative Law. The regulations will go into effect on April 1, 2024. There were many people who contributed to this effort, he cannot name them all, but he wanted to recognize Knute Michael Miller, who, as chair of the Pilot Fitness Committee, organized, researched, and stuck with the project until it crossed the finish line.
- On February 28, 2024, Board staff received notice from the Department of Finance that they had created a fund specific to the Pilot Boat Surcharge, which is significant for tracking the interest earned on these funds and applying them back into the account.
- Also on February 28, 2024, he received an email from Captain Eric Robinson, who is now termed out of serving on the Pilot Evaluation Committee (PEC), notifying him that Captain Ruff has been nominated by the other PEC members to replace Captain Robinson as Chair of the PEC. Also nominated to replace Captain Robinson as the newest member on the five-person committee is Captain Josh Stultz. As a reminder, this Committee is made up of state licensees who have at least ten years of piloting experience on their state license. He would like to thank Captain Robinson for his eight years of service to the PEC and the Board.
- On February 29, 2024, Board staff interviewed three candidates for the Associate Government Program Analyst position.
- Also on February 29, 2024, Board staff received word that the Governor had appointed Sam Rodriguez as a Public Board member. Welcome Commissioner Rodriguez.
- On March 1, 2024, as a member of the IRC, he received some additional evidence relevant to the RUBY PRINCESS investigation.
- On March 11, 2024, Board staff received written evaluations of the Board licensees who attended the Combination Course at the California State University Maritime Academy (Cal Maritime).
- On March 13, 2024, Board staff received the U.S. Coast Guard significant Port Safety and Security cases for February 2024. On February 25, 2024, a foreign flagged container vessel experienced a loss of propulsion while transiting into Oakland, CA. The vessel's main engine experienced a loss of propulsion due to an eroded drain plug causing fuel pressure to drop. Class surveyor attended the vessel and verified repaired drain plug. Case closed. Incidentally, on February 8, 2024, a U.S. flagged container vessel lost 23 containers over the side while transiting from San Pedro to Oakland.

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- On March 14, 2024, the Executive Director of the Washington State Pilot Commission, Jaimie Bever, met with Board staff at the Board office while she was enroute to a symposium at Cal Maritime.
- On March 18, 2024, Board staff received an email from Deputy General Counsel for CalSTA, Ann Salisbury, providing Board staff with a written designation of Stephanie Dougherty, Deputy Secretary – Transportation Safety and Enforcement, as CalSTA Secretary Omishakin’s delegate and naming Christine Casey, Deputy Secretary – Freight Policy. as an alternate.
- On March 24, 2024, he received a very generous offer from Captain David Gates, retired SFBP pilot, offering to serve on the Ad Hoc Committee reviewing the status of the trainee exam. Captain Gates started work on the exam when he was a member of the PEC, and has worked on every exam during the tenure of Executive Director Garfinkle, and before 2010. Captain Gates’ knowledge base will be invaluable since we are losing a great deal of institutional memory of late.
- On March 25, 2024, Board staff received a copy of the SFBP 2023 Consolidated Financial Statement. Typically, the Finance Committee reviews this statement initially and it will be included on the next Finance Committee agenda.

B) Report on pilot licensing matters since the Board meeting held on February 22, 2024.

Executive Director Garfinkle reported that since the February Board meeting, the Board renewed the licenses of Captains Rubino, Pyne-Mercier, and Bridgman.

C) Report on Board surcharges.

Executive Director Garfinkle reported that the SFBP wired to the Board the surcharges collected in February 2024 in the amount of \$857,413.20, as itemized as follows:

- Board Operations Surcharge: \$ 244,830.06
- Continuing Education Surcharge: \$ 32,189.98
- Pilot Trainee Surcharge: \$ 34,306.04
- Pilot Boat Program Surcharge: \$ 546,087.12

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D) Report of pension fiduciary.

As of March 1, 2024, there are 84 pensioners.

Surcharge Rate for the Quarter	\$0.04869/gross registered ton
Rolling Look Back Period	October 2022 through September 2023
Monthly Tonnage for February	26,941,722
Surcharge Billing Total	\$1,311,792.44
Administrative Costs for the Month	\$1,708.55
Amount Distributed to Pension Beneficiaries	\$1,310,084.02
Total Monthly Targe Rates	\$1,215,097.74
Amount Over/(Under) Target	\$99,548.83

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

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

None.

F) Report on legislative activities and contractual matters.

For legislative matters, Assistant Director Millspaugh reported on Assembly Bill 1122 (AB 1122).

Board staff are currently tracking AB 1122. As currently written AB 1122 would require any equipment installed, or modification to accommodate that equipment, that could limit engine power or operational ability of specified commercial harbor craft, to be approved for use with the harbor craft's propulsion system, as specified, and not void any existing warranty. The bill would require aftermarket equipment that could limit a harbor craft's engine power or operational ability to include an automatic override or bypass feature that ensures the safe operation of the harbor craft is not affected. The bill would require the owner or operator to report a vessel's loss of power during operation, as specified.

The bill also includes language in Harbors and Navigation Code section 654.4(b)(2) that reads the language just cited shall not apply to a pilot vessel used for transporting a maritime pilot in furtherance of their official duties.

As such, the BOPC nor the pilots licensed by the BOPC impacted by the bill as it is currently written. BOPC staff shall continue to monitor the bill for any language changes.

Assistant Director Millspaugh reported the following on contractual matters:

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**California State University Maritime Academy – Trainee Selection Exam Services
Contract Expiration: TBD**

Board staff continue to put on hold a new contract with the Cal Maritime Academy for Trainee Selection Exam services as 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 –Audit Services - Surcharges
Contract Expiration 12/31/2024: 20M90004-A2**

Board staff continue to work to develop a new Interagency Agreement (IAA). The new IAA will provide funding for completion of the 2022 audit and incorporate completion of the audits for 2023-2027. Board staff have begun work on the SOW and will continue to work with SCO to develop a final draft for internal approvals within SCO, BOPC and CHP, with the goal of having the IAA in place by May 2024.

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

Board staff continue to work towards the development of a new IAA between the Board and State Controller’s Office (SCO) regarding for the Pilot Boat Program Audit. Board staff have begun development of a SOW with a plan to submit a draft to the SCO for review in early April 2024.

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

The Request for Offer for Project Management services for Project Approval Lifecycle (PAL) stages 2-4 closed on January 25, 2024, with six submissions received. Board staff, Caltrans, CalSTA staff, and CHP staff have completed their evaluation of RFO proposals and an intent to award to Gartner Inc., is in process and the contract development with Gartner Inc. has begun, with an agreement start date of 5/1/2024.

Gartner Consulting has delivered successful strategic projects in the State of California for the last thirty (30) years. Gartner has worked with multiple State of CA organizations to complete the Project Approval Lifecycle including but not limited to the Labor and Workforce Agency, EDD — (Stage 2), California Department of Fish and Wildlife (Stage 2 and Stage 3), and California Department of State Hospitals (Stage 2, Stage 3 and Stage 4).

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Certified Public Accountant Services to The SFBP Pension Plan (23M900008)
Contract Expiration Date: 6/30/2024

This agreement was approved on 3/27/2024. Mah & Associates were notified and have commenced work on providing the Pension calculation to the Board.

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

Board staff continue to work with California Highway Patrol (CHP) staff to develop an Invitation for Bid for Pension Program accounting services. The proposed term of the agreement is three years. The IFB is expected to be released by mid-April 2024 and procurement for services completed before June 30, 2024.

Pilot and Pilot Trainee Fitness Assessment (21M900004) - Amendment

Board staff are working with University of California San Francisco (UCSF) staff to amend the current agreement between the Board and UCSF for Pilot and Pilot Trainee Fitness Assessment. The current agreement term ends 6/30/2024, the amendment would add one year to the term and add funding for services related the additional year. Board staff anticipate the agreement amendment to be in place on or before June 30, 2024.

Administrative Services with the California Highway Patrol: (Agreement #TBD)

The current interagency agreement (IAA) between the CHP and the Board expires June 20, 2024. Board staff are working with CHP to develop a scope of work and budget, for new three-year IAA. Board staff anticipate the new IAA to be in place on or before June 30, 2024.

Assistant Director Millspaugh reminded Board members who have not yet completed their Form 700 for 2023, the due date is April 1, 2024. He also reminded the Board members that the Executive Director’s Annual Assessment was sent out earlier in March, and to please submit the assessments to Commissioner Nyborg by April 8, 2024. Commissioner Nyborg will be compiling the information and will be available for review at the April 2024 Board meeting.

Executive Director Garfinkle reported that he will be meeting with the continuing education staff at Cal Maritime Academy before escalating the discussion regarding the trainee exam with executive staff at Cal Maritime. Vice President Hayes-White requested that Board staff draft a thank you letter to Former Board President Miller for his continuous efforts for the Board. President Tynan volunteered to work with Executive Director Garfinkle on the letter.

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Commissioner Nyborg was happy to hear that Retired Pilot Captain Gates volunteered to be on the ad hoc committee reviewing the status of the trainee exam as Commissioner Nyborg reported Captain Gates is very knowledgeable. He commented that he joined the Pilot Evaluation Committee (PEC) after Captain Gates, and further commented that the trainee program became very organized under Captain Gates' leadership, especially when it was time to hand the program to the next PEC Chair.

Executive Director Garfinkle noted that Captain Gates and Mr. Paetzold worked closely together on the Pilot Trainee Training Exam. He added that whoever is involved in the exam, must have their names listed in the contract. He added that Captains LeSieur and Pullin volunteered to work on the exam and be on the ad hoc committee. Commissioner Carr commented that Captain LeSieur is on the Outreach team at SFBP, and he had been instrumental in getting the internal fatigue regulations drafted.

8. Port Agent's Report (Port Agent Carlier and Board staff)

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

Port Agent Carlier reported that the following pilots have been absent for medical reasons (AFMR) and their initial absence date:

- Captain Aune since March 27, 2023
- Captain Teague since February 14, 2024

Port Agent Carlier reported the SFBP continually monitors the dispatch list for possible 12-hour minimum rest period (MRP) exceptions. For any potential exception 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 or committee assignments, cancelling previously granted compensation time off, deferring scheduled training sessions, or calling in off-watch pilots.

Port Agent Carlier reported there are currently 53 licensees on the SFBP roster.

In February, there were 6 MRP exceptions, with the shortest rest period being 10.1 hours.

B) Monthly report on SFBP ship piloting business activity.

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

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Port Agent Carlier reported vessel moves for February 2024 were as follows:

- Bar Crossings: 431
- Bay Moves: 160
- River Moves: 31
- Total Moves: 622
- Gross Registered Tons (GRT): 26.9 million

He also reported that when comparing 2024 year-to-date vessel move data with the same period in 2023, total moves were up 10.9% and GRT was up 33%.

- 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.**

Commissioner Carr requested that the Board have a closed session to discuss this agenda item since there are confidential information.

President Tynan announced that the Board members enter a closed session meeting.

Closed session began at 10:33 a.m.

The Board returned to open session at 10:57 a.m.

President Tynan reported that Board members had entered and returned from a closed session meeting and there was no report for the public.

9. Pilot Evaluation Committee (Committee Chair)

A) Report on the Pilot Evaluation Committee (PEC) meeting held on March 20, 2024.

Acting PEC Chair Captain Ruff read the PEC report because former PEC Chair, Captain Robinson’s term on the PEC had ended, and he reported on the following:

- The PEC met on March 20, 2024, and in attendance were Committee members Captains Bridgman, Wehr, Slack, Stultz, and Ruff.
- Trainees were interviewed and counseled individually in closed session by the PEC members on their progress in the Pilot Trainee Training Program. Each trainee is progressing at their own rate.
- There are currently three trainees: Captains Barron, Gallo, and Johnson. The trainees’ range of time in the program is from 2.5 months to 6 months.

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- All three trainees are acquiring trips to obtain their First Class Pilotage endorsement for unlimited tonnage upon San Francisco Bay. They are observing, part handling, and handling ships under the direct supervision of a licensed pilot. Trainees Barron and Gallo are actively testing for pilotage with the U.S. Coast Guard.
- The next PEC meeting is scheduled for April 17, 2024, at 7:30 a.m. at the Board office.

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.

Acting PEC Chair Captain Ruff reported that PEC member Captain Robinson’s Committee term expired in February. He reported he has the Committee’s approval to recommend the Board appoint himself as the new PEC chair.

Due to technical difficulties, Commissioner Korwatch did not vote on the following agenda items.

MOTION: Commissioner Nyborg moved to accept the Pilot Evaluation Committee’s recommendation to appoint Captain Paul Ruff as the Pilot Evaluation Committee Chair. Commissioner Carr seconded the motion.

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

ACTION: The motion was approved.

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.

PEC Chair Captain Ruff reported that PEC member Captain Slack’s Committee term will be expiring on April 23, 2024. He has the Committee’s approval to recommend the Board reappoint Captain Slack to a second four-year term on the Pilot Evaluation Committee.

MOTION: Commissioner Nyborg moved to accept the Pilot Evaluation Committee’s recommendation to reappoint Captain Dustin Slack to a second four-year term on the Pilot Evaluation Committee, effective April 23, 2024. Vice President Hayes-White seconded the motion.

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

ACTION: The motion was approved.

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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.

PEC Chair Captain Ruff reported that PEC member Captain Wehr’s Committee term will be expiring on June 25, 2024. He has the Committee’s approval to recommend the Board reappoint Captain Wehr to a second four-year term on the Pilot Evaluation Committee.

MOTION: Commissioner Nyborg moved to accept the Pilot Evaluation Committee’s recommendation to reappoint Captain Shane Wehr to a second four-year term on the Pilot Evaluation Committee, effective June 25, 2024. Vice President Hayes-White seconded the motion.

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

ACTION: The motion was approved.

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.

PEC Chair Captain Ruff reported that he has the Committee’s approval to recommend the Board to appoint Captain Joshua Stultz to the Committee for four-year term, to replace Captain Robinson. Executive Director Garfinkle confirmed for the Board that Captain Stultz has at least 10 years of experience as a pilot on the Bays of San Francisco, San Pablo, and Suisun, and he meets the qualifications.

MOTION: Commissioner Nyborg moved that the Board appoint Captain Joshua Stultz to a four-year appointment to the Pilot Evaluation Committee. Commissioner Carr seconded the motion.

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

ACTION: The motion was approved.

PEC Chair Captain Ruff thanked the Board for the opportunity to serve as the PEC Chair, and noted that there are many resources available to him, such as Port Agent Carlier’s many years of piloting experience, and Commissioner’s Nyborg experience since he was also on the PEC before.

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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.**

None.

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.**

None.

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.**

None.

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

Mr. Jacob reported that he didn’t have additional news to report, outside of the PMSA *West Coast Trade Report* and previous updates to the Board. He reported the amount of vessel movements in the area continues to fluctuate. Globally, there are a multitude of uncertainties effecting trade and shipping. He reported the Port of Oakland experienced a 30% increase in imports compared to 2023. While the increase in imports is good, export is up 2%. If the Port of Oakland is only experiencing imports, it is not ideal compared to the ports of Los Angeles and Long Beach.

Mr. Jacob reported that a survey was distributed to Port of Oakland maritime stakeholders to assess their priorities for future port development with a good turnout and participation from the industry and SFBP.

SFBP Business Director Captain McIntyre reported that tonnage compared to 2019, a regular year before Covid-19, was still down from pre-pandemic numbers.

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10. Reported Safety Standard Violations (Executive Director Garfinkle)

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

None.

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.)

Executive Director Garfinkle reported that all of the Incident Review Committee (IRC) reports will need extensions due to prioritizing completion of the report on the P/V RUBY PRINCESS. Acting Board Counsel Isenstadt suggested the Board vote on each agenda item.

Executive Director Garfinkle reported that sufficient evidence has been obtained and he expects to present the IRC report for M/V NEW HANDY at the April Board meeting. He added that no progress was made on obtaining a response to the FOIA request for P/V RUBY PRINCESS, but that the IRC will complete the report without the FOIA information.

Commissioner Nyborg was disappointed that the IRC report for P/V RUBY PRINCESS is not yet available, and suggested the Board consider requesting a legislative change of the 90-day statutory deadline to extend to 120-days since so much work is needed to complete the investigation and complete an IRC report. Vice President Hayes-White agreed and noted the legislative process is challenging for requesting a change in the statutory deadline.

- 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.**

MOTION: Commissioner Hayes-White moved that the Board grant an extension to the Incident Review Committee to present its report on the M/V EVER LOGIC at the Board meeting in April 2024. Commissioner Carr seconded the motion.

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

ACTION: The motion was approved.

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- 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.**

MOTION: Commissioner Nyborg moved that the Board grant an extension to the Incident Review Committee to present its report on the P/V RUBY PRINCESS at the Board meeting in April 2024. Commissioner Carr seconded the motion.

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

ACTION: The motion was approved.

- 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.**

MOTION: Commissioner Carr moved that the Board grant an extension to the Incident Review Committee to present its report on the M/V NEW HANDY at the Board meeting in April 2024. Commissioner Nyborg seconded the motion.

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

ACTION: The motion was approved.

- 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.**

MOTION: Commissioner Carr moved that the Board grant an extension to the Incident Review Committee to present its report on the M/V BOHOL ISLAND at the Board meeting in April 2024. Commissioner Nyborg seconded the motion.

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

ACTION: The motion was approved.

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12. Finance Committee (Commissioner Captain Nyborg)

a. Report on the Finance Committee meeting held on February 27, 2024.

Committee Chair Captain Nyborg reported that the Committee met on February 27, 2024, 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:

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.

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

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.

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.

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.

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

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.

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.

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Commissioner Korwatch confirmed through email that she's back on the phone at 11:21 a.m.

Committee Chair Nyborg reported that the next Finance Committee meeting is scheduled for May 21, 2024, at 9:30 a.m.

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

Commissioner Nyborg requested that Board staff send out a survey to identify when the Fitness Committee members are available to meet after June 1, 2024. He suggested keeping this agenda item on the Board agenda.

14. Status report on the Board's Information Technology Modernization Project. (Executive Director Garfinkle/Assistant Director Millspaugh)

Executive Director Garfinkle thanked former Assistant Director, Ms. Cristia-Plant and Assistant Director Millspaugh for their work on completing the agreement for the Board's Information Technology Modernization Project. Assistant Director Millspaugh reported that once the agreement has been signed, all relevant staff involved in the project will meet for a kick-off meeting in May 2024.

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)

Acting Board Counsel Isenstadt reported that Board Counsel Tuck continues to research items related to this agenda item and may have more to report at the April 2024 board meeting.

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)

Executive Director Garfinkle reported that he is ready to fill the spot that is now open due to Trainee Shuler's resignation, and he is ready to invite the next two trainee candidates from the 2022 Pilot Trainee Training Exam Candidate List to join the Pilot Trainee Training Program. He is requesting the Board's approval. He added that previous discussions identified that the buddy system is a positive and effective protocol.

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MOTION: Commissioner Carr moved that the Board instruct Executive Director Garfinkle invite the next two trainee candidates from the 2022 Pilot Trainee Training Exam Candidate List, to join the Pilot Trainee Training Program immediately. Commissioner Nyborg seconded the motion.

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

ACTION: The motion was approved.

17. Board discussion of meeting time for future Board meetings. Possible Board action to change the Board meeting time. (President Tynan)

The Board members discussed the best time for the Board to meet going forward. Executive Director Garfinkle reported that selecting a meeting time is an administrative decision and does not require a vote. The Board members agreed upon a meeting time of 9:30 a.m. for the rest of the year.

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)

Commissioner Carr is in favor of an ad-hoc committee to review the status of the pilot trainee training exam immediately and added that there are outside Board nominees who are interested in participating in this ad-hoc committee.

Executive Director Garfinkle clarified for President Tynan that she can form the committee and appoint the committee members. President Tynan is also in favor of the ad-hoc committee since there are volunteers and suggested that Former Vice President Schmid may be interested in joining the committee.

MOTION: Commissioner Hayes-White moved that the Board form an ad-hoc committee to review the status of the pilot trainee exam. Commissioner Carr seconded the motion.

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

ACTION: The motion was approved.

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21. Comment by public and Board members on matters not on the agenda.

None.

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)

President Tynan announced that she, Port Agent Carlier, and SFPB Business Director Captain McIntyre are not available at the next Board meeting scheduled for April 25, 2024, and suggested that the Board meet on a different day. The Board members agreed the next Board meeting will be scheduled for Tuesday, April 23, 2024. Ms. Casey commented that Ms. Dougherty will not be available for the Board meeting on April 23, 2024.

MOTION: Commissioner Hayes-White moved that the Board’s April 25, 2024, meeting, be rescheduled to April 23, 2024. Commissioner Carr seconded the motion.

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

NO: None.

ABSTAIN: None.

ACTION: The motion was approved.

President Tynan called for a short break.

Recess began at 11:46 a.m.

Meeting resumed at 11:53 a.m.

Closed session began at 11:53 a.m.

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).

Returned to open session at 11:59 a.m.

President Tynan reported that the Board members met in closed session to discuss agenda item 20 and there was no Board action to report.

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23. Adjournment.

Vice President Hayes-White wanted to honor the brave people involved in the collapse of the Francis Scott Key Bridge in Baltimore and offered her condolences to the loss of life.

President Tynan adjourned the meeting at 12:01 p.m.

Submitted by:



Allen Garfinkle
Executive Director