

# MEETING MINUTES

## STATE OF WASHINGTON ~ BOARD OF PILOTAGE COMMISSIONERS

November 9, 2017

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### **REGULAR MEETING - Call to Order**

The regular meeting of the Board of Pilotage Commissioners was convened at 10:05 a.m. by Chair Sheri Tonn, who explained that we would delay the public hearing on the Puget Sound Pilotage District tariff until a quorum was achieved, which was anticipated for 10:30 a.m.

#### **Present:**

Chair: Sheri Tonn

Commissioners: Don Mayer, Scott Ferguson, Eleanor Kirtley, Ed Marmol, Chuck Adams, and Grant Stewart (via phone at 10:30 a.m.)

Administration: Jaimie Bever, Shawna Erickson, Jolene Hamel

Eric vonBrandenfels, Linda Styrk, Ivan Carlson, John Scragg, and Mike Anthony: Puget Sound Pilots

Gary Nelson: Port of Grays Harbor

Mike Moore and Jordan Royer: Pacific Merchant Shipping Association

Peter Giese: Retired Puget Sound pilot

#### **BPC Staff Report.**

- Former Commissioner Scott Ferguson is filling in for Commissioner Sara Thompson while she is on maternity leave. Commissioner Ferguson will also be filling Commissioner Thompson's seat on the Trainee Evaluation Committee (TEC) and plans to attend the December 5<sup>th</sup> TEC meeting.
- Jaimie Bever attended the Women on the Water conference at the Great Lakes Maritime Academy in Traverse City, MI, October 26<sup>th</sup> – October 28<sup>th</sup>.
- Jaimie Bever attended a hearing regarding the Nelson lawsuit in the King County Court of Appeals. Former Board assistant attorney general, Guy Bowman, represented the Board very effectively. A decision from the appellate judges is due in 3-4 months.
- The Board office will be closed November 10, 2017 in observance of the Veteran's Day holiday.
- The statistical reports will be sent out to Commissioners next week due the Board meeting being one week earlier than usual. Puget Sound Pilots was acknowledged for timely submittal of monthly traffic reports.
- Shawna Erickson recognized Board Administrative Coordinator, Jolene Hamel, for her outstanding performance covering Shawna's duties while she was on vacation.

#### **BPC Chair Report.**

- Sheri Tonn and Jaimie Bever will present at the Joint Transportation Committee meeting in Olympia next Wednesday, November 15<sup>th</sup>.
- Dr. Charles Czeisler will present on fatigue management at the Thursday, December 7<sup>th</sup> meeting.
- The Board website was expanded to show diversity initiatives and will continue to improve and highlight continuous diversity efforts.

**Activity Reports.** Gary Nelson representing the Port of Grays Harbor; Mike Moore and Jordan Royer representing Pacific Merchant Shipping Association; and Eric vonBrandenfels and Linda Styrk representing Puget Sound Pilots offered current and projected statistical data as well as updates on current maritime activities.

The Port of Grays Harbor submitted a recommendation to the Board for a third pilot, with training beginning in the Spring of 2018, preferably.

Puget Sound Pilots is looking to replace existing PPU's, which have just hit their 4-year useful life expectancy mark. Negotiations for new PPU's will wrap up next week with deployment planned for January 2018. Puget Sound Pilots is working with the Port of Grays Harbor, coordinating their use the same pricing and negotiating leverage with the vendor. The Board will be looking at the feasibility of providing PPU's for trainees.

### **PUBLIC HEARING - Call to Order**

A public hearing of the Board of Pilotage Commissioners was convened at 10:30 a.m. by Chair Sheri Tonn in the Agate Conference Room, 2901 Third Avenue, Seattle, Washington.

#### **Present:**

Chair: Sheri Tonn

Commissioners: Don Mayer, Scott Ferguson, Eleanor Kirtley, Ed Marmol, Chuck Adams, and Grant Stewart (via phone)

Administration: Jaimie Bever, Shawna Erickson, Jolene Hamel

Eric vonBrandenfels, Linda Styrk, Ivan Carlson, John Scragg, and Mike Anthony: Puget Sound Pilots

Gary Nelson: Port of Grays Harbor

Mike Moore and Jordan Royer: Pacific Merchant Shipping Association

Peter Giese: Retired Puget Sound pilot.

**WAC 363-116-300: PILOTAGE RATES FOR THE PUGET SOUND PILOTAGE DISTRICT.** RCW 88.16.035(1)(e) requires the Board of Pilotage Commissioners to annually fix pilotage tariffs. No public comments were heard. The public hearing was closed by Chair Tonn at 10:31 a.m.

### **REGULAR MEETING RECONVENED**

The regular meeting of the Board of Pilotage Commissioners was reconvened immediately following the public hearing by Chair Tonn in the Agate Conference Room, 2901 Third Avenue, Seattle, Washington.

**Consideration of Preceding Hearing: WAC 363-116-300.** All written and oral testimony was reviewed and considered by the Board.

**Motion:** Adams/Kirtley – Adopt the tariff proposal as filed, changing only the date parameters of the Puget Sound Pilotage District tariff – Carried with abstentions from Commissioners Marmol and Mayer.

**Minutes. Motion:** Marmol/Adams – approve the October 19, 2017 Minutes as written – Carried.

**Approval of Pilot License Upgrade Program.** Captain Neil Kelleher is nearing completion of his first license year.

**Motion:** Mayer/Marmol – approve license upgrade program as drafted by the TEC – Carried.

### **CLOSED SESSION - Call to Order**

*A Closed Session of the Board of Pilotage Commissioners was convened from 10:35 a.m. to 10:55 a.m. in the Agate Conference Room to discuss matters relative to the training program and pilot physicals. In attendance were Commissioners Tonn, Adams, Stewart (via phone), Mayer, Kirtley, Marmol, and Ferguson; BPC staff Shawna Erickson, Jolene Hamel and Jaimie Bever.*

### **EXECUTIVE SESSION - Call to Order**

*An Executive Session of the Board of Pilotage Commissioners was convened from 10:55 a.m. to 11:15 a.m. in the Agate Conference Room to discuss matters relative to personnel. In attendance were Commissioners Tonn, Adams, Stewart (via phone), Mayer, Kirtley, Marmol, and Ferguson.*

### **REGULAR MEETING RECONVENED**

The regular meeting of the Board of Pilotage Commissioners was reconvened immediately following the Executive Session by Chair Tonn in the Agate Conference Room, 2901 Third Avenue, Seattle, Washington.

### **NEW BUSINESS**

**Motion:** Marmol/Adams - Promote Jaimie Bever from Interim Executive Director to Executive Director based on the Executive Session discussion regarding job performance and the positive aspects of that job performance – Carried.

### **Review of Pilot/Trainee Physical Examination Reports.**

**Motion:** Marmol/Mayer - accept the physicians' report for Captains S.E. Moreno for annual pilot license renewal as discussed in closed session, and authorize Chair Tonn to approve one party for return to duty upon delivery of a letter by the physician to Board staff – Carried.

### **Determination of 2018 Board Meeting Schedule.**

Motion: Kirtley/Adams – set the annual 2018 Board meeting schedule for every third Thursday of the month except November and December, which will be held on the second Thursday, with the ability to adjust as necessary – Carried.

### **Committee Reports.**

#### **Trainee Evaluation Committee (TEC):**

- The TEC met on November 7, 2017. Captain Kridler was in attendance to discuss the status of his training program.
- Training Program progress was reviewed for all current trainees: Myers, Vestal, Kridler, Bendixen, and Grieser.
- Trainees are running into training restrictions regarding availability of pilots who have taken the 2017 Train-the-Trainer.
- Captain Rod Myers will be licensed on November 28<sup>th</sup> for the Puget Sound Pilotage District and was congratulated by the Board for a job well done.
- TEC concludes that an exam will need to be held either November 2018 or January 2019.
- It is the opinion of the Board's assistant attorney general, that as long as the Supervising Pilots, who are volunteers of the Board, are 1) performing an authorized duty for the Board; 2) of their own free choice; 3) do not receive wages from the Board; 4) accepted as volunteers of the Board; and 5) engage in authorized volunteer services as Supervising Pilots, they are covered under RCW 4.92.075 Action against state officers, employees, or volunteers – Judgment satisfied by state. The Board will provide a letter to Puget Sound Pilots and the Port of Grays Harbor to this effect before the next meeting.

#### **Legislative/WAC Committee:**

- Commissioner Adams restated his request for desired WAC changes, especially those relating to the upcoming exam.

#### **BPC/PSP Joint Diversity Committee (JDC):**

- The JDC met on November 1, 2017.
- Caitlin Hardy, Project Manager at Foss Maritime Company and Women's International Shipping and Trading Association (WISTA) Co-Chair, joined the meeting as an organization representative. The committee will continue having guest representatives at the JDC meetings.
- Jaimie Bever attended the Women on the Water conference at the Great Lakes Maritime Academy in Traverse City, MI, October 26<sup>th</sup> - 28<sup>th</sup>, along with JDC committee member, and retired Columbia River Bar pilot, Deb Dempsey and reported on the forward progress being made.
- The Board in collaboration with Puget Sound Pilots, Columbia River Pilots, Columbia River Bar Pilots, and San Francisco Bar Pilots, will hold a session on pilotage at the upcoming Women in Maritime Leadership conference at CalMaritime, March 2<sup>nd</sup> – 3<sup>rd</sup>.
- The Committee will be working on two separate brochures. One will focus on already licensed mariners with a career path to pilotage. The other will be for a younger audience either just starting their maritime careers, or are considering a maritime career.
- Commissioner Ferguson pointed out the economic barrier of the cost of a maritime academy versus a state institution and how the maritime community is missing out on a lot of talented people, especially in land-locked states because of it. Commissioner Ferguson was invited to sit in for Commissioner Thompson on the JDC, which he accepted.
- The Committee will meet again in December or early January.

**Joint Transportation Committee (JTC) Study Update.** Sheri Tonn and Jaimie Bever will be giving a presentation to the Joint Transportation Committee on November 15, 2017. The presentation will include an overview of the Board mission and responsibilities, the training program, and progress with diversity initiatives. A draft of the presentation was displayed and feedback for each slide was received from Board members, stakeholders, and audience members. It was a collaborative and productive effort, which resulted in excellent feedback. The Board is appreciative of all those involved.

**Fatigue Management Update – Discussion Concerning Setting the Number of Pilots in the Puget Sound Pilotage District as provided in WAC 363-116-065.** Dr. Charles Czeisler will give a presentation on fatigue management to the Board at the December 7, 2017 meeting.

**Confirmation of Next Regular Meeting Dates.** The next regular meeting dates are set for:

- December 7 — Presentation by Dr. Charles Czeisler
- January 18 — To be held at the Port of Seattle

There being no further business to come before the Board, Chair Tonn adjourned the regular session Board meeting at 1:06 p.m.

Respectfully submitted,

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Jaimie C. Bever, Executive Director

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Sheri J. Tonn, Chair

**Absent**

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Edmund I. Kiley, Vice Chair

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Commissioner Charles F. Adams

**Absent**

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Commissioner Philip Morrell

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Commissioner J. Grant Stewart

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Commissioner Donald W. Mayer

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Commissioner Edmund Marmol

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Commissioner Eleanor Kirtley

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Commissioner Scott Ferguson