

MINUTES OF THE MEETING

BOARD OF PILOT COMMISSIONERS PILOTAGE RATE REVIEW COMMITTEE

The Omphoy Ocean Resort
2842 South Ocean Boulevard
Palm Beach, FI 33480
OCTOBER 4, 2013

CALL TO ORDER

Chair Fernandez called the meeting to order at 9:00 a.m.

Members Present

Commissioner Fernandez, Chair
Commissioner Fox
Commissioner Nielsen
Commissioner Swindell
Commissioner Walters
Commissioner Ulrich

Not Present

Commissioner Trueba

Others Present

Robyn Barineau, Executive Director
Elise Rice, Government Analyst
Clark Jennings, Board Counsel
Galen Dunton, Board Consultant
Richard Law, Board Consultant
Reid Hansen, Palm Beach Pilots Association (PBPA)
Donald Freeman, Attorney for PBPA
Matt Rigby, PBPA
Jamie Mahoney, Tropical Shipping
Warren Husband, Florida Harbor Pilots Association (FHPA)
Mike Cunningham, Port Everglades Pilots Association (PEPA)
Carolyn Kurtz, Tampa Bay Pilots Association (TBPA)
Bill Roden, PBPA
Stuart Lilly, FHPA
Gretchen Winters, FHPA
Cheryl Phipps, PEPA
Erwin Holder, Tropical Shipping
Ben Borgie, FHPA
Allen Thompson, TBPA
Alexandra Ramirez, Court Reporter

Chair Fernandez stated that Commissioner Trueba was excused from the meeting.

PETITION FOR HEARING AS TO NOTICE OF INTENT TO APPROVE THE PORT OF PALM BEACH PILOTAGE RATE INCREASE APPLICATION FILED BY THE PALM BEACH HARBOR PILOTS ASSOCIATION – TROPICAL SHIPPING AND CONSTRUCTION COMPANY LIMITED

Mr. Jennings provided the history and procedures to be followed for this hearing. He stated that Tropical Shipping filed a petition with 21 days, as required by law, for an informal hearing, and there were no disputed issues of material fact.

Mr. Jamie Mahoney, Tropical Shipping, was present at the meeting and was sworn in by the court reporter.

Mr. Mahoney stated that they have been paying the increase in rates. He read a letter dated October 4 requesting an extension of time to contest the increase as they want an opportunity to meet with the PBPA to reach an agreement on the rate increase. Mr. Mahoney stated that they do not dispute the material facts.

Mr. Jennings stated that Tropical Shipping submitted a motion for continuance and asked if the PBPA would agree to this or not.

Mr. Freeman, Attorney for PBPA, informed the Committee that they object to any postponement. He stated that an Order was issued and this would be an unreasonable delay. He added that the PBPA is holding the money in an escrow account.

Mr. Mahoney stated that if a postponement was not granted, he wanted to provide more information.

Following discussion, the following action was taken.

MOTION: Commissioner Walters made a motion that the Committee grant the continuance as requested by Tropical Shipping.

SECOND: Commissioner Nielsen seconded the motion which failed with a tie vote. Commissioner Fox, Commissioner Nielsen, and Commissioner Walters voted in favor of the continuance and Commissioner Swindell, Commissioner Ulrich, and Chair Fernandez voted against the motion.

Mr. Jennings informed the Committee that they needed to determine if there were any disputed issues of material fact. He stated that the Petitioner had submitted their pleading which stated that they did not dispute any issues of material fact and the Committee also heard today that there are no disputed issues of material fact. Mr. Jennings stated that if the Committee determined that

there were no issues of material fact, Tropical Shipping could file an appeal with the District Court of Appeal, and if they do not, then in 30 days the order becomes final.

Following discussion, the following action was taken.

- MOTION: Commissioner Swindell made a motion that Tropical Shipping did not present any disputed issues of material facts.
- SECOND: Commissioner Fox seconded the motion and it passed unanimously.

Mr. Jennings stated that an order will be issued.

NEW BUSINESS

There was no new business to come before the Committee at this time.

OLD BUSINESS

There was no old business to come before the Committee at this time.

ELECTION OF OFFICERS

- MOTION: Chair Fernandez nominated Commissioner Swindell as Chair of the Pilotage Rate Review Committee.
- SECOND: Commissioner Ulrich seconded the motion.

Commissioner Swindell respectively declined the nomination.

- MOTION: Commissioner Swindell nominated Commissioner Trueba as Chair of the Pilotage Rate Review Committee.
- SECOND: Commissioner Ulrich seconded the motion and it passed unanimously.

- MOTION: Chair Fernandez nominated Commissioner Swindell as Vice-Chair of the Pilotage Rate Review Committee.
- SECOND: Commissioner Fox seconded the motion and it passed unanimously.

ADJOURNMENT

There being no further business to come before the Committee, the meeting was adjourned at 9:55 a.m.