

MINUTES OF THE MEETING

BOARD OF PILOT COMMISSIONERS PILOTAGE RATE REVIEW COMMITTEE

Telephone Conference Call

888.670.3525

Participant Passcode: 1628623372#

October 21, 2014, 10:00 am

Approved January 23, 2015

CALL TO ORDER

Chair Swindell called the meeting to order at 10:04 a.m.

Members Present

Commissioner Swindell, Chair

Commissioner Burke

Commissioner Kurtz

Commissioner Miguez

Commissioner Ramos

Commissioner Trueba

Commissioner Ulrich

Others Present

Dan Biggins, Executive Director

Donald Shaw, Government Analyst

Clark Jennings, Board Counsel

Thomas Panza, Florida Caribbean Cruise Association ("FCCA")

Donna Blanton, Biscayne Bay Pilots Association ("BBP")

Capt. Andy Melick, BBP

Capt. Stuart Lilly, Florida Harbor Pilots Association ("FHPA")

Greg McDermott, FCCA

Jodi Cohen, FCCA

Court Reporter present

MOTION FOR STAY PENDING APPELLATE REVIEW SUBMITTED BY THE BISCAYNE BAY PILOTS ASSOCIATION

Mr. Jennings gave a brief introduction of events leading to the conference call, stating that on August 27, 2014, the Committee filed an order denying BBP's motion to disqualify Commissioners Burke and Miguez from the Rate Review proceedings. On September 2nd, 2014, BBP filed a Petition for Writ of Prohibition with the First District Court of Appeals ("DCA") seeking a review of the aforementioned order. On September 5th, 2014, the First DCA entered an order

converting BBP's Petition for Writ of Prohibition to a Petition Seeking Review of Non-Final Agency Action.

Mr. Jennings informed the Committee that October 9th, 2014, the Biscayne Bay Pilots filed a Motion for Stay Pending Appellate Review with the Rate Review Committee, seeking a stay of the Committee's decision at the August 1st Rate Review Committee meeting for the Port of Miami.

Mr. Jennings then stated that the Committee would need to make a determination on whether or not to grant the stay.

Commissioner Swindell then opened discussion up for both parties, the BBP and the FCCA, to address the motions.

Ms. Blanton stated for the record her objection to Commissioner Trueba participating in the proceedings. Ms. Blanton then presented her case on why the Committee should grant the Motion for Stay.

Mr. Panza then presented his case on why the Committee should deny the Motion for Stay.

Motion: Commissioner Ulrich made a motion to grant the stay.

Second: Commissioner Kurtz seconded the motion.

After discussion the Committee voted as follows:

Those in favor of the motion: Commissioner Burke, Commissioner Kurtz, Commissioner Ulrich, Commissioner Swindell

Those opposed to the motion: Commissioner Miguez, Commissioner Ramos, and Commissioner Trueba

Motion passed by 4 votes to 3.

ADJOURNMENT

There being no further business to come before the Committee, the meeting was adjourned at 10:45 a.m.