

MINUTES OF THE MEETING

BOARD OF PILOT COMMISSIONERS The Westin Key West Resort & Marina 245 Front Street Key West, FL 33040 July 9, 2010

CALL TO ORDER

Chair Phipps called the meeting to order at 9:02 a.m.

Members Present

Commissioner Phipps, Chair
Commissioner Bohnsack
Commissioner Buford
Commissioner de la Parte
Commissioner Fernandez
Commissioner Frudaker
Commissioner Jones
Commissioner Viso

Members Not Present

Commissioner Bryson, Vice-Chair
Commissioner Molitor

Others Present

Robyn Barineau, Executive Director
Elise Rice, Government Analyst
Tim Dennis, Board Counsel
LeChea Parson, Prosecuting Attorney
Galen Dunton, Board Consultant
Dan Ramsey, Florida Docking Masters Association
Mike McGraw, Key West Bar Pilots Association
Joe Brown, Florida State Pilots Association (FSPA)
Warren Husband, FSPA
Gretchen Rayborn, FSPA
Allen Thompson, Tampa Bay Pilots Association

Chair Phipps informed the board that Vice-Chair Bryson and Commissioner Molitor were excused from the meeting.

APPROVAL OF THE MINUTES OF THE MEETING

April 29, 2010 – Probable Cause Panel

MOTION: Commissioner Fernandez made a motion that the panel approve the minutes as submitted.

SECOND: Chair Phipps seconded the motion and it passed unanimously.

April 29 & 30, 2010

MOTION: Commissioner Fernandez made a motion that the board approve the minutes as submitted.

SECOND: Commissioner de la Parte seconded the motion and it passed unanimously.

SETTLEMENT STIPULATION

Captain Jonathan D. Nitkin, Case # 2007-063534

(PCP: Phipps, Frudaker, Molitor)

Chair Phipps stated that this case was continued to the September meeting.

PROSECUTING ATTORNEY'S REPORT

Ms. Parson provided a copy of her report at the meeting. She informed the board that there were three cases that were ready for the probable cause panel, of which, one was heard at this meeting by the panel. Ms. Parson informed the board that there was one public case that Mr. Charles Tunnicliff was handling.

REQUEST FOR TWO-YEAR CERTIFICATE

Christopher Marlow – Panama City

Commissioner Frudaker reported that Captain Marlow had been training since September 2009. He stated that he was currently in Level Three of the Training Program, was progressing, and there were no issues. Commissioner Frudaker informed the board that the St. Andrew Bay Pilots Association requested that Captain Marlow be issued a two-year certificate.

MOTION: Commissioner Fernandez made a motion that the board approve the two-year certificate for Captain Christopher Marlow.

SECOND: Commissioner Buford seconded the motion and it passed unanimously.

REQUEST FOR DEPUTY PILOT OPENING

Biscayne Bay Pilots Association

Commissioner Fernandez informed the board that Captain Bunicci announced that he will be retiring in three years, therefore, the Biscayne Bay Pilots Association was requesting at least one deputy pilot from the March 2011 examination.

MOTION: Commissioner Frudaker made a motion that the board approve the request for at least one deputy pilot for the Biscayne Bay Pilots Association from the March 2011 examination.

SECOND: Commissioner Fernandez seconded the motion and it passed unanimously.

REVIEW OF KEY WEST BAR PILOTS ASSOCIATION DEPUTY PILOT TRAINING PROGRAM

Captain McGraw informed the board that they were updating their training program to provide updated information and gross tonnage.

There was discussion regarding the maximum draft allowed in the Port of Key West. Captain McGraw informed the board that the maximum draft allowed in the port is 31 feet.

Mr. Dennis suggested that the board approve the first three levels of the training program and allow the association to make changes to the remaining levels for review at the September meeting.

MOTION: Commissioner Buford made a motion that the board approve Levels One, Two and Three of the Key West Bar Pilots Association Deputy Pilot Training Program.

SECOND: Commissioner Fernandez seconded the motion and it passed unanimously.

Chair Phipps amended the agenda at this time.

ELECTION OF OFFICERS

Chair Phipps stated that she was willing to continue as Chair of the board, if that was the board's pleasure. She also suggested Commissioner de la Parte be considered for the Vice-Chair.

MOTION: Commissioner Fernandez made a motion that the nominations be closed.

SECOND: Commissioner Buford seconded the motion and it passed unanimously.

MOTION: Commissioner Buford made a motion that the board approve the nominations by acclamation.

SECOND: Commissioner Fernandez seconded the motion and it passed unanimously.

APPOINTMENTS TO THE RATE REVIEW COMMITTEE

Two Pilot Members (vote by pilot members only)

Chair Phipps asked Mr. Dennis if they should appoint a state pilot alternate in case the association of one of the members of the committee submits an application for a rate increase or decrease. Mr. Dennis responded that they could appoint an alternate.

MOTION: Commissioner Fernandez nominated Commissioner Viso to serve on the committee.

SECOND: Chair Phipps seconded the motion and it passed unanimously.

MOTION: Commissioner Viso nominated Commissioner Fernandez to serve on the committee.

SECOND: Chair Phipps seconded the motion and it passed unanimously.

MOTION: Commissioner Viso nominated Chair Phipps to serve as the alternate on the committee.

SECOND: Commissioner Fernandez seconded the motion and it passed unanimously.

Chair Phipps asked Commissioner de la Parte to serve as the Chair of the committee. Mr. Dennis suggested that Commissioner de la Parte serve as the Interim Chair until the committee meets and formally elects a Chair and Vice-Chair.

Five Consumer Members

Chair Phipps stated that the current consumer members of the Board of Pilot Commissioners will serve on the committee.

Ms. Barineau informed the board that a faxed application had been received from the Port of Pensacola.

REPORTS

Chair's Report – Commissioner Phipps

Chair Phipps did not have a report to give at this time.

Deputy Pilot Advancement Committee – Commissioner Phipps

June 4, 2010

Chair Phipps stated that this was provided for information purposes.

Finance Committee Report – Commissioner Bryson

Ms. Barineau reported that the committee recommended to the Rules Committee to increase the gross pilotage fee to seven tenths of one percent (.007) effective October 1, 2010.

MOTION: Commissioner Buford made a motion that the board approve the recommendation of Finance Committee and Rules Committee to increase the gross pilotage assessment to seven tenths of one percent (.007) effective October 1, 2010.

SECOND: Commissioner Fernandez seconded the motion and it passed unanimously.

Rules Committee Report – Commissioner Frudaker

Commissioner Frudaker did not have a report to give at this time.

Probable Cause Panel Report – Commissioner Phipps

Chair Phipps reported that the panel met and closed one case with a finding of no probable cause.

Board Counsel's Report – Tim Dennis

Rules Report

Mr. Dennis informed the board that he will file the rule for the change to the gross pilotage assessment.

Update on Fort Pierce Rate Hearing

Mr. Dennis informed the board that the hearing on the rate increase for the Port of Ft. Pierce is scheduled for August 30 through September 1, and it will be conducted via video conference.

Chair Phipps asked if the board could receive a copy of the disc from the hearing. Mr. Dennis responded that he will see if this is possible and report back to the board.

Executive Director's Report – Robyn Barineau

Ms. Barineau provided the dates and locations for the next three meetings: September 23 & 24, 2010 in Panama City, January 27 & 28, 2011 in Jacksonville, and April 28 & 29, 2011 in Canaveral or Ft. Lauderdale.

Port Security – Commissioner Molitor

This was provided for informational purposes.

PUBLIC COMMENTS

There were no public comments at this time.

NEW BUSINESS

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

OLD BUSINESS

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

ADJOURNMENT

There being no further business to come before the board at this time, the meeting was adjourned 10:05 a.m.