

I N D E X

THE BOARD OF PILOT COMMISSIONERS OF THE PORTS OF HARRIS COUNTY, TEXAS

August 28, 2012

<i>Minute No.</i>	<i>Event/Action</i>
	Chairman Edmonds convened the meeting of the Board of Pilot Commissioners
(PB-2012-0828-01)	Approve the Minutes of the Board of Pilot Commissioners Meeting – July 24, 2012
(PB-2012-0828-02)A	Chairman Edmonds introduced Marcus Woodring, Sr. Managing Director, Port Security and Emergency Operations, who presented a Coast Guard Investigation Data Sharing Update
(PB-2012-0828-02)B	Chairman Edmonds asked if anyone else would like to address the Pilot Board; there was no response
(PB-2012-0828-03)	Issuance of Deputy Branch Pilot Certificate in and for the Houston Ship Channel and Galveston Bar: Captain William A. Ewing III
(PB-2012-0828-04)	Renewal of Branch Pilot Commission in and for the Houston Ship Channel and Galveston Bar: Captain Sherri L. Hickman
	Adjourn the meeting of the Board of Pilot Commissioners

**Board of Pilot Commissioners for Harris County Ports
Public Meeting**

**Houston, Texas
August 28, 2012**

A public meeting of the Board of Pilot Commissioners for Harris County Ports (the "Pilot Board") was convened on August 28, 2012 at 9:41 a.m., at the Port of Houston Authority Executive Offices, Fourth Floor Boardroom, at 111 East Loop North, Houston, Texas 77029. The following Commissioners, staff, and counsel were present:

James T. Edmonds, Chairman
Jimmy A. Burke, Commissioner
Jim Fonteno, Jr., Commissioner
Kase L. Lawal, Commissioner
Steve L. Phelps, Commissioner
Leonard Waterworth, Executive Director
Erik Eriksson, General Counsel and Assistant Secretary
David H. Brown of Brown & Kornegay, LLP, Litigation Counsel
J. Kent Friedman of Haynes and Boone, LLP, Special Counsel

(PB-2012-0828-01) Chairman Edmonds asked if the Pilot Board had changes to the minutes of its July 24, 2012 meeting. Hearing no changes, the Chairman declared the minutes approved as written.

(PB-2012-0828-02) Appearances

(A) Chairman Edmonds introduced Marcus Woodring, Sr., Managing Director, Port Security and Emergency Operations, who gave a Coast Guard Investigation Data Sharing Update.

He noted that in the recent past, the Pilot Board Investigation and Recommendation Committee ("PBIRC") had been able to use much of the work product of U.S. Coast Guard investigations of marine incidents to assist with carrying out its own investigatory duties. However, staff has recently learned the Coast Guard Judge Advocate General's office determined that our information sharing agreement with the Coast Guard, that made this possible, contravened Coast Guard policy. Accordingly, Mr. Woodring has charged the Pilot Board's Compliance Coordinator, Mike Usher, to conduct such investigations on behalf of the PBIRC.

Mr. Usher will be on call to immediately investigate incidents, and go on scene and collect information, and additionally obtain documents, including by use of the federal Freedom of Information Act process, and review certain other Coast Guard documentation and make notes of its content, as a designated "Party-in-Interest." Mr. Woodring characterized this all as "sea-change" in the PBIRC's processes.

(B) Chairman Edmonds asked if anyone else would like to address the Port Commission; there was no response.

The Pilot Board then considered each Request for Pilot Board Action ("RPBA") submitted by Mr. Waterworth, attached to these minutes as Exhibit "A."

(PB-2012-0828-03) RPBA D1 was presented, moved by Commissioner Lawal, seconded by Commissioner Phelps.

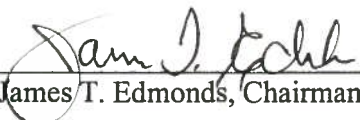
Commissioner Burke asked for clarification of the distinction between Pilot Board issuance of a "certificate" and its recommendation regarding a "commission." Mr. Eriksson noted that the former was issued by the Pilot Board to a deputy pilot; the later was issued to a full pilot by the Governor, based on the recommendation of the Pilot Board.

Chairman Edmonds and Commissioners Burke, Fonteno, Lawal, and Phelps voted Aye. Nays none. RPBA D1 PASSED.

(PB-2012-0828-04) RPBA D2 was presented, moved by Commissioner Lawal, seconded by Commissioner Phelps. Chairman Edmonds and Commissioners Burke, Fonteno, Lawal, and Phelps voted Aye. Nays none. RPBA D2 PASSED.

At 9:46 a.m. Chairman Edmonds adjourned the meeting of the Pilot Board.

The above is a correct copy of the Minutes of the August 28, 2012 meeting of the Pilot Board.


James T. Edmonds, Chairman

ATTEST:


Erik A. Eriksson, General Counsel and Assistant Secretary

Request for Board of Pilot Commissioner Action

Category: General	Agenda Date: August 28, 2012	Agenda Section: D - 1
From: Division: Port Security & Emergency Operations Department: Marine	Staff Contact: Ruben Arredondo	
Summary Recommendation: Issuance of Deputy Branch Pilot Certificate in and for the Houston Ship Channel and Galveston Bar: Captain William A. Ewing III.		
Background: The Application Review Committee (ARC) of the Pilot Board considers whether applicants meet the statutory and regulatory requirements for pilots on the Houston Ship Channel. Among other things, applicants undergo a physical examination to determine if an applicant is in good mental and physical health in order to perform the duties of pilotage on the Houston Ship Channel, and an investigation including a criminal background check and the applicant's accident history is conducted.		
Staff Evaluation/Justification: Captain William A. Ewing has applied for certificate as Deputy Branch Pilot for the Galveston Bar and Houston Ship Channel. The application includes a letter from his Master Houston Branch Pilot Captain Kent D. Barton expressing his willingness to appoint Captain William A. Ewing III as Deputy Branch Pilot and to act as his master for his proposed deputyship of three years, and evidence of his ability to enter into a faithful performance bond in the amount of \$25,000 payable to the governor. After an assessment of his qualifications and the documents filed with his application, the ARC determined that Captain William A. Ewing III meets the requirements of Chapter 66 of the Texas Transportation Code, Houston Pilots Licensing and Regulatory Act, Section 66.034, and the Rules and Regulations Governing Pilots and Pilotage on the Houston Ship Channel Between the Galveston Bar and the Turning Basin Terminal. Accordingly, the ARC respectfully submits to the Pilot Board the application of Captain William A. Ewing III for appointment as Deputy Branch Pilot for the Galveston Bar and the Houston Ship Channel. Such appointment is for a three-year term.		
Full Recommendation: The Pilot Board, at its August 28, 2012 meeting, issue a certificate to Captain William A. Ewing III as Deputy Branch Pilot for the Galveston Bar and the Houston Ship Channel for a three-year term effective August 28, 2012, and further authorize the Secretary of the Pilot Board to do any and all things in his opinion reasonable or necessary to give effect to the foregoing.		

Request for Board of Pilot Commissioner Action

<p>Category: General</p>	<p>Agenda Date: August 28, 2012</p>	<p>Agenda Section: D - 2</p>
<p>From: Division: Port Security & Emergency Operations Department: Marine</p>	<p>Staff Contact: Ruben Arredondo</p>	
<p>Summary Recommendation: Recommendation for renewal of Branch Pilot Commission in and for the Houston Ship Channel and Galveston Bar: Captain Sherri L. Hickman.</p>		
<p>Background: Prior authorizing Pilot Board action: Minute No. 2008-0722-56</p> <p>The Application Review Committee (ARC) of the Pilot Board considers whether applicants meet the statutory and regulatory requirements for pilots on the Houston Ship Channel. Among other things, applicants undergo a physical examination to determine if an applicant is in good mental and physical health in order to perform the duties of pilotage on the Houston Ship Channel, and an investigation including a criminal background check and the applicant's accident history is conducted.</p>		
<p>Staff Evaluation/Justification: Captain Sherri L. Hickman has applied for renewal of her commission as Branch Pilot for the Galveston Bar and Houston Ship Channel. The application includes a renewal request on her behalf from the Houston Pilots and evidence of her ability to enter into a faithful performance bond in the amount of \$25,000 payable to the governor.</p> <p>After an assessment of her qualifications and the documents filed with her application, the ARC determined that Captain Sherri L. Hickman meets the requirements of Chapter 66 of the Texas Transportation Code, Houston Pilots Licensing and Regulatory Act, Section 66.041, and the Rules and Regulations governing Pilots and Pilotage on the Houston Ship Channel Between the Galveston Bar and the Turning Basin Terminal.</p> <p>Accordingly, the ARC respectfully submits to the Pilot Board the application of Captain Sherri L. Hickman to renew her commission as Branch Pilot for the Galveston Bar and the Houston Ship Channel. Such commission is for a four-year term.</p>		
<p>Full Recommendation: The Pilot Board, at its August 28, 2012 meeting, recommend to the Governor the renewal of the commission of Captain Sherri L. Hickman as Branch Pilot for the Galveston Bar and the Houston Ship Channel for a four-year term effective October 26, 2012, and further authorize the Secretary of the Pilot Board to do any and all things in his opinion reasonable or necessary to give effect to the foregoing.</p>		