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

April 22, 2014

*Minute No.*

*Event/Action*

**General**

Chairman Longoria convened the meeting of the Board of Pilot Commissioners

**Minutes**

(PB-2014-0422-01) Approve the Minutes of the Board of Pilot Commissioners Meeting – March 25, 2014

**Appearances**

(PB-2014-0422-02A) Chairman Longoria recognized Niels Aalund, Vice President, Maritime Affairs, West Gulf Maritime Association, who addressed the Pilot Board

(PB-2014-0422-02B) Chairman Longoria asked if anyone wished to address the Pilot Board; there was no response

**Pilot Matters**

(PB-2014-0422-03) Adoption of the Supplementary Order Regarding Harris County Pilotage with respect to the Pilot Board's "Decision and Reasons For Decision on 2014 Harris County Pilot Rates" dated January 31, 2014, in connection with the Houston Pilots rate application dated September 16, 2013

(PB-2014-0422-04) Appointment of Captain Richard H. Russell as a Pilot Board Investigation and Recommendation Committee Member

Adjourn the meeting of the Board of Pilot Commissioners

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

**Houston, Texas  
April 22, 2014**

A public meeting of the Board of Pilot Commissioners for Harris County Ports (the "Pilot Board") was convened on April 22, 2014 at 10:38 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:

Janiece Longoria, Chairman  
Theldon R. Branch, III, Commissioner  
Dean E. Corgey, Commissioner  
Stephen H. DonCarlos, Commissioner  
Clyde E. Fitzgerald, Commissioner  
John D. Kennedy, Commissioner  
Roy D. Mease, Commissioner  
Roger Guenther, Secretary  
Erik A. Eriksson, General Counsel and Assistant Secretary

Chairman Longoria called the meeting of the Pilot Board to order.

(PB-2014-0422-01) Chairman Longoria asked for a motion to approve the minutes of the Pilot Board's March 25, 2014 meeting. The motion was brought by Commissioner Mease, seconded by Commissioner Fitzgerald. Chairman Longoria, and Commissioners Branch, Corgey, DonCarlos, Fitzgerald, Kennedy, and Mease voted Aye. Nays none. The minutes were approved as written.

(PB-2014-0422-02) Appearances

Chairman Longoria asked if there were any appearances.

(A) Niels Aalund, Vice President, Maritime Affairs, West Gulf Maritime Association, addressed the Pilot Board.

Mr. Aalund addressed Item E2 on the agenda, "Appointment of Captain Richard H. Russell as a Pilot Board Investigation and Recommendation Committee Member," speaking in favor of the appointment.

(B) Chairman Longoria asked if anyone else wished to address the Pilot Board; there was no response.

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

(PB-2014-0422-03) RPBA E1 was presented, moved by Commissioner Mease, seconded by Commissioner Branch. Chairman Longoria, and Commissioners Branch,

DonCarlos, Fitzgerald, Kennedy, and Mease voted Aye. Commissioner Corgey abstained. RPBA E1 PASSED.

Chairman Longoria expressed gratitude for the work done by the West Gulf Maritime Association and the Houston Pilots to bring the matter to conclusion.


(PB-2014-0422-04) RPBA E2 was presented, moved by Commissioner Corgey, seconded by Commissioner Mease. Chairman Longoria, and Commissioners Branch, Corgey, DonCarlos, Fitzgerald, Kennedy, and Mease voted Aye. RPBA E2 PASSED.

At 10:41 a.m. Chairman Longoria announced there would not be an executive session and adjourned the meeting of the Pilot Board.

The above is a correct copy of the Minutes of the April 22, 2014 meeting of the Pilot Board.

  
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Janiece Longoria, Chairman

ATTEST:

  
\_\_\_\_\_  
Erik A. Eriksson, General Counsel and  
Assistant Secretary

## Request for Board of Pilot Commissioners Action

<b>Category:</b> Pilot Matters	<b>Agenda Date:</b> April 22, 2014	<b>Agenda Section:</b> E - 1
<b>From:</b> <b>Division:</b> Legal <b>Branch:</b> Pilot Administration	<b>Staff Contact:</b> Erik Eriksson	
<b>Summary Recommendation:</b> Adoption of the Supplementary Order Regarding Harris County Pilotage with respect to the Pilot Board's "Decision and Reasons For Decision on 2014 Harris County Pilot Rates" dated January 31, 2014, in connection with the Houston Pilots rate application dated September 16, 2013.		
<b>Background:</b> The Houston Pilots Licensing and Regulatory Act, Chapter 66 of the Texas Transportation Code (the "Act"), requires the Board of Pilot Commissioners for the Ports of Harris County (the "Pilot Board") to establish pilotage rates for the Ports of Harris County, as provided therein.  By letter dated September 16, 2013, the Houston Pilots submitted an application to the Pilot Board for a change in such pilotage rates (the "Application"). Following hearings on the Application on October 22, 2013, November 19, 2013, and December 10, 2013, the Pilot Board adopted its "Decision and Reasons For Decision on 2014 Harris County Pilot Rates" (the "Decision"), and provisionally granted the Application, on January 31, 2014.  The Pilot Board also directed the Houston Pilots and the maritime industry to continue to work to reach agreement on pilotage rates for 2014 and subsequent years and reserved the right to take further action with regard to the matter.  On March 21, 2014 the Houston Pilots and the maritime industry announced they had reached agreement on pilotage rates for 2014, 2015, and 2016, and at the Pilot Board's March 25, 2014 meeting, the Pilot Board established pilot rates for these calendar years in accordance with the agreement that was reached on March 21.		
<b>Staff Evaluation/Justification:</b> Transportation Code Sec. 66.065 requires that the Pilot Board issue a written decision in order to grant or deny a rate application, state each new pilotage rate therein, and state the reasons for the decision.  Accordingly, counsel recommends that that the Pilot Board adopt the Supplementary Order Regarding Harris County Pilotage attached as Exhibit A, with respect to the Pilot Board's "Decision and Reasons For Decision on 2014 Harris County Pilot Rates" dated January 31, 2014 in connection with the Houston Pilots rate Application dated September 16, 2013, and thereby ratify its actions of March 25 and conform to the statute.		
<b>Full Recommendation:</b> The Board of Pilot Commissioners, at its April 22, 2014 meeting, adopt the Supplementary Order Regarding Harris County Pilotage with respect to the Pilot Board's "Decision and Reasons For Decision on 2014 Harris County Pilot Rates" dated January 31, 2014, in connection with the Houston Pilots rate application dated September 16, 2013, 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 Commissioners Action**

<p><b>Category:</b> Pilot Matters</p>	<p><b>Agenda Date:</b> April 22, 2014</p>	<p><b>Agenda Section:</b> E - 2</p>
<p><b>From:</b> <b>Division:</b> Legal <b>Branch:</b> Pilot Administration</p>	<p><b>Staff Contact:</b> Erik Eriksson</p>	
<p><b>Summary Recommendation:</b> Appointment of Captain Richard H. Russell as a Pilot Board Investigation and Recommendation Committee Member.</p>		
<p><b>Background:</b> Prior authorizing Port Commission Action: Minute No. 2014-0131-04</p> <p>Pursuant to the Rules and Regulations Governing Pilots and Pilotage on the Houston Ship Channel between the Galveston Bar and the Turning Basin Houston, Texas (Rules), adopted August 25, 1993 by Minute No. 1881, and amended by Minute No. 2007-1030-66, 2010-0323-23 and 2013-0723-08, the Pilot Board Investigation and Recommendation Committee (PBIRC) investigates, holds hearings, and makes recommendations regarding certain accidents on the Houston Ship Channel and matters pertaining to the Rules. The Rules provide that the PBIRC is appointed annually by the Chairman of the Pilot Board, with the appointees subject to approval by the Pilot Board. The Rules provide that the PBIRC shall be composed of voting members from the Houston Pilots Association, Port of Houston maritime industry, the Port Authority, and nonvoting advisory members from the U.S. Coast Guard, and chaired by a Port Authority voting member.</p>		
<p><b>Staff Evaluation/Justification:</b> Captain Timothy Leitzell, a dedicated member of the PBIRC for over 23 years, recently passed away. Staff recommends that a representative of the maritime industry be appointed.</p> <p>Pursuant to the Rules, the Chairman of the Pilot Board appoints, subject to approval by the Pilot Board, Captain Richard H. Russell to the PBIRC.</p> <p>The Secretary of the Pilot Board requests that the Pilot Board approve the appointment of Captain Richard H. Russell as a PBIRC member, to serve for the calendar year 2014 and thereafter until a replacement is named.</p>		
<p><b>Full Recommendation:</b> The Board of Pilot Commissioners, at its April 22, 2014 meeting, approve the appointment of Captain Richard H. Russell to the Pilot Board Investigation and Recommendation Committee for the calendar year 2014 and thereafter until a replacement is named, 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>		