

I N D E X

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

June 24, 2014

Minute No.

Event/Action

General

Chairman Longoria convened the meeting of the Board of Pilot Commissioners

Minutes

(PB-2014-0624-01) Approve the Minutes of the Board of Pilot Commissioners Meeting – May 20, 2014

Appearances

(PB-2014-0624-02) Chairman Longoria asked if anyone would like to address the Pilot Board; there was no response

Staff Reports

(PB-2014-0624-03) Captain Marcus Woodring, Managing Director, Health, Safety, Security, and Emergency Management, and ARC and PBIRC Chairman, presented a report on Pilot Board Application Review Committee (ARC) and Pilot Board Investigation and Recommendation Committee (PBIRC) activities, and Chairman Longoria commented

Pilot Matters

(PB-2014-0624-04) Renewal of Branch Pilot Commission for the Houston Ship Channel and Galveston Bar: Captain Theodore A. Schendel III

(PB-2014-0624-05) Renewal of Branch Pilot Commission for the Houston Ship Channel and Galveston Bar: Captain William S. Frailey

(PB-2014-0624-06) Deputy Branch Pilot Certificate for the Houston Ship Channel and Galveston Bar: Captain Travis Parker

(PB-2014-0624-07) Deputy Branch Pilot Certificate for the Houston Ship Channel and Galveston Bar: Captain Justin Benecke, contingent on his First Class Pilot License endorsement

Minute No.

Event/Action

(PB-2014-0624-08)

Deputy Branch Pilot Certificate for the Houston Ship Channel and Galveston Bar: Captain Jason Briones, contingent on his First Class Pilot License endorsement

(PB-2014-0624-09)

Formally appoint Roger Guenther as Secretary of the Board of Pilot Commissioners for Harris County Ports

Adjourn the meeting of the Board of Pilot Commissioners

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

**Houston, Texas
June 24, 2014**

A public meeting of the Board of Pilot Commissioners for Harris County Ports (the "Pilot Board") was convened on June 24, 2014 at 11:01 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, Executive Director
Erik Eriksson, General Counsel and Assistant Secretary
David H. Brown, Brown & Kornegay, LLP
J. Kent Friedman, Haynes and Boone LLP

Chairman Longoria convened the meeting of the Pilot Board and asked if there were any changes to the minutes of its May 20, 2014 meeting.

(PB-2014-0624-01) Commissioner Corgey moved to approve the minutes of the Pilot Board's May 20, 2014 meeting, 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-2014-0624-02) Appearances

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

(PB-2014-0624-03) Staff Reports

Captain Marcus Woodring, Managing Director, Health, Safety, Security, and Emergency Management, and Pilot Board Application Review Committee (ARC) and Pilot Board Investigation and Recommendation Committee (PBIRC) Chairman, presented a report on ARC and PBIRC activities.

Captain Woodring noted that the committees are comprised of industry members and pilotage experts, appointed by the Pilot Board, who make recommendations concerning state pilotage commissions and incident reviews for possible action at Pilot Board public meetings.

Captain Woodring reported that the ARC had implemented Department of Public Safety criminal background checks for applicants, made changes to the medical portion of the pilot application, and added training to the application process.

Captain Woodring reported the PBIRC would hold a sub-committee meeting in mid-July. He observed sub-committee meetings are held once sufficient facts and information concerning incidents are obtained, and following its review, the sub-committee makes recommendations on each, i.e. whether a full hearing is required or a case be closed to file. Currently four cases are scheduled for review.

He added that in general the PBIRC focuses on whether Houston Pilots displayed prudent seamanship in the conduct of his/her duties, and it was guided in the process by Chapter 66 of the Texas Transportation Code, the Houston Pilots Licensing and Regulatory Act, and the Pilot Board's Rules and Regulations.

Chairman Longoria thanked Captain Woodring for his report and reminded everyone that the PBIRC and its designees are actively investigating a well-reported accident that occurred in the Houston Ship Channel on March 22, 2014. She noted it was inappropriate for members of the Pilot Board, PBIRC, and ARC to comment or to speak of the matter in response to third party inquiries while the investigation is active.

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-2014-0624-04) RPBA F1 was presented, moved by Commissioner Corgey, seconded by Commissioner Mease. Chairman Longoria, and Commissioners Branch, Corgey, DonCarlos, Fitzgerald, Kennedy, and Mease voted Aye. RPBA F1 PASSED.

(PB-2014-0624-05) RPBA F2 was presented, moved by Commissioner Mease, seconded by Commissioner Kennedy. Chairman Longoria, and Commissioners Branch, Corgey, DonCarlos, Fitzgerald, Kennedy, and Mease voted Aye. RPBA F2 PASSED.

(PB-2014-0624-06) RPBA F3 was presented, moved by Commissioner Corgey, seconded by Commissioner Mease. Chairman Longoria, and Commissioners Branch, Corgey, DonCarlos, Fitzgerald, Kennedy, and Mease voted Aye. RPBA F3 PASSED.

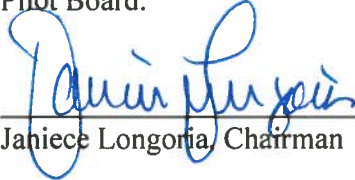
(PB-2014-0624-07) RPBA F4 was presented, moved by Commissioner Mease, seconded by Commissioner DonCarlos. Chairman Longoria, and Commissioners Branch, Corgey, DonCarlos, Fitzgerald, Kennedy, and Mease voted Aye. RPBA F4 PASSED.

(PB-2014-0624-08) RPBA F5 was presented, moved by Commissioner Corgey, seconded by Commissioner Mease. Chairman Longoria, and Commissioners Branch, Corgey, DonCarlos, Fitzgerald, Kennedy, and Mease voted Aye. RPBA F5 PASSED.

(PB-2014-0624-09) RPBA F6 was presented, moved by Chairman Longoria, seconded by Commissioner Branch. Chairman Longoria, and Commissioners Branch, Corgey, DonCarlos, Fitzgerald, Kennedy, and Mease voted Aye. RPBA F6 PASSED.

At 11:07 a.m. Chairman Longoria adjourned the meeting of the Pilot Board.

The above is a correct copy of the Minutes of the June 24, 2014 meeting of the Pilot Board.



Janiece Longoria, Chairman

ATTEST:



Erik A. Eriksson, General Counsel and
Assistant Secretary

Request for Pilot Board Action

<p>Category: Pilot Matters</p>	<p>Agenda Date: June 24, 2014</p>	<p>Agenda Section: F - 1</p>
<p>From: Division: Legal Branch: Pilot Administration</p>	<p>Staff Contact: Erik Eriksson</p>	
<p>Summary Recommendation: Renewal of Branch Pilot Commission for the Houston Ship Channel and Galveston Bar: Captain Theodore A. Schendel III.</p>		
<p>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 and Galveston Bar. 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 Galveston Bar, and an investigation including a criminal background check and the applicant's accident history is conducted.</p>		
<p>Staff Evaluation/Justification: Captain Theodore A. Schendel III has applied for renewal of his commission that expires August 26, 2014, as Branch Pilot for the Houston Ship Channel and Galveston Bar. The application includes evidence of continued education training in Fatigue, Sleep, and Medications Course, (BRM-P) Bridge Resource Management for Pilots, Emergency Ship Handling, Error Detection and Use of Advanced Radar Techniques, Radar Observer (recertification), and Raven Wheelhouse II Pilot Portable Unit (PPU) Navigation System & (AIS) Automatic Information System, and a renewal request on his behalf from the Houston Pilots, along with evidence of his ability to enter into a faithful performance bond in the amount of \$25,000 payable to the governor.</p> <p>After an assessment of his qualifications and the documents filed with the application, the ARC determined that Captain Theodore A. Schendel III 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 and Galveston Bar.</p> <p>Accordingly, the ARC respectfully submits to the Pilot Board the application of Captain Theodore A. Schendel III to renew his commission as Branch Pilot for the Houston Ship Channel and Galveston Bar. Such commission is for a four-year term.</p>		
<p>Full Recommendation: The Pilot Board, at its June 24, 2014 meeting, recommend to the governor the renewal of the commission of Captain Theodore A. Schendel III as Branch Pilot for the Houston Ship Channel and Galveston Bar for a four-year term effective August 26, 2014, 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>		

Request for Pilot Board Action

Category: Pilot Matters	Agenda Date: June 24, 2014	Agenda Section: F - 2
From: Division: Legal Branch: Pilot Administration	Staff Contact: Erik Eriksson	
Summary Recommendation: Renewal of Branch Pilot Commission for the Houston Ship Channel and Galveston Bar: Captain William S. Frailey.		
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 and Galveston Bar. 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 Galveston Bar, and an investigation including a criminal background check and the applicant's accident history is conducted.		
Staff Evaluation/Justification: Captain William S. Frailey has applied for renewal of his commission that expires August 27, 2014, as Branch Pilot for the Houston Ship Channel and Galveston Bar. The application includes evidence of continued education training in Radar Observer (recertification), Manned Model Ship Handling, Error Detection and Use of Advanced Radar Techniques, Incident Management for Pilots, (AIS) Automatic Information System Training, (Colregs) Collision Regulations for Pilots, and Emergency Ship Handling, and a renewal request on his behalf from the Houston Pilots, along with 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 the application, the ARC determined that Captain William S. Frailey 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 and Galveston Bar. Accordingly, the ARC respectfully submits to the Pilot Board the application of Captain William S. Frailey to renew his commission as Branch Pilot for the Houston Ship Channel and Galveston Bar. Such commission is for a four-year term.		
Full Recommendation: The Pilot Board, at its June 24, 2014 meeting, recommend to the governor the renewal of the commission of Captain William S. Frailey as Branch Pilot for the Houston Ship Channel and Galveston Bar for a four-year term effective August 27, 2014, 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 Pilot Board Action

Category: Pilot Matters	Agenda Date: June 24, 2014	Agenda Section: F - 3
From: Division: Legal Branch: Pilot Administration	Staff Contact: Erik Eriksson	
Summary Recommendation: Deputy Branch Pilot Certificate for the Houston Ship Channel and Galveston Bar: Captain Travis Parker.		
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 and Galveston Bar. 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 Galveston Bar, and an investigation including a criminal background check and the applicant's accident history is conducted.		
Staff Evaluation/Justification: <p>Captain Travis Parker has applied for appointment as Deputy Branch Pilot for the Houston Ship Channel and Galveston Bar. The application includes a letter from Master Houston Branch Pilot Captain Julian T. Platon expressing his willingness to appoint Captain Travis Parker 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.</p> <p>After an assessment of his qualifications and the documents filed with his application, the ARC determined that Captain Travis Parker 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 and Galveston Bar.</p> <p>Accordingly, the ARC respectfully submits to the Pilot Board the application of Captain Travis Parker for his certificate as Deputy Branch Pilot for the Houston Ship Channel and Galveston Bar. Such certificate is for a three-year term.</p>		
Full Recommendation: The Pilot Board, at its June 24, 2014 meeting, approve the appointment of Captain Travis Parker as a Deputy Branch Pilot for the Houston Ship Channel and Galveston Bar for a three-year term effective June 24, 2014, 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 Pilot Board Action

Category: Pilot Matters	Agenda Date: June 24, 2014	Agenda Section: F - 4
From: Division: Legal Branch: Pilot Administration	Staff Contact: Erik Eriksson	
Summary Recommendation: Deputy Branch Pilot Certificate for the Houston Ship Channel and Galveston Bar: Captain Justin Benecke, contingent on his First Class Pilot License endorsement.		
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 and Galveston Bar. 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 Galveston Bar, and an investigation including a criminal background check and the applicant's accident history is conducted.		
Staff Evaluation/Justification: Captain Justin Benecke has applied for appointment as Deputy Branch Pilot for the Houston Ship Channel and Galveston Bar. The application includes a letter from Master Houston Branch Pilot Captain Hugh Guidry expressing his willingness to appoint Captain Justin Benecke 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 Justin Benecke does not currently meet 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 and Galveston Bar, however; once he submits his First Class Pilot License endorsement he would meet full requirements. Accordingly, the ARC respectfully submits to the Pilot Board the application of Captain Justin Benecke for his certificate as Deputy Branch Pilot for the Houston Ship Channel and Galveston Bar contingent upon his First Class Pilot License endorsement submittal to the Secretary.		
Full Recommendation: The Pilot Board, at its June 24, 2014 meeting, approve the appointment of Captain Justin Benecke, contingent on his First Class Pilot License endorsement, as a Deputy Branch Pilot for the Houston Ship Channel and Galveston Bar for a three-year term, 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 Pilot Board Action

Category: Pilot Matters	Agenda Date: June 24, 2014	Agenda Section: F - 5
From: Division: Legal Branch: Pilot Administration	Staff Contact: Erik Eriksson	
Summary Recommendation: Deputy Branch Pilot Certificate for the Houston Ship Channel and Galveston Bar: Captain Jason Briones, contingent on his First Class Pilot License endorsement.		
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 and Galveston Bar. 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 Galveston Bar, and an investigation including a criminal background check and the applicant's accident history is conducted.		
Staff Evaluation/Justification: Captain Jason Briones has applied for appointment as Deputy Branch Pilot for the Houston Ship Channel and Galveston Bar. The application includes a letter from Master Houston Branch Pilot Captain Marcus A. Maher expressing his willingness to appoint Captain Jason Briones 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 Jason Briones does not currently meet 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 and Galveston Bar, however; once he submits his First Class Pilot License endorsement he would meet full requirements. Accordingly, the ARC respectfully submits to the Pilot Board the application of Captain Jason Briones for his certificate as Deputy Branch Pilot for the Houston Ship Channel and Galveston Bar contingent upon his First Class Pilot License endorsement submittal to the Secretary. Such certificate is for a three-year term.		
Full Recommendation: The Pilot Board, at its June 24, 2014 meeting, approve the appointment of Captain Jason Briones, contingent on his First Class Pilot License endorsement, as a Deputy Branch Pilot for the Houston Ship Channel and Galveston Bar for a three-year term, 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 Pilot Board Action

Category: Pilot Matters	Agenda Date: June 24, 2014	Agenda Section: F - 6
From: Division: Legal Branch: Pilot Administration	Staff Contact: Erik Eriksson	
Summary Recommendation: Formally appoint Roger Guenther as Secretary of the Board of Pilot Commissioners for Harris County Ports.		
Background: The position of Secretary of the Board of Pilot Commissioners for Harris County Ports has in the past been held by the Executive Director of the Port of Houston Authority.		
Staff Evaluation/Justification: In January 2014, Roger Guenther was appointed Executive Director of the Port of Houston Authority and Secretary to the Port Commission; his employment contract also contemplates that he act as Secretary of the Pilot Commission of the Board of Pilot Commissioners. Accordingly, the Legal Division proposes that the Board of Pilot Commissioners formally confirm Mr. Guenther's appointment.		
Full Recommendation: The Pilot Board, at its June 24, 2014 meeting, formally appoint Roger Guenther as Secretary of the Board of Pilot Commissioners for Harris County Ports, and further authorize the General Counsel of the Pilot Board to do any and all things in his opinion reasonable or necessary to give effect to the foregoing.		