

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

**Houston, Texas
December 8, 2022**

A public meeting of the Board of Pilot Commissioners for Harris County Ports (the “Pilot Board”) was convened on December 8, 2022 at 10:00 a.m. at the office of the Houston Pilot Board, 203 Ivy Avenue, Deer Park, Texas 77536, as well as virtually via Zoom webinar. The following commissioners and others were present:

Captain Reginald McKamie, Chairman
Roland Garcia, Vice-Chair (Present Virtually)
Frances Castañeda Dyess, Treasurer
Jon Keeney, Executive Committee
Brad Hance, Commissioner
Michel Bechtel, Commissioner
Darrell Morrison, Commissioner
Parris Beverly, Commissioner
Captain M. Tyler Gavis – Executive Director and Secretary
David McNeal – General Counsel

Chairman McKamie asked Captain Gavis to call roll. Captain Gavis called the roll and noted that Commissioner Oakley would be absent due to illness. Captain Gavis noted that the Pilot Board had established a quorum with 8 out of 9 Commissioners present. Chairman McKamie thanked everyone for attending and wished Commissioner Oakley a speedy recovery.

(PB-2022-1208-01) Recognitions

Chairman McKamie stated there were no recognitions.

(PB-2022-1208-02) Appearances

Chairman McKamie asked for Captain Gavis to seek public comment. Captain Gavis stated that several individuals had signed up to speak and gave the floor to Bob Sanders, Executive VP of Enterprise Products. Mr. Sanders voiced his concern with the mandatory retirement of pilots, and added that the Houston Pilots will be losing thirty pilots over the next ten years. He next stated that with the expansion of the ship channel, and the pilots extending daylight operations, Enterprises’ volume growth will be instantaneous. Mr. Sanders asks that the Houston Pilots proactively go out and get the best pilots now because he does not want the Houston Pilots to be the limitation on growth for the Houston Ship Channel. Chairman McKamie stated that Mr. Sanders comments were very timely and important, and added that establishing the number of pilots is the number duty of this Board under Texas Transportation Code 66.017. Commissioner Morrison spoke up and reminded the Chairman that the Board needs to stay in compliance with the Open Meetings Act. Captain Gavis gave the floor to Paul Matejowsky, Marine Superintendent for Exxon Mobile. Mr. Matejowsky stated the Houston Pilots have historically shown a very good job

of maintaining not only the right number of pilots but also the right pilots for the job. He next added that he would like the pilots to have a positive influence in maintaining the business. Chairman McKamie thanked him for his comments. Next, Captain Gavis gave the floor to Tom Lightsey, Counsel for the Houston Pilots. Mr. Lightsey discussed agenda item 14.b.i, "Seek a Declaratory Judgement to ensure compliance with Texas Transportation Code Sec. 66.017 Duties of the Pilot Board." Mr. Lightsey stated that to seek a declaratory judgement, there needs to be a judicial controversy. He said that he does not believe there is a dispute of what the statute says and that there is no need for an advisory opinion from the District Court, which he added is not allowed by law. He added that the pilots would be a party of interest and that every party of interest must be notified and given the opportunity to participate. He next stated that if the Board loses the declaratory judgment, the trial court would have the discretion to award the other parties their turn. Captain Gavis next gave the floor to Ms. Denise Schafer, Manager of Documentation and Regulatory Compliance for Odfjell. Ms. Schaffer stated she was discussing agenda item 9, which she added was the discussion of Houston Pilot tariff charges for 2023. She stated that the ancillary delay charges due to Project 11 were not expected and added that the work would go on for several more years. She noted that she wanted to bring to the Board's attention that in 2022 to date they are seeing delay charges which are 1.3% to 1.4% of their total invoices paid. She then added that their vessels did not necessarily need the deepening and widening and that it is the shipowners that pay all of the fees.

(PB-2022-1208-03) Minutes

Chairman McKamie called for a motion to approve the minutes of the September 8, 2022 Pilot Board meeting. Commissioner Bechtel moved for approval, seconded by Commissioner Keeney. Chairman McKamie asked for all in favor to say aye. All were in favor. There were no negative votes. MOTION PASSED.

(PB-2022-1208-04) Executive Director Report

Captain Gavis spoke to hosting US Coast Guard industry trainee, Kim McLean. He added that she has been in the Coast Guard roughly 20 years and will be reporting to the Sector Houston Investigations team in the Summer. He stated that she was helpful and that he has learned a lot working with her. Captain Gavis invited Kim McLean to introduce herself to the Board. Ms. McLean thanked the Board for the opportunity. She also thanked Captain Gavis for answering all her questions during her time with the Board. She noted that she did not know what the Pilot Board did and has learned a lot.

(PB-2022-1208-05) Pilot Board Committee Updates

(a) Chairman McKamie spoke on behalf of the Executive Committee and stated they had reviewed the bylaws and recommend they be adopted.

(PB-2022-1208-06) Chairman McKamie sought approval of agenda item 8a.i, "Adopt proposed Pilot Board Bylaws". Commissioner Keeney asked if this was a separate agenda item, to which Captain Gavis stated this was the correct time for the vote. Commissioner Beverly asked if there is a difference between the bylaws and the rules and regulations, to which Captain Gavis answered that the rules and regulations are expected of the pilots, including the ARC and PBRIC, and the bylaws are more of an internal procedure for the Board members. Chairman McKamie asked if there were any more questions. Commissioner Keeney asked to make a motion with a modification. He stated he wants to add wording that when two Commissioners request to add an agenda item then it should be added. Conversation ensued concerning where it should be added and the exact wording. It was then determined that an agenda item may be added at the request of 2 Commissioners be placed at the end of the agenda section. Chairman McKamie asked for all in favor to say aye. All were in favor. There were no negative votes. MOTION PASSED.

(b) Chairman McKamie recognized Pilot Board Legislative Committee Chairman Bechtel.

Commissioner Bechtel stated that the legislature's next session will open January 10, 2023. Commissioner Bechtel stated that he reviewed the Texas Transportation Code for all pilots concerning subpoena power. He added that he did not see anything in the Transportation Code concerning subpoenas, and that under the Texas Administration Code, the Texas Medical Board and the Texas Racing Board have subpoena power. Commissioner Bechtel stated it caught his eye in Title 16 of the Administrative Code, Request for Information and Request for Facts, and added that it formalizes the request for evidence. He stated this may be helpful. Commissioner Bechtel next stated that when you go to someone to ask them to carry a bill the first questions they will ask is, "why and who else has this?." Commissioner Bechtel stated there is an extremely limited grain of subpoena power and none under the legislature the Board operates under. Conversation ensued between Chairman McKamie and Commissioner Bechtel. Chairman McKamie stated the current system the Board uses to conduct investigations is not working because they are having to wait on the Coast Guard and/or NTSB to give information. Chairman McKamie then added that getting information from NTSB usually takes up to eighteen months to two years and getting it from the Coast Guard is not timely. Commissioner Keeney added that two legislators, Senator Alvarado, and Representative Mary Ann Perez, would be good to have a preliminary conversation with. Commissioner Bechtel said that before speaking with them, the Board should consider formalizing a request for evidence. Chairman McKamie stated the problem is getting people before the PBRIC. Chairman McKamie stated that in one instance the Coast Guard had evidence that was not shared with the PBRIC. Conversation ensued between Chairman McKamie, Commissioner Bechtel, and Commissioner Keeney. Chairman McKamie explained that there is a rift currently between the Coast Guard and the PBRIC

because the Coast Guard is not pleased with the outcomes of what the PBRIC has determined, and added that The Coast Guard has said they will still assist but they will no longer have anyone on the PBRIC. Chairman McKamie stated this is a matter that needs to be discussed further. Commissioner Garcia stated he recalled the dispute with the Coast Guard and how the Board had made some adjustments and had written a letter to the Coast Guard, while further explaining the adjustments.

At 10:35 a.m., the meeting was put on a recess due to internet issues in the building interrupting the Zoom feed from the building. Chairman McKamie reconvened the meeting at 10:43 a.m. and gave the floor back to Commissioner Garcia. Commissioner Garcia restated his comments about the letter to the Coast Guard. Captain Gavis stated the Coast Guard has been helpful, but they have decided not to have anyone on the PBRIC. Commissioner Bechtel spoke on the Coastal Barrier Project and added that the final agreement has been negotiated and is waiting on signature from President Biden. He added that the next discussions in Congress will be appropriations and seeing if a budget gets passed. Commissioner Bechtel then summarized some local legislative changes, including SD11 with Mayes Middleton replacing State Senator Larry Taylor and HD23 with Terri Leo Wilson assuming office.

(c) Chairman McKamie recognized Pilot Board Navigation Chairman Hance.

Commissioner Hance stated he attended the last Lone Star Harbor Safety Committee meeting with CWO Kim McLean and Captain Gavis and added that Congressman Weber spoke at the meeting, and it was interesting to hear what he said.

(d) Pilot Board USCG Liaison Chairman Morrison stated there was no activity to report.

(e) Pilot Board Diversity Committee Chairman Garcia stated there was no activity to report.

(f) Chairman McKamie recognized Pilot Board Professional Development Committee Chairman Beverly.

Commissioner Beverly stated that the committee has served its purpose with the help of Commissioner Keeney, Captain Gavis, and the pilots. Commissioner Beverly added that all the information is in process management, and the onboarding process for new Commissioners will be simple.

(PB-2022-1208-07) Commissioner Beverly stated there is no longer a need for the committee and made a motion to abolish it. Commissioner Keeney seconded. Chairman McKamie asked for all in favor to say aye. All were in favor. There were no

negative votes. MOTION PASSED. Commissioner Beverly then gave a brief of the final draft of the Performance Management Metrics. He stated that he met with Commissioner Dyess to simplify the process and then met with the Houston Pilots Executive Team. Commissioner Beverly stated that the Board would measure their performance on the 11 prescribed duties, several measures on Board effectiveness, and several measures on committee effectiveness. He stated they also included measures for the Pilots: safety, pilot optimization, customer service, and maritime community leadership. He added that there are also metrics for the Executive Director.

(PB-2022-1208-08) Chairman McKamie asked for a motion to approve agenda item 8.f.i., "Adopt proposed Pilot Board Performance Management Metrics". Commissioner Dyess moved to approve, seconded by Commissioner Keeney. Chairman McKamie asked for all in favor to say aye. All were in favor. There were no negative votes. MOTION PASSED

(g) Chairman McKamie recognized Captain Gavis on behalf of the Ad Hoc Rules, Policies, and Procedures Committee.

Captain Gavis stated he had been over to the port a couple of times for records and was working with Counsel McNeal on an updated Pilot Board Records Management Policy, which he hoped to have in place soon.

(PB-2022-1208-09) Financial Report

(a) Chairman McKamie recognized Pilot Board Treasurer Commissioner Dyess.

Commissioner Dyess went over the Board's current financial status. She stated at the end of November the Board was at \$294,000 and had forecasted expenses to be at \$327,000. She highlighted that the Board is under budget, but she added that there is one month left. Commissioner Dyess next added that if all goes well, the Board will have a surplus of \$30,000 which will be applied towards the operating reserve goal of \$75,000. She added that the Board currently has \$71,820 in the bank. Chairman McKamie thanked Commissioner Dyess for all her hard work on the budget and Captain Gavis thanked her for the timely monthly payment approvals.

(b) Commissioner Dyess gave a brief on the proposed Fiscal Year 2023 Operating Budget and added that the total proposed expenses for fiscal year 2023 were \$422,699.16. Commissioner Dyess stated that the forecasted revenue will be \$423,000.00, which she added would give a \$300 reserve for fiscal year 2023. Commissioner Dyess next stated the reasons for the increase in expenses included \$10,000 for publications for recruitment of pilot applicants. Captain Gavis added that he

had added an agenda item, 9.b.i, to see if the Board wanted to approve the line item in the 2023 budget for publishing Houston Pilot application advertisements in maritime industry publications, prior to voting on the proposed budget. Chairman McKamie explained this money would be used to advertise to get the requirements of being a Houston Pilot into the maritime community to get the best and brightest applicants. Commissioner Dyess asked if there was a way to track how applicants heard about the Houston Pilots to determine if the advertising was working, to which Captain Gavis replied that he could ask each applicant how they heard about the Houston Pilots when they submit their applications.

(PB-2022-1208-10) Chairman McKamie called for a motion to approve agenda item 9.b.i., “Approve line item in the 2023 budget for publishing Houston Pilot application advertisements in maritime industry publications”. Commissioner Dyess moved for approval, seconded by Commissioner Beverly. Chairman McKamie asked for all in favor to say aye. All were in favor. There were no negative votes. MOTION PASSED.

(PB-2022-1208-11) Chairman McKamie next called for a motion to approve agenda item 9.b.ii., “Approve the proposed Fiscal Year 2023 Operating Budget”. Commissioner Keeney moved for approval, seconded by Commissioner Morrison. Chairman McKamie asked for all in favor to say aye. All were in favor. There were no negative votes. MOTION PASSED.

(c) Commissioner Dyess asked Captain Gavis to speak about the Pilot Board Administration Fee. Captain Gavis stated that he first wanted to thank the Houston Pilots for their assistance with collecting the Admin. Fee, and stated that Jeff with the Houston Pilots had been very helpful. Captain Gavis next explained that the Pilot Board earned its revenue from the Pilot Board Administration Fee within the Houston Pilots tariff. Captain Gavis added that for 2022 that line item was set at \$46.82 per arrival transit. He next explained that the Board had the ability to amend this line item annually based on the Board’s expenses and forecasted budget. Captain Gavis next explained that for fiscal year 2022, the Board had earned \$341,552 minus the \$4,167 administrator fee to the Houston Pilots resulting in a net of \$337,385 (through October). Captain Gavis explained that last year to determine the administration fee, the Board took the average vessel arrivals over the previous five years and divided into the approved budget. Captain Gavis stated that using the same method, the administration fee for 2023 would be \$49.32 per arrival transit only. Commissioner Dyess asked if it would be a \$2.53 increase from the prior year, to which Captain Gavis affirmed that it would be per arrival transit. Commissioner Dyess added that it seemed the administration fee is based off the budget and would be a pretty big increase that all of the arrivals would pay, to which she wanted to be sure all of the Commissioners were aware of. Commissioner Hance stated that it would amount to about a 5% increase, to which Commissioner Keeney added is less than inflation.

Conversation then ensued that if the Board begins to build a surplus that it will look at lowering the fee.

(PB-2022-1208-12) Chairman McKamie called for a motion to set the 2023 Pilot Board Administration Fee at \$49.32 per arrival transit only. Commissioner Keeney moved for approval, seconded by Commissioner Hance. Chairman McKamie asked for all in favor to say aye. All were in favor. There were no negative votes. MOTION PASSED.

(PB-2022-1208-13) Houston Pilots Association Report

(a) Chairman McKamie recognized Captain Robert Thompson, Houston Pilots Presiding Officer.

Captain Thompson greeted the Pilot Board and stated that he would provide a quick update. He then explained that currently the biggest problem the Houston Pilots are facing is fog. He added that they have been able to continue moving cargo when they can safely do it, and that as of the end of November they are back up to the number of vessel movements they had in 2019. Captain Thompson stated there are numerous variables that the Houston Pilots look at. Captain Thompson then explained such variables include during COVID they lost 10% business, inflation is running extremely high, and they do not know where it is going, the widening project will not be done until 2025, and an offshore pipeline may take away the wide ships. Captain Thompson next added that in November the Houston Pilots took on four Deputy Pilots and are just waiting for an ARC meeting to approve them. Captain Thompson then added that there are currently 90 Pilots, 94 once the new ones are approved, and that they will be losing one pilot in January. Captain Thompson asked that an ARC meeting be held to approve the 4 Deputy Pilots and that the Board meets in January so that these new Deputy Pilots can begin training. Captain Thompson stated the Houston Pilots had submitted a letter concerning agenda item 10.b., Houston Pilot 2023 Tariff Adjustments. Captain Gavis added that this information was in the Commissioner briefing books and public books. Captain Thompson asked if there were any questions over the adjustments, to which Commissioner Keeney asked if everything was the same other than the listed adjustments. Captain Thompson replied that it was the same other than the adjustments. Captain Thompson gave the floor to Jim Brown, Counsel for the Houston Pilots, to discuss agenda item 10.c, "Presentation on Texas Transportation Code Ch. 66".

Jim Brown introduced himself to the Board, explaining that he had spent many years at sea and found the law relating to pilots to be fascinating. Mr. Brown mentioned that he had provided a long brief to the Commissioners and added that he would be focusing on the Texas Transportation Code and how diversity of the Board pilot pool and Houston Pilots fits into it. Mr. Brown added that he was a long time friend of Chairman McKamie and that they had worked together and against one another in many lawsuits. Mr. Brown

summarized that there are four steps to licensing a Branch Pilot. Step one is Section 66.017 (1-3), the Board establishes the number of pilots necessary to provide adequate pilots services, accepts applications and determines if the applicant is qualified through the ARC, and creates a list (pool) of applicants that the Houston Pilots can select from and submit to Governor if he asks for it. Step two is Section 636.036, which states the Board shall carefully consider each application and conduct any investigation necessary to determine if an applicant is qualified, which Mr. Brown added is being done by the Pilot Board Application Review Committee (ARC). Mr. Brown added that the ARC is comprised of maritime experts appointed by the Board and search public criminal records and are very thorough. Step three is Section 66.038, which states a Branch Pilot may appoint two Deputy Branch Pilots, subject to examination and approval by the Board. Mr. Brown added that a Deputy Branch Pilot can only be selected from the Board's pool and that the beauty of this system is it is a check and balance. The Board has the first say (accepting applicants into the pilot pool) and the last say (approving Deputy Branch Pilots selected by the Houston Pilots). Step four is Section 66.037, that the Governor will appoint the Branch Pilot license after the Board has said they have completed the proper training and can competently and safely carry out the duties of a Branch Pilot. Mr. Brown stated each county statute for pilots in Texas states that the Branch Pilots appoint the Deputy Branch Pilots. Commissioner Morrison asked what the appointment entails for a Deputy Branch Pilot concerning the Deputy Branch Pilot training. Mr. Brown replied that each Deputy Branch Pilot gets assigned a Master Pilot to oversee their training. Mr. Brown then discussed the Gant I case that held the Deputy Branch Pilots are appointed by the currently licensed Branch Pilots and that the Board relies on the Pilot Association to let the Board know when additional Deputy Branch Pilots are needed. Mr. Brown described the Gant II case, which he added was the first court of appeals, and produced the same findings. Mr. Brown then discussed the Peguese v. Borup case, where the Chairman McKamie represented Mr. Peguese and Mr. Brown represented the Mr. Borup of the Galveston Pilots. Conversation ensued between Mr. Brown and Chairman McKamie regarding the judge of the case. Mr. Brown continued stating Mr. Peguese, an African American candidate who was not approved by the Board, sued the Board and Galveston Pilots claiming he was not chosen to be a Deputy Pilot due to his race. Mr. Brown explained that the court specifically held he was unqualified in the starkest of terms, and the defendants were legally barred from selecting him because the Board did not place him on the approved list. Mr. Brown added that this case was appealed to the Fifth Federal Court in New Orleans, and the court affirmed the dismissal of all his claims on all grounds. Mr. Brown added that the Federal Court also noted the procedure is for Deputies to be appointed by the existing Branch Pilots. Mr. Brown stated that Chairman McKamie said previously, "right now we got over 40% from Texas A&M. Is that the best and brightest?" Mr. Brown proceeded to discuss Edwards v. Galveston-Texas City Pilots, where Chairman McKamie represented Mr. Edwards who sued the Branch Pilots for not selecting him as a Deputy Branch Pilot and instead chose another African American who had attended Texas A&M. Mr. Brown explained that the case was dismissed, and the court found bias in favor of college degree not illegal. Mr.

Brown next discussed *Petterson v. Board of Pilot Commissioners for Galveston* which was a case from 1900. The court held that no one can be a Branch Pilot without being appointed Deputy Pilot by an existing Branch Pilot. The next case Mr. Brown discussed was *Kotch v. Board of Pilot Commissioners* which he stated was brought before the Supreme Court. He explained that the State of Louisiana has the same method for selecting Deputy Branch Pilots and added that the Supreme Court found that there was nothing wrong with how the selection process was done.

Mr. Brown next discussed the comments/ accusation of discrimination Chairman McKamie had stated concerning demographics. Mr. Brown explained that the Chairman used the general workforce demographics, which encompassed 13% African American and 57% females, and added that the Supreme Court stated, “But where special qualifications are necessary, the relevant statistical pool for purposes of demonstrating discriminatory exclusion must be the number of minorities qualified to undertake the particular task.” Mr. Brown explained that to be a Houston Pilot you are required to hold a USCG Deck Officer License. Mr. Brown explained that there are two ways to get a USCG Deck Officer License: go up the ranks (hawsepipe, on the job training) or attend a maritime school Deck Officer program. Mr. Brown explained that there are no statistics for the hawsepipe route and added there are however reliable statistics for African American maritime school students, African American Houston Deputy Branch Pilot applicant statistics, and African American Houston Pilot statistics. Mr. Brown provided the following statistics: 1.46% African American 2021 enrollment at the maritime schools, 2.5% of Houston Pilot applicant pool since 2000 has been African American, 2.2% of the current Houston Pilots were African American before November 16, 2022 vote, and 4.3% of Houston Pilots will be African American after the November 16, 2022 Houston Pilot Deputy Pilot vote (pending Board approval), 27.9% of all Deputy Pilot applicants have been accepted since 2000, 28.6% of African American applicants have been accepted since 2000 before the November 16, 2022 vote, 57.1% of African American applicants will have been accepted since 2000 after the November 16, 2022 vote, 63% of the last 23 years there were no African American Deputy applicants, 51% of Deputy applicants were accepted when no African American applicants were in the pool since 2000. Mr. Brown added that from 2000-2022 there were a total 282 applicants of all races with only seven of those applicants being African American, of which he noted 2.5% is twice the percentage of Deck Officer students at the maritime schools. Mr. Brown next explained that since 2000 there have been 23 Deputy Pilot votes and 78 new Deputy Pilots, of which he noted 12 of the 23 votes had no African American applicants in the applicant pool. Mr. Brown next explained that Chairman McKamie’s comment that “In 1983 there was 1 Black Pilot and 55 Pilots. In 2022 there are 91 Pilots and 1 commissioned Black Pilot and 1 Deputy” was technically correct but did not give the Commissioners the context of there having been additional African American Pilots who retired in between. Mr. Brown proceeded to discuss gender statistics and explained that 57% of the general workforce is female. However he explained that women ship officers represent less than 0.6% of 100,000 cargo ships globally and 8%

of deck officer students at the maritime schools are female. Mr. Brown next stated that currently 4.4% of the Houston Pilots are women, 4.6% of applicants have been female since 2000, and 3.6% of current Deputy Pilot applicants are female. In closing Mr. Brown stated the Houston Pilots are proud that Captain Paul Brown was the first African American Pilot in the United States, Captain Paul Brown was the first African American Presiding Officer pilot in the United States, and that while Captain Paul Brown was the Presiding Officer Captain Sherri Hickman, who was the first female pilot in the United States, was the 2nd Officer for the Houston Pilots. He next explained that Captain J.J. Hensley also served as the Third Officer, which is part of the Executive Committee and manages the pilot boat. Mr. Brown stated that the Houston Pilots sought to become more diverse and thanked the Board for their time.

Chairman McKamie thanked Mr. Brown for his presentation and stated that this Board must make sure that they follow the law. Chairman McKamie then added that the Board's first duty is determining how many pilots there are, which he added he felt the Board had not been doing. Conversation then ensued between Chairman McKamie and Mr. Brown regarding the matter. Commissioner Bechtel noted that he noticed the term establish the number of pilots is used in the Houston statue, along with Jefferson Orange, while it is recommend the number of pilots in Galveston, Brazoria, and Corpus Christi. Commissioner Bechtel asked Mr. Brown for his thoughts, to which Mr. Brown stated he felt it was just grammatical. Conversation then ensued about the differences. Mr. Brown stated he felt the Board should establish the number of pilots by relying on the Houston Pilots to make recommendations on the number of pilots, since they are the ones monitoring it all, though he added the Board does not have to follow the recommendation. Conversation then ensued between Chairman McKamie and Mr. Brown over the pilots pay being determined by how many pilots there are. Chairman McKamie then reiterated that the Board must comply with the law. Commissioner Dyess added that she trusts the Houston Pilots past practices and the Pilot Board's past practice, to which Chairman McKamie stated that there has been no practice over this matter by this Board. Commissioner Dyess then asked what it is going to take to for the Board to be able to voice their opinion over whether or not the Board is following the law. Commissioner Morrison asked if this is something that will be covered under agenda item 14.b.i., to which Chairman McKamie agreed it could be discussed at that point. Commissioner Garcia sought clarification from Mr. Brown over what the dispute on the statue was, to which conversation ensued between Mr. Brown and Chairman McKamie over how the number of pilots should be determined. Commissioner Morrison then recommended the meeting keep moving forward. Commissioner Garcia added that the Houston Pilots have been very helpful to him as the Diversity Committee Chairman, and the lack of activity on the Committee is due to his busy schedule.

(a) Chairman McKamie recognized Captain Gavis to speak on behalf of Stephen Polk, Chairman of the Pilot Board Application Review Committee (ARC).

Captain Gavis stated the ARC had met once since the last Board meeting. On October 11, 2022, the ARC met and approved five Branch Pilot renewal applications (which would seek Pilot Board approval as agenda item 11.b) and two original Branch Pilot applications (which would seek Pilot Board approval as agenda item 11.c) and three pilot pool applications. Commissioner Keeney left the meeting at this point due to another engagement.

Chairman McKamie moved to agenda item 11b., "Recommendation for renewal of Branch Pilot Commission in and for the Houston Ship Channel and Galveston Bar: Captain Kent D. Barton, Captain John C. Blomquist, Captain Stephen B. Jewell, Captain Brian G. Saba and Captain Adam W. Shuptar". Chairman McKamie asked for a motion to approve. Commissioner Bechtel moved to approve, seconded by Commissioner Morrison. Chairman McKamie asked for all in favor to say aye. All were in favor. There were no negative votes. MOTION PASSED

(PB-2022-1208-15) Chairman McKamie moved to agenda item 11c., "Recommendation for original Branch Pilot Commission in and for the Houston Ship Channel and Galveston Bar: Captain Donald W. Childress and Captain Darris O. Jefferson Jr.". Chairman McKamie asked for a motion to approve. Commissioner Bechtel moved to approve, seconded by Commissioner Morrison. Chairman McKamie asked for all in favor to say aye. All were in favor. There were no negative votes. MOTION PASSED

(PB-2022-1208-16) Chairman McKamie moved to agenda items 11d., "Appointment of 2023 ARC members" and 11f., "Appointment of 2023 PBIRC members." Captain Gavis explained that the members for both committees would remain the same except the Houston Pilots positions potentially changing after the vote at the Houston Pilots next business meeting. Chairman McKamie asked for a motion to approve. Commissioner Beverly asked if any Board members have ever been a part of either of the committees. Chairman McKamie answered this Board was established September 1 2019 and added that this item should be discussed at the next meeting. Commissioner Hance moved to approve, seconded by Commissioner Bechtel. Chairman McKamie asked for all in favor to say aye. All were in favor. There were no negative votes. MOTION PASSED. Commissioner Beverly noted that he did not see a USCG member under the PBIRC members. Captain Gavis added that he discussed it with Commissioner Beverly the day before and that he looked into it and the RCA (Request for Commission Action) was written as it has been in the past where it states that there will be a non-voting USCG member (though it does not specify who that might be). Conversation then ensued about

the USCG not currently participating in the PBIRC Hearings, to which Commissioner Beverly added he would like for them to be there.

(b) Captain Gavis spoke on behalf of Captain Foret, Chairman of the Pilot Board Investigation Review Committee (PBIRC).

Captain Gavis stated that the PBIRC will be having a PBIRC Hearing on 2 matters on December 13, 2022 and there would be a 3rd matter that would require a PBIRC Hearing, likely in January.

(PB-2022-1208-17) Executive Session

Chairman McKamie stated there was no need for an Executive Session.

(PB-2022-1208-18) General Matters

Chairman McKamie moved to agenda item 14a.i., "Pilot Board deliberation and possible action regarding the amended Houston Pilots Navigation Safety Guidelines approved by the Houston Pilots on November 2022, which would amend Section IX. DK-6 to add the following restrictions: HFO ship dock 1: Vessel dimensions restricted to 909' X 165' or less, HFO ship dock 3: Vessel dimensions restricted to 910' X 165' or less, and HFO ship dock 4: Vessel dimensions restricted to 900' X 165' or less." Captain Gavis asked Captain Winegar, Second Officer for the Houston Pilots, to summarize the proposed changes. Captain Winegar stated this allows some flexibility to move one ship or the other from the two docks. Chairman McKamie asked why is this safe, to which Captain Winegar replied that between the two vessels it cannot be more than 1700 feet. Chairman McKamie asked for a motion to approve. Commissioner Bechtel moved to approve, seconded by Commissioner Hance. Chairman McKamie asked for all in favor to say aye. All were in favor. There were no negative votes. MOTION PASSED.

Chairman McKamie moved to agenda item 14b.i., "Seek a Declaratory Judgement to ensure compliance with Texas Transportation Code Sec. 66.017 Duties of the Pilot Board". Chairman McKamie debated if the Board needs to address this since it appears there is no longer a need for the declaratory judgement. Chairman McKamie then tabled this item.

(PB-2022-1208-19) Chairman McKamie moved to agenda item 14c., "Approve renewal agreement for consulting services with Maritime Investigative Services LLC for a two-year term commencing January 1, 2023, for administrative and marine casualty investigation support on an hourly as needed basis". Captain Gavis pointed out Captain Mike Usher in the gallery and said Captain Usher did a good job while he was out with a severe illness. Conversation ensued between Board members and Captain Gavis on the scope of work by Captain Usher, to which Captain Gavis stated that Captain Usher was

well versed on all Pilot Board matters and could provide flexible admin. support as it was needed. Conversation then ensued on whether Captain Usher's contract should be included within Captain Gavis' contract, to which Commissioner Morrison and Commissioner Hance replied it should not. Chairman McKamie asked for a motion to approve. Commissioner Dyess moved to approve, seconded by Commissioner Bechtel. Chairman McKamie asked for all in favor to say aye. All were in favor. There were no negative votes. MOTION PASSED.

Chairman McKamie moved to agenda item 14d., "Adopt policy for Board members external communications." Chairman McKamie stated that since Commissioner Keeney is not in attendance the Board should move to the next agenda item.

Chairman McKamie moved to agenda item 14e., "Set the 2023 Pilot Board meeting schedule". Captain Gavis stated the meetings would be scheduled the same as 2022, the second Thursday of each quarter and added that a January meeting was added to accommodate the new Deputy Branch Pilot applications. Chairman McKamie stated they would have an executive meeting to determine how the Board will be handling the Deputy Branch Pilots. Chairman McKamie moved to approve, seconded by Commissioner Hance. Chairman McKamie asked for all in favor to say aye. All were in favor. There were no negative votes. MOTION PASSED.

Commissioner Morrison asked for clarification on the agenda item requested by Commissioner Keeney. Captain Gavis stated he could not fully speak for Commissioner Keeney but understand in general it would be to seek full Board approval of matters such as Board members speaking to the media or giving presentations at industry luncheons. Commissioner Dyess asked if this item could be placed on the January 12, 2023 meeting agenda, to which Chairman McKamie responded since he would not be able to make that meeting it should be placed on the March meeting agenda.

At 12:16 p.m., Chairman McKamie thanked everyone for their contributions to the meeting and moved to adjourn the meeting.

The above is a correct copy of the Minutes of the December 8, 2022, meeting of the Board of Pilot Commissioners for Harris County Ports.



Captain Reginald McKamie, Chairman

A handwritten signature in cursive script, appearing to read "Michael Tyler Gavis".

Captain M. Tyler Gavis, Secretary