

January 6, 2023

NOTICE OF MEETING
OF
THE BOARD OF PILOT COMMISSIONERS
FOR
THE PORTS OF HARRIS COUNTY

In accordance with official practice of the Board of Pilot Commissioners for the Ports of Harris County, there is attached hereto a copy of the Agenda of the meeting of the Board of Pilot Commissioners for the Ports of Harris County to be held on January 12, 2023. The Pilot Board will meet at 10:00 a.m., via video conference (Zoom webinar) and at the office of the Houston Pilot Board, 203 Ivy Avenue, Deer Park, Texas 77536. The Pilot Board intends to have a quorum present at the offices of the Houston Pilot Board as required by Section 551.127(b) of the Texas Open Meetings Act. The instructions for accessing the meeting via Zoom webinar are provided on the following page.

BOARD OF PILOT COMMISSIONERS
PORTS OF HARRIS COUNTY, TEXAS



SECRETARY

Instructions to Join Virtually Via Zoom

Topic: Houston Pilot Board Meeting

Time: January 12, 2023 10:00 AM Central Time (US and Canada)

- Thursday March 9, 2023
- Thursday June 8, 2023
- Thursday September 14, 2023
- Thursday December 14, 2023

Join Zoom Meeting

<https://us06web.zoom.us/j/84582809984?pwd=c3ZzOXlsVkh5QVBLYkZhV1JjUkZnUT09>

Meeting ID: 845 8280 9984

Passcode: 698708

One tap mobile

+13462487799,,84582809984#,,,,*698708# US (Houston)

+12532158782,,84582809984#,,,,*698708# US (Tacoma)

Dial by your location

+1 346 248 7799 US (Houston)

+1 253 215 8782 US (Tacoma)

+1 646 558 8656 US (New York)

Meeting ID: 845 8280 9984

Passcode: 698708

Find your local number: <https://us06web.zoom.us/j/84582809984?pwd=c3ZzOXlsVkh5QVBLYkZhV1JjUkZnUT09>

Signup Procedures for Speaking During Posted Public Comment Section

Members of the public may speak during the posted public comment section by signing up as follows:

- Please register to speak no later than two hours before the meeting by emailing to Tyler Gavis tgavis@houstonpilotboard.com. Please provide the name of the speaker, and the organization the speaker represents (if applicable).
- Sign up in person at the meeting venue before the start time of the meeting.

Speakers shall comply with the Public Comment Policy adopted by the Pilot Board on September 9, 2021: <https://houstonpilotboard.com/public-comment-policy/>

AGENDA

BOARD OF PILOT COMMISSIONERS for HARRIS COUNTY PORTS

**January 12, 2023
10:00 a.m.**

**Office of the Houston Pilot Board
Boardroom
203 Ivy Avenue
Deer Park, Texas 77536**

And via Zoom

- 1. CALL TO ORDER** (Chairman Pro Tem Roland Garcia)
- 2. ROLL CALL AND CONFIRMATION OF QUORUM** (Captain M. Tyler Gavis)
- 3. CHAIRMAN’S REMARKS** (Chairman Pro Tem Roland Garcia)
- 4. RECOGNITIONS AND PRESENTATION OF AWARDS** (Chairman Pro Tem Roland Garcia)
- 5. PUBLIC COMMENT** (Captain M. Tyler Gavis)
- 6. APPROVAL OF MINUTES** (Chairman Pro Tem Roland Garcia)
 - a. December 8, 2022 Public Meeting
- 7. EXECUTIVE DIRECTOR REPORT** (Captain M. Tyler Gavis)
 - No activity to report
- 8. PILOT BOARD COMMITTEE REPORTS** (Chairman Pro Tem Roland Garcia)
 - a. Executive (Chairman Pro Tem Roland Garcia)
 - No activity to report
 - b. Legislative (Commissioner Michel Bechtel)
 - No activity to report
 - c. Navigation (Commissioner Brad Hance & Captain J.J. Plunkett)
 - No activity to report

- d. USCG Liaison (Commissioner Darrell Morrison)
 - No activity to report
- e. Pilot Diversity (Vice Chair Roland Garcia)
 - No activity to report
- f. Ad Hoc Rules, Policies, and Procedures (Captain M. Tyler Gavis)
 - No activity to report

9. FINANCIAL REPORT (Pilot Board Treasurer Frances Dyess)

- No activity to report

10. HOUSTON PILOTS ASSOCIATION REPORT (Captain Clint Winegar)

- No activity to report

11. ARC & PBIRC REPORTS (Captain Stephen Polk and Captain David Foret Jr.)

- a. Pilot Board Application Review Committee (ARC) report on the December 13, 2022 ARC meeting
- b. Pilot Board Investigation and Recommendation Committee (PBIRC) report
 - No activity to report

12. HOUSTON PILOT ASSOCIATION DEPUTY BRANCH PILOT RECOMMENDATIONS:

- a. Discuss request for information to the Houston Pilot Association sent on December 9, 2022 regarding: 1) How and What was the process the Houston Pilot Association used to determine the number of Pilots and 2) how and what was the process to select applicants they are requesting the Board approve as Deputy Branch Pilots, which was requested in order to determine whether the Board will be complying with Texas Transportation Code Sections 66.017(1) – (3) and Texas Transportation Code Sec. 66.018 (see information requested attached)
- b. **Action Item** - Consideration of, and vote on, issuance of Deputy Branch Pilot Certificates, after meeting full First Class Pilot requirements, to applicants recommended by the Houston Pilot Association.

The applicants are from the pool of candidates the ARC has vetted and determined to meet the qualifications required to be a Deputy Branch Pilot.

The Houston Pilot Association recommends the Board approve the following applicants:

- Captain Nicholas K. Gasper
- Captain Stephen D. Harris
- Captain Thomas M. Lisante II
- Captain Matthew J. Truss

13. EXECUTIVE SESSION (Chairman Pro Tem Roland Garcia)

- a. Consultation with Attorneys (Section 551.071, Texas Open Meetings Act)

14. ADJOURN EXECUTIVE SESSION AND RECONVENE OPEN MEETING (Chairman Pro Tem Roland Garcia)

15. GENERAL MATTERS (Chairman Pro Tem Roland Garcia)

- a. ***Action Item*** – Discussion, deliberation, and possible action on whether there should be a policy that ensures that all Board external communications are reviewed/approved by Executive Committee, or total Board, and Executive Director, or Attorney of record. Communications avenues include verbal, written, media, website, or social media; external is defined as any communications outside Board, including to Houston Pilots, or Port of Houston. This policy in no way impacts Board appointed committees such as PBIRC or ARC.

(See attached United States Constitution and Texas Constitution)

16. OTHER MATTERS (Chairman Pro Tem Roland Garcia)

- No Activity

17. ADJOURN (Chairman Pro Tem Roland Garcia)

Dear Commissioners:

In order to comply with our legal obligations and duties pursuant to Texas Transportation Code Sec. 66.017(1) - (3) and Transportation Code Sec. 66.018 on December 9, 2022 I requested basic human resource information from the Pilot organization that one would have needed to make deputy selection decisions. I requested the Pilots provide this information by December 16, 2022 in order to give our Board time to review the information and satisfy ourselves that the selection process complied with applicable law prior to the January 12, 2023 at 10:00 a.m. meeting regarding Deputy Pilot selection. To date I have not received a response from the Pilots.

Regards,
Chairman Reginald E. McKamie

Establishing Number of Pilots

Please provide in writing the actual metrics and methodology used to determine the number of Pilots used to determine that 4 Deputy Pilots along with the existing Pilots are sufficient to provide adequate Pilot services for the future. Please provide metric data that was used to support such conclusion. Please provide by December 16, 2022.

Pilot Proposed Deputies Voting Process

Please provide the following:

- 1) the name of each applicant voted on by the pilot association;
- 2) the name of each person at the voting session for the pilot applicant;
- 3) the criteria, if any, used to determine which applicant should become a deputy pilot;
- 4) the vote for each applicant voted on;
- 5) the names of each applicant in the Board's ARC applicant pool not voted on by voting participants;
- 6) if a person was in the Board's ARC applicant pool and was not voted on by the voting participants, explain in detail why such applicant was not voted on;
- 7) what the vote count was for each applicant voted for in the voting process;
- 8) the weight given to each criteria for an applicant to be considered a deputy, if any, by way of example but not limited to, Unlimited Master license, 25%; current Houston Channel First Class Pilot endorsement 50%; Previous time as Master, Deep sea experience, Brown water experience, etc;
- 9) who proposed each person to be voted for deputy;
- 10) what was/is the relationship of the pilot who proposed/endorsed an applicant to be voted in as a deputy;
- 11) please provide any and all worksheets or notes of those voting;
- 12) please provide any and all video or audio, if any, of the voting session(s);
- 13) please provide any additional information you feel may help the Board determine that it has complied with Texas Transportation Code Sec. 66.017(1) - (3) and Texas Transportation Code Sec. 66.018.

Please provide this information by December 16, 2022. Thank you.

Regards,

Reginald E. McKamie

Federal

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Texas

Sec. 8. FREEDOM OF SPEECH AND PRESS; LIBEL. Every person shall be at liberty to speak, write or publish his opinions on any subject, being responsible for the abuse of that privilege; and no law shall ever be passed curtailing the liberty of speech or of the press. In prosecutions for the publication of papers, investigating the conduct of officers, or men in public capacity, or when the matter published is proper for public information, the truth thereof may be given in evidence. And in all indictments for libels, the jury shall have the right to determine the law and the facts, under the direction of the Court, as in other cases.