

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

**Houston, Texas
January 12, 2023**

A public meeting of the Board of Pilot Commissioners for Harris County Ports (the “Pilot Board”) was convened on January 12, 2023, 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 (Present Virtually)
Roland Garcia, Vice-Chair, (Chairman Pro Tem)
Frances Castañeda Dyess, Treasurer (Present Virtually)
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 Pro Tem Roland Garcia commenced the meeting and asked Captain Gavis to call roll. Captain Gavis called the roll and noted that all were present with the exception of Commissioner Dyess (whom he expected to dial in) and Commissioner Oakley (whom he expected to attend). Captain Gavis noted that the Pilot Board had established a quorum with 7 out of 9 Commissioners present.

(PB-2023-0112-01) Chairman’s Remarks

Chairman Pro Tem Garcia stated there were no remarks.

(PB-2023-0112-02) Recognition and Presentation of Awards

Chairman Pro Tem Garcia stated there were no recognitions or presentations of awards.

(PB-2023-0112-03) Public Comment

Chairman Pro Tem Garcia asked if anyone signed up for public comment. Captain Gavis stated that the first speaker is Captain Winegar, Presiding Officer of the Houston Pilots, and added that Captain Winegar previously stated he didn’t have a report.

Captain Gavis advised Captain Winegar that he had three minutes to speak unless the Board would like to extend his time. Captain Winegar welcomed the Board and stated that he would like to introduce himself as Presiding Officer of the Houston Pilots and Captain Matt Glass as the new Second Officer this year. Captain Winegar stated that they looked forward to working with the Board and added that he had some brief comments relating to agenda item 12. and the recent comments made publicly by the Chairman.

Chairman Pro Tem Garcia asked Captain Winegar if he was the new Captain Thompson, and Captain Glass is the new JJ, to which Captain Winegar stated Captain Glass is the new Second Officer. Captain Winegar added that he was the Second Officer last year. Chairman Pro Tem Garcia acknowledged Captain Winegar and asked if JJ still has a role at the Port. Captain Winegar confirmed that he did, and Chairman Pro Tem Garcia acknowledged. Captain Winegar next stated that he would like to talk about agenda item 12, and the Chairman's recent comments. Captain Winegar added that the Houston Pilots completely agree with the Chairman's opinion that we're at a critical juncture and emphasized that the Houston Pilots need strong Board support working together. However, Captain Winegar added that he thought right now it's leading in the wrong direction. Captain Winegar next stated he thought that the Houston Pilots are the gold standard when it comes to every matrix you can come up with. Captain Winegar detailed that the pilots dedication is to be on the ship channel, to the efficiency of the ship channel, it's community support, community outreach, and a diverse pilot workforce. Captain Winegar added when he thinks on those matrixes, he feels they are the gold standard for every pilot association in the country, and probably the world. Captain Winegar stated that Chairman McKamie's reference that 28 percent of the Houston Pilots have to retire in the next ten years is absolutely correct. Captain Winegar emphasized that's part of the Houston Pilots model and added that they have a roughly thirty-year history of being a pilot, so every ten years, they lose thirty percent. Captain Winegar added that's why we're meeting today to have four deputies for you guys to approve. Captain Winegar next stated every year the pilots would have to replace two and a half people, and emphasized that they are ahead of the curve to meet demand. Captain Winegar added that the pilots have a duty to the Transportation Code to provide prompt boarding if a ship requests a pilot and added so you'll be our first call if we need to increase our numbers to meet that demand because it's a state law that we provide pilotage service in a prompt manner. Captain Winegar next explained if they aren't proactive you'll have people like Mr. Sanders coming up and filing formal complaints that ships are sitting at anchor or not leaving the dock because there are not enough pilots.

Captain Winegar next explained that in reference to pilot interest versus ship channel safety, adding more pilots is not a financial interest for the pilots, it's a fatigue issue. He added that they have worked with a fatigue management company over the last thirty years to make sure they have well rested pilots available and stated adding more pilots is a fatigue issue because you have more people staying at home longer then coming back to work in a fatigued manner. He next explained because of that the pilots work with experts in that industry to make sure they have properly rested pilots, Captain Gavis interjected that three minutes had expired and asked Chairman Pro Tem Garcia if he would like to extend Captain Winegar's time, to which Chairman Pro Tem Garcia said yes and requested Captain Winegar continue. Captain Winegar continued stating another comment that the Chairman made was that the pilots would fight against this change. Captain Winegar stated that they absolutely won't fight against change, but are proud of their

record. Captain Winegar added they are proud of being a gold standard, so they will fight against that because they are proud of what they do. Captain Winegar stated he would like to close in reference to Chairman Campo and Mayor Turner's comments that it takes all of us working together and completely agreeing to continue this commitment to safety on the channel, keeping the port open, ship channel efficiency outreach within the community, and keeping a diverse pilot workforce. Chairman Pro Tem Garcia added that Captain Winegar mentioned something that he really hadn't thought about, that adding too many pilots can create a fatigue issue, and asked for confirmation that is what Captain Winegar was saying. Chairman Pro Tem Garcia added he would have expected the opposite. Captain Winegar explained that the pilots have mandatory rest periods, but if there are too many pilots and they don't have a next call for a while then they've gone to bed, woke up, and now instead of going back to work they have an extended period of time they're awake and are going back to work when they should be resting again. Captain Winegar added that they like a steady run of going to work, coming home, resting, then getting ready for the next job so they're rested. Captain Winegar explained just like a chemical plant would have a rotation, the pilots do the same thing. He stated having too many people then throws off your circadian rhythm and now you're in a fatigue issue. Chairman Pro Tem Garcia asked Captain Winegar if his view is that the current number is the right model for the fatigue balance, to which Captain Winegar affirmed and stated that they have a great model showing that they are meeting under a fatigue standard but are always being proactive and always looking ahead. Captain Winegar stated that if they need people, they have the mechanism and that's why there is an agenda item for four Deputies. Captain Winegar next explained that they've worked over a hundred years to develop this and over the last thirty years have worked with experts in fatigue management to help ensure they have well rested pilots on the channel. Chairman Pro Tem Garcia asked if there were any questions from the Board, to which there were none. Chairman Pro Tem Garcia then thanked Captain Winegar for his comments.

Captain Gavis asked Mr. Sanders if he minded Captain Gavis recognizing Captain Glass first, to which Mr. Sanders agreed. Captain Gavis thanked him and recognized Captain Matthew Glass, Second Officer of the Houston Pilots. Captain Glass welcomed the Board and introduced himself as the newly appointed Second Officer of the Houston Pilots. Captain Glass thanked the Board for their time and service to the Board and added that he is really looking forward to working with everyone. Captain Glass then stated that he was grateful that his first public comment to the Board is good news. Captain Glass explained on December 14th the Houston Pilots passed their updated Navigation Guidelines and would like to make this their official twenty day notice required by the Board, adding that Captain Gavis had received the document. Captain Glass explained that the change includes the first phase of moving their daylight restriction of oversized ship traffic from buoy 18, in Bolivar Roads, up to buoy 51. Captain Glass stated the change will take effect upon the Coast Guards' acceptance and marking of Segments 3 & 4A of Project 11. He added that all indications are that this will be the end of February, or early March, and that

with these updates industry will gain tremendous flexibility in the movement of oversized ships. Captain Glass closed by thanking the Board. Chairman Pro Tem Garcia asked whether there were any questions for Captain Glass, to which there were none.

Captain Gavis then introduced Mr. Bob Sanders, Vice President for Enterprise Products. Mr. Sanders greeted the Board and added that was an excellent segway from the standpoint of increasing the daylight hours. Mr. Sanders further explained those ships that are daylight restricted are going to allow the terminal on the channel to get better utilization of their shoreside facility. He then added that historically you have about eight hours every day you can't move a ship, and it sits there and your shoreside assets are down. Mr. Sanders explained that as these daylight restrictions move up the channel, increased vessel traffic is going to be the result. Mr. Sanders added as he mentioned the last time he spoke, the numbers are essentially the same twenty-eight to thirty pilots over the next ten years are going to need to retire, so at a minimum you're looking at twenty-eight to thirty pilots. He stated if you have a pilot base today that is comfortable with today's number of vessel's that's great, but as daylight restriction becomes less and less of an impact you're going to have more and more vessels.

Mr. Sanders added that Enterprise has a new dock under construction and will have several other projects that are going to become online by the end of 2024 to match up with widening the ship channel, which he added could easily add fifty to sixty vessels a month just at their terminal. Mr. Sanders stated he wanted to make sure to clarify his comments from the last meeting. He explained he personally thinks the Houston Pilots have done an excellent job of going through the applications and picking the best of the best, which he feels they are integral in that process. Mr. Sanders added he personally believes the Board is the one that needs to tell the Houston Pilots how many pilots they need and detailed that they find and bring the applicants in and it's up to this Board to accept or reject them. He stated if you reject them, then they have to go back and continue the process. Mr. Sanders then stated that their process has been working and the pilots are the ones that really should decide what is the right size. He then emphasized that growth is coming by the simple fact that one leg is done, and the pilots are moving the daylight restriction, which he felt is a positive growth for the ship channel. Chairman Pro Tem Garcia asked Mr. Sanders to summarize his comments. Mr. Sanders stated that the Houston Pilots may be staffed right for today, but as they move the daylight restriction up the ship channel that daylight restricted vessels will be able to move more cargo in and out because they have more available daylight to move vessels on the channel without having to build incremental assets shoreside. Mr. Sanders added that right now shoreside assets are essentially sixty-five percent on any given day and any given dock may miss ten minutes on a daylight restricted vessel as it sits all night long in the winter, which he added is easily twelve hours that dock is dead for. Mr. Sanders further explained that as they move those daylight restrictions up, you get more time to move them, and the dead time gets smaller and smaller which means you have better utilization of the asset. Mr. Sanders then assured the Board

that the assets will get full utilization. Chairman Pro Tem Garcia sought clarification from Mr. Sanders. Commissioner Morrison interjected that this is a public comment portion. Conversation ensued about discussion during the public comment period. Commissioner Keeney added that he has the historical arrivals charts and if you look at it, 2022 is well below 2019 through 2021, so there is some room to grow. Mr. Sanders added he doesn't disagree with that at all.

(PB-2023-0112-04) Minutes

Chairman Pro Tem Garcia called for a motion to approve the December 8, 2022, Pilot Board meeting minutes. Commissioner Morrison moved for approval, seconded by Commissioner Keeney. Chairman Pro Tem Garcia asked for all in favor to say aye. All were in favor. There were no opposing votes. MOTION PASSED.

(PB-2023-0112-05) Executive Director Report

Chairman Pro Tem Garcia stated there was no report.

(PB-2023-0112-06) Pilot Board Committee Reports

Chairman Pro Tem Garcia stated there were no reports.

(PB-2023-0112-07) Financial Report

Chairman Pro Tem Garcia stated there was no report.

(PB-2023-0112-08) Houston Pilots Association Report

Chairman Pro Tem Garcia stated there was no report, but added that they did hear comments from Captain Winegar.

(PB-2023-0112-09) ARC & PBIRC Reports

Captain Gavis reported on behalf of ARC Chairman Captain Stephen Polk. Captain Gavis stated that the ARC met on December 13, 2022 and the ARC approved four Deputy Branch Pilot applications, which would seek approval under agenda item 12b., and one pilot pool application.

Chairman Pro Tem Garcia stated there would be no PBIRC Report.

(PB-2023-0112-10) Houston Pilots Association Deputy Branch Pilot
Recommendations

Chairman Pro Tem Garcia moved to agenda item 12a., “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)” and asked if there was any discussion.

Chairman McKamie stated that he requested information from the pilots so the Board could have information to make informed decisions about the selection of pilots and about the number of pilots. Chairman McKamie added to date, he has not gotten any information. Chairman McKamie then stated he did have a discussion with the PO about it, and he said he was going to bring it to this meeting. Chairman McKamie added he thought it's too late to bring that information to this meeting. Chairman McKamie next added he's not saying he doesn't want to hear it, but that the Board is an oversight Board. He emphasized we have to understand the matrix and what is going on. He then stated as an oversight Board, it is not sufficient to accept that this is the way we've done it for a hundred years, adding that will not prepare us for the future and as Mr. Sanders has said the numbers are ok now. Chairman McKamie then explained that after that three years of training he didn't feel that pilot is ready to handle an eleven hundred or twelve hundred foot ship. He next stated he would have anybody that has handled a ship before tell him that somebody with that amount of experience would be prepared. Chairman McKamie then stated he applauds what Captain Winegar said and wants to work with everybody. He explained we want to work with everybody together, but we can't hide anything. He next added we have to be transparent, and emphasized he doesn't want to select who the pilots are. Chairman McKamie explained the pilots know who the future pilots should be, but we as an oversight committee need to understand how do you determine how many pilots are needed? That's our primary goal he added. He also added we need to understand that we are not condoning discrimination in the selection process, which he added is another Transportation Code item that we as an oversight committee have to take care of.

Chairman McKamie explained as far as the information that was requested, he thinks that if you have selected four people, all of that information should have been at hand. He added it's not something that you had to find or pull up or create when you selected the people. He then explained the pilots look at different things and he wanted to understand the things they are looking at. Chairman McKamie next emphasized we as a Board need to understand when we send this to the Governor and sign off on it. He next suggested that based on not getting this information, he recommends that the Board doesn't vote on this until they get the information. Commissioner Bechtel stated I heard the word we numerous times about the request and explained this was not an official request by the

Board of Pilot Commissioners. Commissioner Bechtel added that if the Board requests this information, it's a different ball game. Commissioner Bechtel then explained we were not contacted, we were not presented with any of this information for this request, and this was just something done by an individual commissioner. Commissioner Morrison mentioned to Chairman McKamie he heard him mention that he sent a list and asked if Chairman McKamie had included any of the Board members? Commissioner Morrison then stated that he didn't recall seeing any list of questions and suggested maybe it's something Captain Gavis could provide, to which Captain Gavis acknowledged it's in the Board briefing books and in the public books. Commissioner Morrison then asked Chairman McKamie when he sent it to the pilots? Chairman McKamie replied that he sent it on December 9th and requested it by December 16th. Commissioner Morrison added he would have appreciated a heads up. Commissioner Bechtel emphasized that his point is that it should have been an official request by the Board, and that would have been a Board decision.

Commissioner Keeney stated he very much disagreed that the Board should not vote on the proposed four Deputy pilots today and added we need to move forward. Commissioner Keeney then stated if we want to examine the process with the pilots in partnership with the pilots, that's a different question. Commissioner Keeney added that he saw the memo that Chairman McKamie sent and viewed it as if the pilots are a hostile organization or an opposing attorney as opposed to a working relationship with the pilots, to which he added he didn't think that's the way to address the pilots even on an individual basis never mind a Board basis. Commissioner Keeney then emphasized Commissioner Bechtel was exactly correct in his opinion that we need to make these types of requests a formal Board request, which he explained is why there is an additional agenda item so we can clarify how the Board is going to communicate with the pilots and the pilots effectively communicate with the Board. Commissioner Bechtel stated we can't have several individual commissioners making requests to the pilots as individuals and added it should be as a Board request only. Commissioner Beverly added that he asked the question several times in terms of what the processes are for the numbers of pilots needed and the selection of Deputies. He then stated I know talking to you, Commissioner Morrison, and listening to you that they don't have to respond to that, but it just leaves me questioning how they got there and how do they get to where they got to. Commissioner Beverly then added that he agreed with Captain Winegar that the Houston Pilots are a really good organization, but he believed the Board needs to understand at least how these things work and how the selection process takes place. He then explained right now he doesn't understand how the pilots got there and added the only thing that he has asked for, and what he saw from Chairman McKamie, was asking the same question how do we get from here to here? He then emphasized that is all we want to do is understand.

Commissioner Bechtel reemphasized that it should be a Board request, to which Commissioner Beverly agreed. Otherwise you could have six or eight different Board

members making a request and you'd have chaos Commissioner Bechtel explained. Commissioner Bechtel again stated that it can only be the Board making requests to the pilots. Chairman Pro Tem Garcia asked Commissioner Beverly when he made his request, to which Commissioner Beverly explained it was a verbal request after the last Board meeting. He added that at a committee meeting in November he also asked the question. He further explained he asked at the adjourning of the last Board meeting how we got to these four and what process we used. Commissioner Beverly then explained his understanding is this has been done thirty nine times in the last ten years and the only thing he has asked for is if the pilots can articulate that process. Commissioner Keeney stated just to build on that comment, I have spent hours literally listening to the pilots and also a former ARC Chair, Captain Marcus Woodring, and I've documented the process the ARC goes through and the history and origination of how it was formed. He then added the pilots have been very straight forward in the process and it's actually quite elaborate. Commissioner Keeney then suggested that if the Board wants to make a formal request to document in a way that a former BP employee and himself ,being a BP employee, can understand then a process can be put together. He suggested a flow chart that shows exactly what they go through, the conversations involved, and the details all the Captains go through in the selection. He added to give you one sense every Captain can nominate someone from the pool so it's a very open system. Commissioner Keeney next noted that Captain Gavis had just heard from a perspective applicant from Ukraine. Commissioner Keeney explained this is what goes to the ARC, and they review, and those folks go into the pool. He further explained that the pilots have two annual meetings with everyone in the pool invited, where they get to know the pilots within a social group, and that the pilot group coaches everyone within the pilot pool to improve their qualifications to enhance their chances of becoming a pilot. Commissioner Keeney further detailed that it takes sixty seven percent of the pilots to vote these four Deputy Branch pilots in, to which he explained it takes a majority of the pilots getting to know these folks. Commissioner Keeney added that he found it interesting that one particular pilot knows everyone within the pilot pool and has contacted everyone in the pool to ensure there is open communication. Those folks that go into the pool are vetted first by Captain Gavis and secondly by the ARC, then the ARC hands it off to the pilots he explained. He added then the pilots can literally nominate anyone from that pool, and ultimately they're presented to us. Commissioner Keeney suggested I would document that task if you would like to delegate it. Chairman Pro Tem Garcia stated that it would be good to document the process and added that Commissioner Beverly asked for the information and didn't get the information that Commissioner Keeney had received so maybe Commissioner Keeney can help us and work with the pilots to document it. Chairman Pro Tem Garcia stated he would like to see the flow chart. Commissioner Bechtel asked if the ARC meeting was open, to which Chairman Pro Tem Garcia answered in the affirmative. Commissioner Bechtel suggested that would be the first to see how the process works. Chairman Pro Tem Garcia explained that what they're asking is for the full process, not just that piece of the process. Commissioner Keeney stated he has pages of notes they have taken. Chairman McKamie added that with the

process as it is you have the pool that the ARC vets to make sure they have the required qualifications, then it goes to the pilots, and the pilots then select whom they want. Chairman McKamie added now the question becomes has all the hundred people in the pool been considered or have they voted on and why are some not voted on or not part of the voting process. Chairman McKamie emphasized it has to be transparent and it's not transparent right now and the reason why everything did not go to the Board before the letter was sent was that the pilots delayed in bringing things forward and wanted to vote quickly. He added he intentionally said let's meet on it in January even though he knew he wasn't going to be there because he wanted to move the process along, but he emphasized he needed information.

Chairman McKamie emphasized if we're going to be an oversight Board, we must have the information. He added it is not enough to say the pilots say it's ok and we've done it for a hundred years, but we can discuss this more in our March meeting. I know we want to do the vote. He then discussed his understanding others saying it should have been processed through the Board and explained then you would not have had the opportunity to vote on these individuals at this time. Commissioner Morrison suggested maybe Captain Gavis can help coordinate a summary sheet of some sort by talking with Commissioner Keeney and the pilots, and added if somebody wants more information they can come by and visit with Captain Gavis. Commissioner Morrison then asked why there's no letterhead to Chairman McKamie's request and if it was sent on the letterhead, was an email, and to whom was it sent? Chairman McKamie stated it was sent as an email. Commissioner Morrison asked whether we could get the complete document sent and added he felt it should include who it was sent to. Chairman McKamie added Captain Gavis should be able to get that information to everybody. Commissioner Keeney added if we are going to request information from these folks then it ought to be on our letterhead and it should be an official request from the Board to the pilots. Chairman McKamie reemphasized it was done so there could be an intelligent vote on this date. Chairman McKamie stated we cannot be just saying we agree with everything without understanding the process, and if we're doing that we're not doing our job as Board members. Commissioner Keeney emphasized we need to move forward. Chairman Pro Tem Garcia added to let him just put his lawyer hat on and stated, being in the business of litigation, asking someone to give you fifteen categories of documents in a few days is unreasonable to him. Chairman Pro Tem Garcia asked Commissioner Keeney to confirm he is willing to partner with Captain Gavis to complete the documentation, to which Commissioner Keeney agreed he would work with Captain Gavis on it. Commissioner Keeney explained he went to Captain Gavis first to begin the documentation. Chairman Pro Tem Garcia summarized that Commissioner Keeney would work with Captain Gavis and whoever else necessary to which Commissioner Keeney agreed. Chairman McKamie confirmed it sounded like a good idea.

(PB-2023-0112-11) Chairman Pro Tem Garcia moved on to item 12b., "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.”

Chairman Pro Tem Garcia stated we have four applicants being recommended. Commissioner Keeney moved to approve. Chairman Pro Tem Garcia asked Captain Gavis if he had any comments, to which Captain Gavis stated the ARC did review the applications on December 13, 2022 (as he mentioned during the ARC report) to ensure they complied with the Rules and Regulations and the Statute, and the ARC did approve these applications. Chairman Pro Tem Garcia asked for a recommendation to approve the four applications. Commissioner Keeney made a motion. Chairman McKamie stated he just wanted to vote on it, to which Commissioner Morrison said we are in due process. Commissioner Beverly asked do you want individual votes Mr. Chairman, to which Chairman McKamie said yes. Chairman Pro Tem Garcia then said ok we have a motion and a second any other discussion. All in favor say, Aye, any oppose. Chairman McKamie and Commissioner Beverly opposed (see attached Letter of Dissent).
MOTION PASSED.

Chairman McKamie said he didn't oppose the applicants being selected; he opposed the process. He added as an oversight Board, the Board cannot say that they have met their commitment and emphasized he is opposed to the process. Commissioner Keeney requested it be on record that he very much disagrees with the Chairman. Commissioner Beverly added he wants it on record that Commissioner Keeney has obviously gone through the process in tremendous detail and is well ahead of him in terms of his understanding of the process and understanding of the people whom we are voting on. Commissioner Beverly continued that he doesn't have any of that and doesn't know how this works. He added he doesn't know how these four were selected, so that's why he's saying he doesn't know how he can vote on this. Commissioner Morrison explained the only thing we can vote on this matter is these names are up or down. It's not on the process. Chairman McKamie added he wants it to be known that he is opposed to the process. He then explained that these people have been qualified by ARC and he doesn't want the people to believe he is voting against them. He reemphasized he is voting against the process and believes the Board is violating the Texas Transportation Code on this vote. He reiterated his recommendation that the Board delay the vote until they have the information of what the process was and what was done. Commissioner Morrison sought point of order on his comments and explained it can be included in the minutes under the discussion section and then yes or no.

Chairman Pro Tem Garcia stated we've already voted and added I guess

your point is Commissioner Beverly is explaining your no vote and that's well taken because we've all said we need a documented process, and we've got that well underway. Captain Gavis sought clarification for minutes purposes that a vote of 5-2 was correct, to which Chairman Pro Tem Garcia confirmed. Commissioner Bechtel added in the enabling legislation that the Board operates under that the selection is up to the pilots of the actual Deputies and that the Deputies work under the Branch Pilots. Commissioner Beverly added the Board's responsibility is two things: examination and approval. He explained when he sees examination that says he needs to understand it, he needs to understand how they got there, but why would they put the word examination there if we're going to vote without having that understanding of who these guys are or what the process is? He then emphasized he felt examination is critical. Commissioner Hance added he agreed with Commissioner Beverly but didn't feel he is qualified to make those decisions. He added the pilots are qualified to decide who is qualified for being a pilot on the Houston Ship Channel. Commissioner Hance next stated there's been a lot of discussion about retirement and losing thirty percent and explained that the pilots are ahead of the thirty percent rate right now as far as replacement is concerned by adding four new pilots. He then explained he felt the pilots are addressing the problems that the Chairman has brought up.

Chairman McKamie added that's why there's a provision in the Texas Transportation Code that the pilots do that. We're not saying we are selecting the specific qualifications, what I'm saying is we need to know what they are, how they decided, and also make sure there is no discrimination against men, women, or race or anything else because that is our mandate under the Texas Transportation Code. Chairman McKamie added right now we can't say that. He then mentioned a woman that has been in the pool for nine years and asked why hasn't that woman been selected? He then explained from his understanding that woman has done a great job and is well respected in the maritime industry in Houston. Chairman McKamie then reiterated that the Board needs to be confident there is no discrimination going on, and he didn't feel that is the case. Chairman Pro Tem Garcia suggested Commissioner Keeney include the enabling statute that gives the Board the power to select the number of pilots. He explained that there's an enabling statute that gives the Houston Pilots the power to determine who is to be put forward and requested in the report the language of those two are included so you can see and make sense of how they work together, whether they are reconcilable, and how to interpret them. Commissioner Keeney agreed and stated he will make a distinction of the law.

Chairman Pro Tem Garcia recounted Bob Sanders talk about there may be more traffic in the future, which would mean more pilots. Chairman Pro Tem Garcia stated Chairman McKamie brings up a good point because we have the power on the number, but the pilots have a good point they have the authority on whose qualified to be put forward. He then added we don't have that statutory or expertise, so there are two

governing concepts there and he has been trying to understand it himself. Chairman Pro Tem Garcia added the bottom line is we all ought to work together and thanked Commissioner Keeney. Chairman Pro Tem Garcia asked Commissioner Keeney if he can have it all together by the next meeting on March 9th, which Commissioner Keeney agreed he could.

Commissioner Keeney asked Captain Winegar do you think we can do what we need to do by March 9th, which Captain Winegar added he did and that the process is no secret. Captain Winegar reiterated that the process is well laid out. Commissioner Beverly replied that he heard Captain Winegar say it's laid out there and explained that he had asked the association on more than one occasion to see the processes, and had nothing on it. Commissioner Keeney added he is also a process person and would aid these guys to put it together in a way that folks can understand. Chairman Pro Tem Garcia thanked everybody for their comments and contributions. Further conversation then ensued amongst Commissioners about the process and vessel arrival data into the Port of Houston.

Captain Gavis recognized Commissioner Frances Dyess as joining via Zoom. After further conversation amongst Chairman McKamie and Commissioner Keeney over vessel transits, Commissioner Bechtel said he'd like to congratulate Captain Gasper, Captain Harris, Captain Lisante, and Captain Truss for coming into the Houston Pilots. The Board congratulated them all.

(PB-2023-0112-12) Executive Session

Chairman Pro Tem Garcia stated there was no need for an Executive Session

(PB-2023-0112-13) General Matters

Chairman Pro Tem Garcia moved onto agenda item 15a., "Discussion, deliberation, and possible action on whether there should be a policy that ensures that all Board external communications are reviewed/approved by the Executive Committee, total Board, Executive Director, or Attorney of record. Communications avenues include verbal, written, media, website, or social media; external is any communications outside the Board, including to Houston Pilots or Port of Houston. This policy in no way impacts Board appointed committees such as PBIRC or ARC".

Chairman Pro Tem Garcia opened the floor for discussion. Commissioner Keeney explained that Commissioner Bechtel and he requested that this be put on the agenda to the Executive Director. He further explained they intended to clarify that the Board needs formal information from the pilots, or are going to communicate with the public, to the press, to Facebook, we need a process that ensures that those communications are truly

from the Board and that was our intention when we asked to put this on the agenda. Commissioner Keeney further explained that the wording may not be perfect, but the idea was to certainly get our Executive Director much more involved in the communication. He further detailed that between our Chair, Co-Chair and Executive Committee, we can come up with a document that is not ambiguous, that is timely, and that represents the Board's desire to create the information necessary for us to make valid decisions. Commissioner Bechtel added if the Board makes a decision, then the Board would then direct the Executive Director to make the request, which he feels is how it should be done. Commissioner Bechtel stated individual commissioners should not deal directly with the Houston Pilots Association. Chairman Pro Tem Garcia stated he understood and mentioned having seen models on various Boards he is on, in which the CEO/ Executive Director is the spoke person. In other public models he added, the Chairman is the spoke person. Chairman Pro Tem Garcia stated that the point is it is determined there is a spoke person who can speak for the group, and , Roland Garcia, can't be issuing statements on behalf of the Pilot Board because he's not the official spoke person. He added Roland Garcia can individually say what he thinks and confirmed he understood what was being said. Chairman Pro Tem Garcia suggested that Commissioner Keeney take another shot at the verbiage, to which Commissioner Keeney agreed he would work with Commissioner Bechtel and the attorney of record. Chairman Pro Tem Garcia agreed to clarify who the spoke person is and to clarify that request on behalf of the Board comes from that spoke person. Commissioner Morrison added he served as Chair of the Houston Galveston Area Council and sometimes the Chair was assigned something, and sometimes the Executive Director was acceptable depending on what the document was and depending on what the agency was asking for. Chairman Pro Tem Garcia reiterated working to clarify the verbiage.

Chairman McKamie added we are a government entity and have to be very careful about trying to restrict anybody from doing anything because of First Amendment Rights. He added he thinks it's a good thing to have the Executive Director interfacing with the pilots. He added he felt that is what is happening right now and felt it is a good thing. He then explained he didn't think preventing an individual, or any commissioner, from making any statements or doing whatever that person wants to state as a matter of public concern and thinks that's what the law is if you look it up. He reiterated the Board needs to be very careful about this, adding it's a slippery slope when you start trying to restrict First Amendment rights as a government entity. He then suggested tabling the matter because there had not been enough legal work done on it. Commissioner Keeney said this doesn't squelch anybody's First Amendment rights and suggested Chairman McKamie is taking it off in a different direction that makes absolutely no sense. He then clarified that we're talking about this Board and formal communications from this Board. Chairman McKamie added you are what you have written so we need to look at that. Chairman Pro Tem Garcia stated the bottom line is Commissioner Keeney and Commissioner Bechtel have offered to work with our counsel to come up with the exact words and can do that by the next

meeting, to which Commissioner Keeney and Commissioner Bechtel agreed. Chairman Pro Team Garcia suggested for the minutes, the intent seems to be a policy to assign a spoke person, which we're saying is Executive Director, and that communications from the Board go through the spoke person is what we're saying.. Commissioner Keeney agreed.

(PB-2023-0112-14) Other Matters

Chairman Pro Tem Garcia stated there were no other matters.

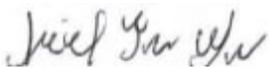
(PB-2023-0112-15) Adjourn

At 11:05 a.m., Chairman Pro Tem Garcia 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 January 12, 2023, meeting of the Board of Pilot Commissioners for Harris County Ports.



Captain Reginald McKamie, Chairman



Captain M. Tyler Gavis, Secretary

January 12, 2023

Dear Mr. Chairman,

This is my letter of dissent concerning the approval of the four proposed Deputy Pilots appointed by the Houston Pilot Association at the December Board meeting. Referring to the Pilot Board's By-laws approved at the December 2022 Board meeting:

Section 15. Parliamentary Rules.

d. Any Commissioner, including any Commissioner serving as Chair of the Pilot Board, or as a member of a Pilot Board committee or task force, who is present at a meeting of the Pilot Board or committee or task force, as applicable, at which action on any matter is taken, is presumed to have assented to the action taken, unless:

- i. His or her dissent, abstention, or recusal is entered in the minutes of the meeting;
 - ii. Such Commissioner files his or her written dissent, abstention, or recusal regarding such action with the Secretary or an Assistant Secretary before the adjournment of the meeting; or
 - iii. Such Commissioner forwards such dissent, abstention, or recusal by hand delivery to the Secretary or an Assistant Secretary promptly after the adjournment of the meeting.
- The right to subsequent dissent does not apply to a Commissioner who voted in favor of an action, in the event such subsequent dissent would alter the outcome of such action.

I am mindful that this will be the first time this Board is taking up the challenge and responsibility of approving appointments of Deputy Pilots. I am excited to be involved in this process especially given my history in the maritime industry and the long-term implications of the Board's actions on this matter. We must assure, as best we can, that we get this right.

When the December 2023 Board meeting adjourned, I asked the Pilot's leadership team if they can prepare us in considering approval of the appointed Deputy Pilots. Specifically, can the Association or Branch Pilots who appointed the Deputies share how their decisions were reached. Why do they need four? Why are these four the better candidates given that all applicants in the pool meet the same minimum qualifications as vetted by ARC? What makes these four distinctive relative to the other 100 pool applicants? What are the criteria used and was there a vote or debate? Can you provide the Board a documented process in getting from a pool of applicants to the appointment of Deputy Pilots? My understanding is that there have been 39 Deputy Branch Pilots appointed and approved by the Boards since 2013. I assumed there were stated, transparent, equitable and well understood appointment processes by the Pilot Association which were understood and approved by the Boards. To date, I have not received any information from the Pilot Association. Without a deep understanding and agreement on the processes and clear evidence regarding these appointments, to the Board's satisfaction, an approval should not be considered at this time.

The Transportation Code states; 'Each branch pilot may appoint; **subject to examination and approval by the board**', etc. To ensure we meet the obligations to which we have been entrusted with, I again ask the Pilot Association, with the Board's support, to provide the details stated above before an approval process takes place. Without this, I can only vote 'No' to each appointment.

Respectfully,

Parris Beverly, Commissioner, Houston Pilot Board

