

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

**Houston, Texas
March 9, 2023**

A public meeting of the Board of Pilot Commissioners for Harris County Ports (the “Pilot Board”) was convened on March 9, 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
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
Bruce Oakley, Commissioner
Captain M. Tyler Gavis, Executive Director, and Secretary
David McNeal, General Counsel

Chairman McKamie commenced the meeting and asked Captain Gavis to call the roll. Captain Gavis called the roll and noted that the Pilot Board had established a quorum with 8 out of 9 Commissioners present in person and Vice-Chair Garcia present virtually.

(PB-2023-0309-01) Chairman’s Remarks

Chairman McKamie acknowledged Commissioner Beverly’s Letter of Dissent, which he stated was added to the minutes of the January 12, 2023 meeting. Chairman McKamie stated he shared and voiced similar concerns to what Commissioner Beverly stated in his dissent letter and agrees all commissioners need to become aligned and look at the duties and obligations under the law that support how the pilots work in support of the Pilots Association. Chairman McKamie added that the issues raised before the last meeting are not invalid and the Board needs to get information to understand that they are following the law. Chairman McKamie next explained he believes the vote on the Deputy Pilots was somewhat premature without all the information and not all the Board members having ownership and understanding of the process for determining the number of pilots needed or the rationale for the approval of the four Deputies by the Board. He next stated he would ask shouldn’t the Board understand what the process is and not what occurred or who the candidates were. He then added it’s us understanding the process and thinking it would assure us that we are meeting our responsibilities. He then explained since that meeting, there have been initiatives by Board members Keeney and Beverly. He next detailed that they have worked with the Presiding Officer to help the Board understand the process and he thinks it’s good the Board work cooperatively and there is more clarity and transparency. Chairman McKamie then acknowledged he understands the Houston Pilots, and some of the shippers, cannot share their confidential information, but added he felt we

will have to share information, and everybody will have to cooperate so that we can work together on these things. Chairman McKamie then thanked Commissioner Keeney and Commissioner Beverly for working with Captain Winegar and added he looks forward to discussing these more today, and as we move forward, and would also like to bring up the proposed Board goals. Captain Gavis shared PROPOSED BOARD GOALS FOR THE NEXT TWO YEARS via Zoom. Commissioner Dyess recommended this be discussed under general matters, to which Chairman McKamie responded that he would like to discuss it in his remarks.

Chairman McKamie then discussed his PROPOSED BOARD GOALS FOR THE NEXT TWO YEARS:

1. Keep safety the Number 1 Priority with feedback and lessons learned from PBIRC per investigation requirements of Board duties, Texas Transportation Code Sec. 66.017 (7) and (10).
2. Develop reliable metrics with Pilots and other stakeholders to determine anticipated shipping volume to establish the number of Pilots necessary, Texas Transportation Code Se. 66.017 (1).
3. Develop policies and procedures to not sanction discriminatory practices or to discriminate against a pilot or pilot applicant because of race, religion, sex, ethnic origin, or national origin, Texas Transportation Code Sec. 66.018.
4. Obtain Subpoena authority through legislation to be able to effectively investigate incidents, Texas Transportation Code Se. 66.017 (7) and (10).
5. Work with the county and cities to obtain heavy weather and disaster response access for Pilots, their staff, Pilot boat operators, and tugboat operators necessary to keep the Harris County Ports safe and open during inclement weather, natural disasters, or unknown man-made disasters that may occur under Texas Transportation Code Sec. 66.017 (7) and (10).

(PB-2023-0309-02) Recognitions

Chairman McKamie called for a motion to approve the recognition and presentation of awards for trailblazing Houston Pilots: Captain Paul Brown, Captain Sherri Hickman, and Captain Holly Cooper. Commissioner Keeney moved for approval, seconded by Commissioner Bechtel. Chairman McKamie asked for all in favor to say aye. All were in favor. There were no opposing votes. MOTION PASSED.

Chairman McKamie acknowledged that Captain Paul Brown is present and added he will be presented with an award. He then recognized Captain Sherri Hickman and Captain Holly Cooper for their acclaimed service as trailblazing Houston Pilots. Chairman McKamie added Captain Sherri Hickman and Captain Holly Cooper commemorated National Women's Month and Captain Paul Brown commemorated National Black History

Month last month. Chairman McKamie next stated it was an honor to recognize Captain Paul Brown, Captain Sherri Hickman, and Captain Holly Cooper as trailblazers and requested Captain Brown come forward for a presentation. A video and slide show presentation of Captain Brown was then presented via Zoom. Chairman McKamie proceeded to present Captain Brown with a certificate for acclaimed service as a trailblazing Houston Pilot, as the Board members posed with Captain Brown for a commemorative photo. Chairman McKamie next presented Captain Clint Winegar with certificates for acclaimed service as trailblazing Houston Pilots for Captain Hickman and Captain Cooper. Commissioner Keeney then presented Captain Brown with a Proclamation from the City of Taylor Lake Village. Captain Brown's children were present and thanked the Board for recognizing their father.

(PB-2023-0309-03) Appearances

Chairman McKamie asked if anyone signed up for public comment, to which Captain Gavis replied that no one signed up for public comment.

(PB-2023-0309-04) Minutes

Chairman McKamie called for a motion to approve the January 12, 2023 Pilot Board Meeting Minutes. Commissioner Morrison moved for approval, seconded by Commissioner Beverly. Chairman McKamie asked for all in favor to say aye. All were in favor. There were no opposing votes. MOTION PASSED.

(PB-2023-0309-05) Executive Director Report

Captain Gavis recognized the recent reappointment of 5 Board members.

(PB-2023-0309-06) Pilot Board Committee Reports

(a) Chairman McKamie stated he had no Executive Committee report.

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

Commissioner Bechtel stated the Gulf Coast Protection District authorized the Coastal Barrier Project on December 23, 2022, for the Texas Coastal Project, and added the next step will be appropriations that will start the preliminary engineering design. He then explained that only one percent of the gate design has begun until further appropriations and added the Protection District received ship simulation studies from the pilots that are moving forward through the process with the Corps of Engineers. He next added the Protection District asked the Eighty-Eighth Texas Legislature for five hundred

million dollars, of which half is for the S2G Projects which are projects in Orange and Jefferson Counties approved by the Federal Government in 2018 and the other half will be funds for the Coastal Texas Project which includes the Ike Dike portion of it. He then explained they will be in DC the last week of March to push for federal appropriations and suggested looking at HB 2416 by Dennis Paul, the Gulf Coast District Trust Fund which would allow for future surplus funds to funnel into the trust fund for the Gulf Coast Protection District in lean years when they don't have a surplus. Commissioner Bechtel next discussed the subpoena authority process. He stated as mentioned in the last meeting he reviewed the Texas Transportation Code Section 62 & 63 Title 4 Navigation. He added in the language all the Pilot Boards can institute investigations and hearings, but no Pilot Boards in the State of Texas have been issued subpoena power. He further explained in discussions with current legislators the first question is who else has subpoena power, do you have subpoena power under legislation that set up these Boards, and added that the answer is no. He proceeded to explain other codes he looked at under the State do not apply to Pilot Boards at all. He explained Title 16 Economic Regulation Chapter 22 Procedural Rules Subchapter H Discovery Procedures has language that formalizes the request and provides rules to produce evidence, and suggested this is something counsel would have to explore. Commissioner Bechtel next explained the legislative committee writes the language for bills at the request of senators, which he detailed stopped two weeks ago for this Eighty-Eighth Legislative Session. He added the last day to file a bill is March 10, 2023, tomorrow. Chairman McKamie responded that he understands that March 10, 2023 is for the initial drafting of legislation but he spoke with lobbyists, and they said you can get other bills in (though he acknowledged it is rare). Chairman McKamie stated just because other Boards don't have it shouldn't stop us from trying to get it and added if we don't get information from the ship and it leaves we can't get the information needed. He then explained the Board had two incidents where we were not getting the information from the Coast Guard in a timely fashion, which hindered what the PBIRC did. He added he thinks the Board needs to have that as a goal and maybe one or two members can go to Austin and talk with some of the legislators on the Transportation Committee. Commissioner Bechtel reminded Chairman McKamie that his report is on the procedure and explained to pursue subpoena power would have to be a Board decision. Commissioner Bechtel suggested it would be stronger if you had all the Pilot Boards involved and it's too late for this session. Chairman McKamie thanked Commissioner Bechtel for his assessment.

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

Commissioner Hance stated on February 23, 2023 he and Captain Gavis attended the Lone Star Harbor Safety Committee Meeting and were shown a film of an explosion that occurred on the Houston Ship Channel a few years ago. He added it was very interesting to get a better understanding of how bad things can be out there. He then stated

the Captain of the Port Captain Smith attended, and added he does a good job heading that up and working with everybody. Commissioner Hance also mentioned attending a seminar for marine safety through the Marine Connect at San Jacinto College. He recognized how important the program is for its participants.

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

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

(f) Captain Gavis stated that there was no activity to report from the Ad Hoc Rules, Policies, and Procedures Committee.

(PB-2023-0309-07) Financial Report

(a) Chairman McKamie recognized Pilot Board Treasurer Commissioner Dyess

Commissioner Dyess stated page 26 in the briefing book (also shown via Zoom) had the budget for January and February. She detailed that the year to date totals were \$65,800.00 spent against a forecast of \$70,000.00. She added that an insurance payment due in December of last year fell into January of this year and the Board has a safe cash balance of \$104,000.00. Commissioner Dyess closed by adding the audit for last year will begin on Monday. Chairman McKamie asked how long the audit will take, to which Commissioner Dyess replied maybe two weeks and should be concluded by the next Board meeting. Captain Gavis thanked Commissioner Dyess for all her support with the finances.

(PB-2023-0309-08) Houston Pilots Association Report

Presiding Officer Captain Clint Winegar thanked the Board for recognizing their trailblazers and stated the pilots have a special announcement in recognizing that Project 11 1A is wrapping up today with new buoys marked in the new channel. Captain Winegar stated that the pilots are expected to increase the daylight restriction starting Wednesday next week. Captain Winegar proceeded to provide a presentation to the Board on the following:

- Manpower
- Workload & vessel transit summary/trends
- Maritime & Community Engagement
- New Shuttle Boats
- Pilot Boarding location
- Deputy Training Program

- On-going Projects

Captain Winegar proceeded to detail the following:

Manpower as of March 31, 2023:

- 87 Branch Pilots
- 3 Deputy Pilots
- 1 mandatory retirement remaining in 2023
- Note – 1 Deputy selectee is in the process of getting First Class Pilot endorsement by CG

Captain Winegar explained the overhead screen view of Houston Vessel Arrivals 2020-2023 that depicted February as a tough month due to extreme fog conditions, noting that it was one of the toughest fog seasons since 2015.

Maritime & Community Engagement:

Captain Winegar detailed the following engagements the Houston Pilots have:

Board memberships

- Board member, Houston International Seafarers Center
- Board member, Port of Houston partners in Maritime Education Committee
- Board member, San Jacinto College Maritime Advisory Committee
- Board member, Maritime Logistics Youth Expo Planning Committee
- Board member, Pasadena CTE HS Maritime Advisory Committee
- Board member, Lone Star Harbor Safety Committee
- Board member, Greater Houston Port Bureau
- Member, east End Chamber of Commerce
- Member, Houston Maritime Center
- Member, of Coast Guard Foundation Dinner Committee

Shuttle Boats:

- HP established Shuttle Boat Committee in 2021
- Signed contract at the end of 2022 with Breaux Bay Craft, for 2 new shuttle boats
- Approximately 2-year construction process

Commissioner Morrison asked Captain Winegar how many shuttle boats the pilots have? Captain Winegar replied the pilots have 2 shuttle boats and 2 offshore boarding platform boats. He then explained the shuttle boats are used to transport out to Galveston and the offshore boats stay out a week at a time.

Pilot Boarding Stations:

Captain Winegar explained that boarding stations have not changed and they are providing the report at the request of Commissioner Beverly. He then detailed that all drafts less than 40 feet are boarded at Buoy 1A/2A and drafts greater than 40 feet are boarded at GB Buoy.

HP Deputy Training Program:

- 36-month training program; originally promulgated 9/1/97; regularly reviewed & updated as needed
- Includes structured & intensive on the channel training & course work
- 3 phases of training
 - Riding deputy (Months 0-6)
 - Jr Deputy (Months 7-18)
 - At month 7, able to handle 26% of vessels calling on Houston
 - Sr Deputy (Months 19-36)
 - At Month 19, able to handle 73% of vessels calling on Houston
- Deputy will complete over 1000 transits/4,500+hours of bridge time during the program
- Update gross tonnage/draft progression & emphasis on additional ships as the distribution of the size of vessels, especially container vessels, has shifted

Commissioner Bechtel asked Captain Winegar what caused the change from a 2-year training program to a 3-year training program, to which Captain Winegar replied the increase in the size of vessels calling on Houston.

On-going projects:

- Access to Harris County Security Camera feeds for assessing visibility during fog season
- Installation of a current meter at Lynchburg Ferry Landing
- Pilot access to ship docks following a hurricane or during an actual emergency

Captain Winegar stated that the pilots could use the Board's support with these matters. Commissioner Keeney stated that Commissioner Garcia, Precinct 2, is working on giving the pilots access to the cameras and he has contacted the Region Office of Emergency Management for the State of Texas, which are actively pursuing giving access to anyone associated with the pilots.

Commissioner Dyess stated she had the honor to visit and tour the Pasadena Career Technical School Maritime Program with the pilots and encouraged other Board members to do the same. Commissioner Dyess then recognized Jacquie Young-Hall (who was present as a member of the ARC) as the Port of Houston Maritime Education Program Director that leads all education programs.

Commissioner Garcia thanked Captain Winegar for his presentation and stated he didn't see it in the Board packet, as well as Commissioner Beverly's dissent letter, and asked Captain Gavis if those items could be emailed to him, to which Captain Gavis agreed.

Captain Glass provided a presentation of the new Navigation Safety Guidelines finishing segment 1A of Project 11.

Commissioner Beverly asked what the impact of this will be. Captain Glass replied it will open the daylight window that all these oversized ships are restricted to. He further explained moving that up gives the pilots more flexibility to meet those ships and currently in the morning the pilots are trying to get ships down to buoy 18 and hold ships off below 18. He explained that now they will have a better flow of traffic. Chairman McKamie asked so what are you asking us to do today, to which Captain Gavis advised they are seeking approval of the Nav. Safety Guidelines on page 27 of the Commissioners briefing books.

(PB-2023-0309-09) Chairman McKamie asked for a motion to approve agenda item 10c.i., "Pilot Board deliberation and possible action regarding the amended Houston Pilots Navigation Safety Guidelines approved by the Houston Pilots effective upon completion of dredging in Seg. 1A of Project 11 & re-commissioning of affected ATON, which would amend Section VIII. VT-1 LPG tankers proceeding with cargo to State: LPG tankers proceeding with cargo greater than or equal to 600 ft. will be daylight restricted above B-51/52. If there is no trim, daylight is restricted above B-18. Amend Section X. WB-2 to State: Any widebody tanker proceeding with cargo will be daylight-restricted above B-51/52. Amend Section X. WB-6 to State: Two widebody vessels meeting in the Houston Ship Channel between B-18 and B-51/52 shall be restricted to a combined beam of 340' during the day and 310' at night. The combined draft shall be limited to 85'. Two widebody vessels meeting in the Houston Ship Channel between Buoy B-51/52 and beacons 75/76 shall be restricted to a combined beam of 310 ft. and shall be limited to a combined draft of 85 ft. Amend Section X. WB-9 to State: Any widebody tanker or bulker over 150 ft. in beam and/or over 900 ft. in LOA will be always daylight-restricted above

B-51/52. Amend Section X. WB-11 to State: Two vessels with a combined LOA of 2080 ft. or greater will not be permitted to meet above B-51/52. Amend Section XI. CT-1 to State: For this guideline, “daylight restricted” means boarding 2 hours before sunrise. This boarding time will allow a typical container vessel to reach B-51/52 at the beginning of civil twilight. (See redlined changes to Section VIII. VT-1 (pg. 8 and pg. 9), Section X. WB-2, WB-6, WB-9, and WB-11 (pg. 13 and pg. 14), and Section XI CT-1. (pg. 15) of the attached Navigation Safety Guidelines. Commissioner Keeney moved for approval, seconded by Commissioner Beverly. Chairman McKamie asked for all in favor to say aye. All were in favor. There were no opposing votes. MOTION PASSED.

(PB-2023-0309-10) ARC & PBIRC Reports

(a) Chairman McKamie recognized Commissioner Keeney to provide a historical overview of the Pilot Board’s ARC and PBIRC.

Commissioner Keeney explained we have put this presentation together in the context of what has occurred with the Port of Houston and us. He then stated those that approved the minutes this morning probably noticed what Captain Gavis and Captain Winegar were asked to do was quite complex and explained our legislators were wise in informing us of the laws we operate under. He stated the law recognizes the Houston Pilots as the primary entity as subject matter experts with the capability of managing the flow of ships on the channel. He emphasized the law is clear that the Branch Pilots select the Deputy Pilots, train them, certify them, and when they become Branch Pilots recommend them to the Board. He then explained any interference in the pilot’s process by us would potentially degrade that outcome, which he thinks would be a violation of what the legislator’s intent was. He emphasized the notion of pilot autonomy is further clarified by the addition in the Act of Section 1 Paragraph C: this Board may adopt a rule under the Chapter involving ship movement strategies including the Navigation Safety Guidelines for the navigable waters in this State and on the recommendation from not less than 80% of the pilots. He next explained legislators recognize the astuteness of the pilot’s training and expertise. He added while this Board has approval over certain activities, the pilots also have legal approval authority involving details of their work. He continued this necessitates that this Board and the pilots have a very close working relationship. He next explained the law recognizes pilots as the primary subject matter experts, in addition defined as high-performance teams. He next explained in developing a high-performance team, they must learn to trust each other and communicate with each other. He then emphasized the Board and the pilots must always work closely together to ensure total compliance with the law, and in effect adversarial relationships are unproductive. He next explained that one clear distinction identified by law is that this Board establishes the number of pilots. He stated utilizing the pilot’s experience, awareness of all the stakeholders, fatigue issues, port dredging schedules, and multiple other parameters, the Board should vest this recommendation with the pilots. Chairman McKamie asked

Commissioner Keeney are you going to give us a history or are you going to advocate, to which Commissioner Keeney replied I'm going to give history but I'm also giving context. He then explained it is well worth knowing that the actual delays the pilots are averaging from a shortage of pilots is 16.5 hours a year (he then emphasized that is hours not days and he feels that is very low). Commissioner Keeney next explained to understand how the Board evolved from the Port of Houston, he interviewed port personnel to discover the reasoning behind the formation in 1992 of the ARC and the PBIRC, which he added are Board certified committees. Commissioner Keeney explained he identified the intent of each committee and noted the actual regulations and laws dictating both Board duties have not changed (which is why he felt it is important to understand why the port acted as it did). He emphasized the port for over 20 years was careful and diligent in dealing with the pilots and the port also recognized that trust among all pilots is key to fostering safe outcomes during difficult situations. He then explained the port based decisions that have been in place for over 20 years have yet to be challenged and there has never been a charge the Transportation Code has been violated in any way. He proceeded to explain the Pilot Board's website is open to the world by googling Houston Pilot careers and explained all incoming applications are screened by the Executive Director and then handed to the ARC for additional screening. He next stated the port formed the ARC to ensure all candidates were technically and behaviorally qualified to be a pilot, while ensuring everyone entering the pool was given consideration. He added he has interviewed the previous and present Chairman of the ARC, and both are aware of the laws governing any kind of issues they handle. He next explained the PBIRC was formed by the port to ensure that all maritime issues, incidents, or disagreements are handled by a group with deep and wide maritime experience and explained recognizing that members of the Board lacked the detailed qualifications to effectively discern the outcomes and deal with the Coast Guard. He closed by stating this committee must know the law and in some cases assign fault and make recommendations they must ultimately bring to this Board for approval.

(b) Chairman McKamie recognized ARC Chairman Captain Stephen Polk

Captain Polk described the ARC as consisting of 9 volunteers who are appointed by the Board. He added they regularly meet to vet and carefully examine applications. He next explained there are 4 types of examinations: Pilot Pool applications, Deputy Pilot applications, Original Branch Pilot applications, and Branch Pilot renewal applications. He explained the ARC ensures that the applicants are qualified and adhere to State laws adopted by the Board. He thanked Chairman McKamie and the Board for assembling the team of high performing individuals and added he could not ask for a better team of people to serve alongside. He then stated Captain Winegar and Captain Glass have seats with us, Captain Martinez, Dr. Sallie Janes, Captain Hill, Jaquie Young-Hall, Pat Studdert, Tyler Gavis, and attorney David McNeal. He asked would each of you please stand and be recognized. Chairman McKamie thanked all the ARC members for their service. Captain Polk also thanked the Port of Houston Authority, Captain Mike Usher (who was present),

and Captain Marcus Woodring. Captain Polk explained that the port, Captain Usher, and Captain Woodring set the committee up for success by establishing procedures to guide them along to evaluate applications. He added he couldn't have asked for a better mentor than Captain Woodring and thanked Captain Usher. Captain Polk next explained when he first started in 2018 the committee reviewed paper applications, which they then changed from paper applications to iPads making the review of applications more proficient and easier to manage. He added now Captain Gavis uploads applications after legal review and sends them to the committee electronically in SharePoint a week to 10 days before an ARC meeting (which allows members to review and come to the meetings to discuss and make recommendations). He added the process is shown on the overhead screen (which he felt is a good process) and he is honored to serve as Chairman. Chairman McKamie thanked Captain Polk and all ARC members. Commissioner Garcia then had a question regarding the overview of ARC review of applications, which Chairman McKamie requested be discussed later.

(PB-2023-0309-11) Chairman McKamie moved to agenda item 11e, "Approve the Pilot Board Application Review Committee's recommendation for renewal of Branch Pilot Commission in and for the Houston Ship Channel and Galveston Bar: Captain Thomas C. Goodwin and Captain Nicholas C. Henrich". Chairman McKamie asked for a motion. Commissioner Bechtel moved for approval, seconded by Commissioner Morrison. Chairman McKamie asked for all in favor to say aye. All were in favor. There were no opposing votes. MOTION PASSED.

At 11:20 a.m. the Board thanked Captain Polk for the presentation and Chairman McKamie requested a 10 minute break.

At 11:27 a.m., the meeting reconvened.

(PB-2023-0309-12) Chairman McKamie moved to agenda item 11f., " Overview of the Deputy Branch Pilot selection process by Commissioner Jon Keeney". Commissioner Keeney stated you have heard the presentation from the ARC Chairman and you saw the flow chart which presented the outcome of their work as a pool of potential pilots. He explained that pool is handed to the pilots, who when they need additional Deputy Branch Pilots they pick from. He detailed up to that point, Captain Gavis has screened the applicant, the ARC has screened the applicant, and now the pilots have put together a flow chart for your review that clarifies what they do. He explained the pilots have a committee that screens and interviews candidates from the pool and invites pool applicants to events to meet and commensurate with potential future colleagues. He continued it's a social event and Branch Pilots make it a point to meet new applicants with full intent to get to know new applicants and develop working relationships. He then explained Branch Pilots hold meetings to nominate any applicant, and any Branch Pilot can nominate any applicant from the pool to become a Deputy Branch Pilot. He added it is

recommended that applicants in the pool should develop a relationship with the Branch Pilots. He explained the pilots are independent and must rely on anyone that comes into the pool to be trainable up to their speed and be trusted during emergencies. He next detailed Branch Pilots need a 68% vote on the selection of a Deputy Branch Pilot, and Branch Pilots have a mentorship that works with applicants to develop skill sets that can be obtained in the maritime industry. He next stated the pilots realize applicants may have personality hiccups that need some work because they know you must interface with ship captains from all over the world, and as a Branch Pilot you must be able to communicate with them. He then explained you are solely responsible for every movement on that ship once it comes in the Houston Ship Channel and you must be aware of what's going on that ship and not every one of these transits is easy. He explained talking with some Branch Pilots that have lost power and emphasized the need that they be able to work together. Commissioner Keeney concluded his presentation and asked are there were any questions.

Chairman McKamie asked Commissioner Keeney you mentioned the pilots become liable, are you aware of the limited liability of a pilot? Commissioner Keeney replied not specifically. Chairman McKamie stated the Pilots have a limited liability and that is one of the reasons there is a Board. Chairman McKamie then thanked the ARC (who he stated do a fantastic job screening all this) and added on this sheet you gave us there is a block that says HPA determines new pilots are needed based on traffic and fatigue management. He then asked would you agree with me that under Transportation Code 66.017 that is the Pilot Board's duty, and we need to sort out how we do that in conjunction with the pilots and the rest of the maritime community? Commissioner Keeney replied he already stated that it is the responsibility of this Board. Commissioner Morrison thanked Commissioner Keeney for volunteering his time to work with staff and the pilots to put this information together and share it. Chairman McKamie also thanked Commissioner Keeney for all he has done and asked about a couple of items in gray areas on the flow chart (including emphasizing his concern that if a Branch Pilot is not at a meeting they cannot nominate an applicant) . Conversation then ensued amongst Commissioners as to whether it was the time for questions or not. Commissioner Keeney continued once the nominations have happened the Branch Pilots have an opportunity to vote for a potential Deputy Branch Pilot, which he added was illustrated by the recommendation for the 4 Deputies at the previous meeting. He next explained as you can see the Deputy Branch Pilots have been screened through the process and have come back to the Board for approval. He reemphasized it is a complex process and that is what he was working to illustrate on the flow chart. He then emphasized the Board has the final approval. Commissioner Morrison requested a point of order and reminded the Board the way this item reads does not allow questions and deliberations and to stay in compliance with the Open Meeting Act the Board needs to move on.

Chairman McKamie stated we are through with the overview by Commissioner Keeney, and I have some questions. He then explained you have some information from a

female applicant on pages 59-69 (of the briefing books) that has been in the pool for almost 10 years. He detailed she has a master's license and has hundreds of trips on the ship channel. Commissioner Keeney advised I don't think it is appropriate for us to discuss any individual in the pool in an open forum. Commissioner Morrison requested a point of order. Conversation then ensued between Board members and Counsel about whether or not there could be discussion.

(PB-2023-0309-13) Commissioner Keeney moved to approve the flow chart as the pilot's selection process, seconded by Commissioner Dyess. Chairman McKamie replied under section 8C of the bylaws he thinks this should be deferred upon the request of any Commissioner. He then stated consideration of or action on an item placed on the agenda at a regular or special meeting shall be deferred until the next meeting of the Pilot Board provided such deferral will not cause undue hardship of the matter of consideration to render the item mute. Chairman McKamie moved that this be deferred. Commissioner Keeney reminded Chairman McKamie that there was already a motion on the floor and a second. Chairman McKamie stated he is going by what it says in the Board's bylaws. Commissioner Dyess asked Counsel McNeal for his opinion, to which Counsel McNeal stated the action item is on the floor and we can't make a motion to table it if the agenda item is already on the table. Commissioner Dyess agreed and stated so now we must vote. Commissioner Garcia asked if we must determine the number of new pilots, where in the flow chart is the determination of the number of pilots needed? Commissioner Garcia then recalled Mr. Sanders from Enterprise stating they expected 50-60 more vessels per month at their docks and sought clarification on how the number of pilots is determined. Commissioner Keeney replied it is the responsibility of this Board to establish the number of pilots and the reason why this box is on the flow chart you are referring to. He stated at this point and time the Houston Pilots are the only ones that have the information and capabilities to make recommendations to this Board for our approval. He then reminded the Board of how few delays are caused by a shortage of pilots and added the cap of pilots at 95 established by the Port of Houston appears to still be holding and it has nothing to do with whether you like or dislike a potential Deputy Pilot, it has everything to do with the number of pilots in the existence of being quite effective. He then reemphasized the Board doesn't have the mechanisms for determining the number of pilots. Conversation ensued between Commissioner Bechtel and Chairman McKamie over whether the discussion was relevant to the agenda item. Chairman McKamie added it says an action item and I'm opposing this, and it should be deferred because we don't have enough information. He then stated this process has included something which is counter to our duties, and I've said we need to work with the pilots to come up with that number, but it is not as it is depicted here solely that they're the only ones to have the information we need to develop a panel so we can get the information so we can do our job. Captain Gavis advised Chairman McKamie that agenda item 14g. may form such a committee. Commissioner Morrison stated now call to question. Counsel McNeal stated we need a two-thirds vote to end the debate. Commissioner Keeney asked all those in favor of ending the debate.

Counsel McNeal stated we have more than 5 Commissioners of 9 for a quorum to end the debate. Commissioner Beverly asked if we are saying that this policy where HPA determines the new pilots, will we be voting that stays in as part of the process? Commissioner Morrison emphasized it's time to take the vote now, the discussion has ended. Commissioner Keeney asked for all in favor of accepting the flow chart as it exists say aye. 7 of 9 voted aye. Commissioner Beverly and Chairman McKamie opposed. MOTION PASSED.

Chairman McKamie stated I resurge my opposition on even voting on this today. Commissioner Keeney stated the vote passed and it is now a part of our process and thanked Captain Winegar for working with the Board on this. Chairman McKamie also thanked Captain Winegar and Commissioner Keeney for their hard work on this.

(h) Chairman McKamie recognized PBIRC Chairman Captain David Foret

Captain Gavis announced he would be filling in for Captain Foret and stated the PBIRC held a hearing on December 13, 2022 on two matters. He added the Proposed Findings and Recommendations on those two matters sought approval as agenda items 11i. & 11j., and added he would be glad to answer any questions on the Proposed Findings and Recommendations. Chairman McKamie asked about the PBIRC recommendation regarding M/T ECO EVOLUZIONE allision with TARGA dock #2 and how creating a training protocol with G & H Towing will prevent this incident and will it become training all pilots go to? Captain Gavis replied the communication between the pilot and the tugboat may have been a contributing factor and thought the creation of the course was to arrange joint meetings to get the tug operators and the pilots together to improve communications. Chairman McKamie asked how did the congestion cause this? Captain Gavis replied there was a dredge that was encroaching on the channel and the channel was very busy, which did not leave Captain Jones a lot of alternatives. Chairman McKamie then asked regarding the M/T NAVIG8 SPARK allision with ship assist T/V FRANCIS HAYDEN why up to a year to get the training? Captain Gavis replied he understood the course was hard to get into and the PBIRC recommended one year to allow time availability.

(PB-2023-0309-14) Chairman McKamie called for a motion to approve PBIRC's Proposed Findings and Recommendations. Commissioner Keeney moved for approval, seconded by Commissioner Dyess. Chairman McKamie asked for all in favor to say aye. All were in favor. There were no opposing votes. MOTION PASSED.

Captain Gavis announced another PBIRC hearing would be held in two weeks on March 23, 2023, and that it is open to the public as are all PBIRC Hearings and ARC meetings published on the Pilot Board's website.

(PB-2023-0309-15) Executive Session

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

(PB-2023-0309-16) General Matters

Chairman McKamie moved to agenda item 14a., “Review and Discussion of BOARD OF PILOT COMMISSIONERS FOR HARRIS COUNTY PORTS duties” and reminded Board members of the duties outlined in Texas Transportation Code Ch. 66.017.

Chairman McKamie then moved to agenda item 14b.,” Discussion on goals for the BOARD OF PILOT COMMISSIONERS FOR HARRIS COUNTY PORTS” and stated he had discussed his goals for the Board for the next 2 years in his remarks. Commissioner Bechtel asked if we could add to the proposed goals, to which Chairman McKamie agreed.

Chairman McKamie moved to agenda item 14c., “Discussion on recent refusal of Houston Pilot Association to respond to requests for information from the Chair of BOARD OF PILOT COMMISSIONERS FOR HARRIS COUNTY PORTS or the Executive Director of BOARD OF PILOT COMMISSIONERS FOR HARRIS COUNTY PORTS on behalf of the Chair without Board approval and its negative impact on operations.” Chairman McKamie stated that the pilots sent a letter to talk to their person which is here and asked Counsel Brad Hancock to stand and be recognized by the Board. Commissioner Garcia announced he thought this was a good development and had known Mr. Hancock for years as a distinguished lawyer in the Bar and looked forward to working with him.

Chairman McKamie moved to agenda item 14d., “Briefing, deliberation, and possible action regarding the Board adopting an external communications policy (see attached)”.

Chairman McKamie explained he provided an alternate proposal, with the only difference being the last sentence. He explained requests for information from Board members to the Houston Pilots needing to be approved by the Executive Committee, or the total Board, is not workable in his opinion. He next stated I think Commissioner Keeney this was something you brought up is that correct? Commissioner Keeney confirmed and stated I’m very much for the first proposal and brought this up because of information that was flowing outside of this Board that the whole Board had not approved, or the Executive Committee, and I was very concerned about that. He added with Mr. Hancock’s letter to us, I think it’s incumbent upon us to adopt a policy that at minimum the Executive Committee approves any type of external communications. Chairman McKamie said he didn’t think that was workable, and added he must set the agenda and if he needs to get some information and must wait for the Board or the Executive Committee to decide if we need the information creates a huge problem in operating the Board. He added if I need information to bring to this Board, I need to ask for it and set the agenda. He reemphasized

it is not workable and stated as it's worded it cuts out committee chairs and the Executive Director being able to get information, to which Commissioner Keeney agreed. Chairman McKamie added he thought the way to do it is the Chair, Executive Director, or Executive Committee may request information from the Houston Pilots with 30 days' notice, and added I think this would give them time and I can do my job as Chair. Commissioner Dyess stated I agree we should keep it as the first recommendation for multiple reasons, specifically so we are all on the same page. Conversation ensued between commissioners about the need for all actions to be actions of the Board and not of individual commissioners.

(PB-2023-0309-17) Chairman McKamie made a motion to vote on the first part of the following verbiage and defer the second part until the Board discusses it at the next meeting:

Proposed Board External Communications Policy

When speaking in a public setting that is outside of a Harris County Board of Pilot Commissioners meeting, a Board Member shall distinguish their opinion(s) from the opinion(s) of the Board. Nothing in this policy shall abridge the First Amendment rights of any Board Member of the Harris County Board of Pilot Commissioners.

Requests for information from Board Members to the Houston Pilots shall be approved by the Executive Committee, or total Board.

Commissioner Garcia seconded. Chairman McKamie asked for all in favor to say aye. 3 were in favor and 6 were opposed. The Motion did not carry.

Commissioner Oakley moved for the adoption of the External Communications Policy as written and stated he thinks we can modify it as we go at subsequent meetings, seconded by Commissioner Keeney. Chairman McKamie asked for all in favor to say aye 6 were in favor. Chairman McKamie, Commissioner Garcia, and Commissioner Beverly were opposed. MOTION PASSED.

Chairman McKamie moved to agenda item 14f., "Adoption of 2022 completed Board measures". Commissioner Beverly stated Commissioner Dyess, Bechtel, Keeney and he had a meeting with the Houston Pilots leadership team to discuss each measure of the matrix. He explained as they discussed each measure he thought they were comfortable with most of the measures and matrix and agreed there were a couple that the Board may not have needed, which he explained one had to do with the feedback survey. He added the argument was there is enough good communication between the pilots and the Executive Director and with pilots and the Board, so we do not have to do surveys. He explained the proposal was the Board eliminate the three surveys from the original performance

measures, and added he agrees with that. He next explained the fourth item had to do with the number of pilots and the selection of pilots and since that's already in the Board's measures, they all agreed it was redundant and can be taken out of the pilot's performance measures.

(PB-2023-0309-18) Commissioner Beverly made a motion to accept the proposed changes, seconded by Commissioner Dyess. Chairman McKamie asked for all in favor to say aye. All were in favor. There were no negative votes. MOTION PASSED.

(PB-2023-0309-19) Chairman McKamie moved to agenda item 14g., "Formation of Pilot Board Effectiveness Committee" and stated this is to address Texas Transportation Code 66.017 (1) to establish the number of Pilots necessary to provide adequate pilotage services for each Harris County Port. He added what he proposes is that we have a committee formed so that we can just focus on this, and that the committee be composed of Board members, pilots, and other maritime stakeholders to get the information and have a measure on how many pilots are needed. He added the pilots know how many pilots they need based on their information, but I think we don't understand or have the information. Commissioner Dyess recommended the Performance Management Group be changed to the Performance Effectiveness Committee. Conversation ensued about how to form the committee. Chairman McKamie made a motion to form the Performance Effectiveness Committee and have it consist of Commissioner Beverly as Chair, Commissioner Dyess, Commissioner Keeney, and Commissioner Bechtel, 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-2023-0309-20) Chairman McKamie moved to agenda item 14h., "Approve draft Houston Pilots application advertisement to be published in Professional Mariner magazine". Captain Gavis presented an ad drafted by Professional Mariner to have published in their magazine and stated that publishing it four times this year would carry a total cost of \$5,908.00. Commissioner Dyess asked if she could work with Captain Gavis to improve the ad before publishing. Chairman McKamie made a motion to accept Commissioner Dyess' request, 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.

Chairman McKamie moved to agenda item 14i., "Briefing, deliberation, and possible action regarding Board members participating in a team building exercise". Chairman McKamie asked whose idea this was, to which Commissioner Keeney stated Counsel McNeal had brought it up at a working meeting. Counsel McNeal replied that he hadn't brought it up and explained that his biggest concern would be creating a quorum. Commissioner Keeney then explained this is something he had done many times and explained it could be done in Executive Session. He next stated he wasn't sure if it was

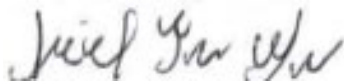
something the Board wanted to do or not, but he wanted to be sure to provide the Board with the option. Conversation ensued about how the exercise could be done. Commissioner Morrison suggested the Board think about this item some more. Commissioner Keeney stated he would come up with a proposal for the next meeting. Chairman McKamie made a motion to table the matter, 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.

At 12:39 p.m. Chairman McKamie stated there were no other matters and moved to adjourn the meeting, seconded by Commissioner Beverly. Chairman McKamie asked for all in favor to say aye. All were in favor. The meeting was adjourned.

The above is a correct copy of the Minutes of the March 9, 2023, meeting of the Board of Pilot Commissioners for Harris County Ports.



Captain Reginald McKamie, Chairman



Captain M. Tyler Gavis, Secretary