

Minutes of Pilot Commission Port Freeport June 16, 2017

A Meeting of the Pilot Commission of Port Freeport was held June 16, 2017, beginning at 1:07 PM at the Port Freeport Administration Building, 1100 Cherry Street, Freeport, Texas.

Commissioners present:

Mr. Paul Kresta, Chairman
Mr. John Hoss, Vice Chairman
Mr. Shane Pirtle, Secretary/Treasurer
Mr. Rudy Santos, Commissioner
Mr. Bill Terry, Commissioner
Mr. Ravi Singhanian, Commissioner

Staff Members present:

Mr. Jason Cordoba, Legal Counsel
Ms. Phyllis Saathoff, Executive Director/CEO
Mr. Jesse Hibbetts, Operations Manager
Ms. Missy Bevers, Executive Assistant

Also present:

Daniel Blanton, Brazos Pilots Association
James Teeter, Brazos Pilots Association
Billy Burns, Brazos Pilots Association
Matt Krohn, Brazos Pilots Association
Ms. Linda Hoosier, GAC Shipping
Mr. Gene Theriot, Dow Chemical
Mr. Bobby Fuller, Texas Port Ministry
Ms. Ann Marie Poninski, P66
Mr. Michael Grant, MSC
Mr. Cal Bancroft, P66
Mr. Randy Moore, Moore Law
Mr. Robert Hawn, WGMA

1. CONVENE OPEN SESSION in accordance with Texas Government Code Section 551.001, et. seq., to review and consider the following:
2. Roll Call.
All Commissioners were present for the meeting.
3. Receive report from Executive Director/CEO regarding activities and matters related to pilotage and navigation of Freeport Harbor Channel.

Ms. Saathoff reported that following adjournment of the last meeting, final revisions were made to the rules and procedures and subsequently sent out via email and certified mail June 9 to the appropriate companies and interested individuals. Additionally, the Port has received one more written objection to the application for rate adjustment from the Brazos Pilots. It has been forwarded to the Pilots. June 19 is the deadline for submitting written objections. Ms. Saathoff stated that because the Pilot Board has received written objections to the rate adjustment application, a Public Hearing will be held June 28, 2017 at 1:00 p.m. A copy of the public hearing procedures approved by the Pilot Board were also included in the package of information sent out June 9.
4. Public Comment.
There were no comments from the public.
5. Discuss and consider matters pertaining to Pilots and Pilotage Rules and Regulations of Freeport

Harbor Channel.

Ms. Saathoff acknowledged the individuals who participated in the working group; Gene Theriot – Dow, Steve McCartney - BASF, Tony Galt – Freeport LNG, John Hazley – Seaway, Ann Poninski – P66, Neils Aalund – WGMA, Daniel Blanton – Brazos Pilots and Al Durel. Ms. Saathoff then discussed the suggested changes that were received after the document went out June 9. The changes were to Sections IV – Renewal of Commissions, V – Basic Operating Procedures and X – General. Mr. Randy Moore, Counsel for the Brazos Pilots addressed the Board to clarify language in the last paragraph of Section III – Application Requirements for Deputy Branch Pilots and Branch Pilots. After some discussion of the language, Mr. Cordoba suggested moving this to executive session under Section 551.071 to consult with the attorney. Ms. Saathoff stated legal counsel had no changes to this section and suggested conferring with them would be a good idea. Mr. Moore also questioned language included in the hearing procedures previously adopted for the June 28 hearing. The issue is the language dealing with an objecting party and whether or not they have a legitimate interest to object. He stated that WGMA submitted an objection simply stating they object but provided no basis for the objection and therefore should not be considered. Mr. Cordoba stated the objection was just received, and all comments made including those made in the open meeting about any objections received will be evaluated. Part of the evaluation process is to ensure the criteria in the transportation code is met. Ms. Saathoff referred to Item 2 in the rules and procedures adopted for the public hearing which calls for the Pilot Board to make a determination at the beginning of the hearing if each objecting party has timely filed its objection and has demonstrated a legitimate interest in the Rate Application as required by Section 68.064 of the Act.

6. EXECUTIVE SESSION in accordance with Subchapter D of the Open Meetings Act, Texas Government Code Section 551.001, et. seq., to review and consider the following:

A. Under authority of Section 551.071 (consultation with attorney) for discussion regarding:

1. Consultation with attorney regarding law affecting pilotage fees.

7. RECONVENE OPEN SESSION:

Item No. 5 Continued

At this time, Commissioner Kresta thanked Mr. Moore for his comments regarding the health and drug certification set forth in Chapter 68 of the Transportation Code, adding his comments have been noted for the record.

With no further discussion, a motion was made by Commissioner Hoss to approve the Port Freeport Pilotage Rules and Procedures with revisions to Sections IV, V and X as presented to be effective Tuesday, June 20, 2017. The motion was seconded by Commissioner Pirtle with all Commissioners present voting in favor of the motion.

8. Adjourn.

With no further business before the Commission, the meeting adjourned at 2:15 p.m.