



## MEETING MINUTES 7 March 2019

### TELECONFERENCE ORIGINATING FROM THE STATE OFFICE BUILDING, 333 W. WILLOUGHBY AVE. IN JUNEAU.

By authority of AS 08.01.070(2), AS 08.62.030 and in compliance with the provisions of AS 44.62, Article 6, a scheduled meeting of the Board of Marine Pilots was held.

#### Item 1. Roll call/Call to order

Chairman Rick Harris called the meeting to order at 0900. Board members in attendance were: Capt. Ed Sinclair, Mr. Tom Rueter, Mr. Les Cronk and Mr. Jon Faulkner. Capt. Ronald Ward joined the meeting at 0903. Ms. Peggy McLaughlin joined the meeting at 0911.

Marine Pilot Coordinator Charles Ward was in attendance and recorded minutes.

Also in attendance were Ms. Joan Wilson, Assistant Attorney General; Capts. Kathy Flury and Frank Didier from Southeast Alaska Pilots' Association (SEAPA); Mr. Bruce Weyhrauch, attorney for SEAPA; Mr. Mike Tibbles from Alaska Steamship Association (ASA); Ms. Jenni Zielinski from Southwest Alaska Pilots' Association and Mr. Paul Axelson from North Pacific Maritime.

#### Item 2. Review Agenda

Harris asked the update on Senate Bill 29 (SB 29) be moved to precede the election of board secretary. **Faulkner moved the agenda be approved as amended.** Rueter seconded. There was no discussion or disagreement. The agenda was approved as amended.

#### Item 3. Declarations/recusals

None.

#### Item 4. Selection of board secretary

Charles Ward provided a brief overview of the duties of board secretary. He said most boards used the secretary as its vice chairperson, but the position was not well defined in statute. He said the board could assign other duties it saw fit to the secretary.

Ronald Ward said he would be willing to serve as secretary.

**Rueter nominated Ronald Ward to serve as secretary.** McLaughlin seconded. There was no discussion. Ronald Ward was elected unanimously.

#### **Item 5. Update on SB 29**

Charles Ward said the bill had been heard in both the Senate Labor & Commerce and Finance committees. He said the hearings had gone well in both committees. He said the bill had been moved out of Labor & Commerce, but not yet out of Finance. He said he did not know when or how the House would take the bill up.

#### **Item 6. Public comment**

None.

#### **Item 7. Executive session**

**Sinclair moved the board enter into executive session in accordance with AS 44.62.310 (c)(3), for the purpose of receiving advice from counsel regarding the rate hearing procedures of AS 08.62.046.** Ronald Ward seconded. There was no discussion. The motion passed unanimously. Assistant Attorney General Joan Wilson and Marine Pilot Coordinator Charles Ward were requested to remain during the executive session.

**Off record at 0917.**

#### **Item 8. Establish procedures on rate hearing**

**Back on record at 1037.**

**Sinclair moved the board end its executive session.** Ronald Ward seconded. There was no discussion. The motion passed unanimously.

**Faulkner moved the rate hearing be heard by the Office of Administrative Hearings (OAH).** Sinclair seconded. Faulkner said the board wanted to participate in the hearing process to the greatest degree possible under OAH rules. The motion passed unanimously.

Faulkner asked if the board could be informed of any possibility of costs for the hearing to be apportioned differently than they had been in the past.

Charles Ward said he could ask OAH. He said he anticipated the answer being the costs of the hearing would be borne by the board.

Harris said he appreciated the question, and that it was important to document the process for future boards.

Wehyrauch asked for clarification on the motion and Faulkner's comments.

Harris said the motion was to refer the matter to OAH. He said Faulkner's comments were to express the will of the board that it be allowed to participate to the maximum extent possible, consistent with the OAH statute.

Wilson said the case will go to OAH and follow its rules and regulations. She said the board wanted to listen to the hearing and would then apply its rules of conflict assessment and recusal prior to making its final decision. She said there shouldn't be anything read into Faulkner's statement.

Harris said the matter would follow OAH procedures.

Wehyrauch said there seemed to be certain board members that would have a conflict. He asked how the board would parse that.

Wilson said the hearing officer would make conflict determinations according to OAH procedure. She said those would be resolved prior to the board rendering an official decision.

Wehyrauch said if a conflicted board member spoke to a non-conflicted board member prior to the board rendering a decision, that could create a problem.

Harris said OAH would be expected to advise the board on such matters.

**Item 9. Other business**

None.

**There being no further business, Sinclair moved the board adjourn.** Ronald Ward seconded. There was no discussion. The motion passed unanimously.

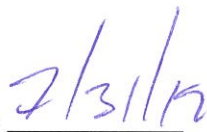
**Off record at 1052.**

Respectfully submitted:



Charles Ward  
Marine Pilot Coordinator

Date:



Curtis Thayer  
Chairperson

Date:

