

**SPECIAL AND URGENT NOTICE ELIMINATING IN-PERSON PUBLIC PARTICIPATION  
AT ONTARIO INTERNATIONAL AIRPORT AUTHORITY MEETINGS**

Due to directives provided by the County of San Bernardino and Governor Gavin Newsom (Executive Order N-29-20), the Ontario International Airport Authority (OIAA) will be moving to phone-in teleconference meeting options for our Commissioners, effective March 26, 2020.

The health and well-being of our community is the top priority for the Ontario International Airport Authority, and you are urged to take all appropriate health safety precautions. To that end, out of an abundance of caution, members of the public wishing to participate in the meeting and to address the OIAA Commission will be able to do so telephonically. In order to participate via telephone please follow the steps below:

**DIAL TOLL FREE (351) 999-3874 TO JOIN THE MEETING (LISTEN ONLY)**

\* ANY MEMBERS OF THE PUBLIC WISHING TO PROVIDE PUBLIC COMMENT FOR THE ITEMS ON THE AGENDA MAY DO SO AS FOLLOWS:

1. **EMAIL:** You can email comments to [clerk@flyontario.com](mailto:clerk@flyontario.com) no later than 12:00 p.m. the day of the meeting. Please identify the Agenda item you wish to address in your comments. Your comments will be read into the record.
2. **TELEPHONE:** You can record your comments at (909) 544-5442 no later than 12:00 p.m. the day of the meeting. Please identify the Agenda item you wish to address in your comments. Your comments will be read into the record.

\*Any members of the public who require special assistance or a reasonable accommodation to participate telephonically in the meeting of the OIAA Commission may contact Claudia Isbell at 909-544-5442 or [cisbell@flyontario.com](mailto:cisbell@flyontario.com).

The Ontario International Airport Authority Board of Commissioners and staff thank you for your continued patience and corporation during these unprecedented times. If you have any questions related to participation in the Board Meeting please call (909) 544-5442.

# ONTARIO INTERNATIONAL AIRPORT AUTHORITY

## COMMISSION AGENDA – REGULAR MEETING



**MARCH 26, 2020 AT 2:00 P.M.**

Ontario International Airport – Teleconference Meeting

**DIAL TOLL FREE (351) 999-3874 TO JOIN THE MEETING (LISTEN ONLY)**

**ALAN D. WAPNER**  
President

**RONALD O. LOVERIDGE**  
Vice President

**JIM W. BOWMAN**  
Secretary

**CURT HAGMAN**  
Commissioner

**JULIA GOUW**  
Commissioner

**MARK A. THORPE**  
Chief Executive Officer

**LORI D. BALLANCE**  
General Counsel

**JOHN M. SCHUBERT**  
Treasurer

### WELCOME TO THE MEETING OF THE ONTARIO INTERNATIONAL AIRPORT AUTHORITY

Due to directives provided by the County of San Bernardino and Governor Gavin Newsom (Executive Order N-29-20), the Ontario International Airport Authority (OIAA) will be moving to phone-in teleconference meeting options for our Commissioners, effective March 26, 2020.

The health and well-being of our community is the top priority for the Ontario International Airport Authority, and you are urged to take all appropriate health safety precautions. To that end, out of an abundance of caution, members of the public wishing to participate in the meeting and to address the OIAA Commission will be able to do so telephonically. In order to participate via telephone please call toll free (351) 999-3874 to joint the meeting (listen only).

ANY MEMBERS OF THE PUBLIC WISHING TO PROVIDE PUBLIC COMMENT FOR THE ITEMS ON THE AGENDA MAY DO SO AS FOLLOWS:

**EMAIL:** You can email comments to [clerk@flyontario.com](mailto:clerk@flyontario.com) no later than 12:00 p.m. the day of the meeting. Please identify the Agenda item you wish to address in your comments. Your comments will be read into the record.

**TELEPHONE:** You can record your comments at (909) 544-5442 no later than 12:00 p.m. the day of the meeting. Please identify the Agenda item you wish to address in your comments. Your comments will be read into the record.

Any members of the public who require special assistance or a reasonable accommodation to participate telephonically in the meeting of the OIAA Commission may contact Claudia Isbell at 909-544-5442 or [cisbell@flyontario.com](mailto:cisbell@flyontario.com).

## ORDER OF BUSINESS

The Authority meeting begins at 2:00 p.m. with Public Comment and the Regular Meeting.

(Sign Language Interpreters, Communication Access Real-Time Transcription, Assistive Listening Devices, or other auxiliary aids and/or services may be provided upon request. To ensure availability, you are advised to make your request at least 72 hours prior to the meeting you wish to attend. Due to difficulties in securing Sign Language Interpreters, five or more business days notice is strongly recommended.)

## CALL TO ORDER (OPEN SESSION) - 2:00 P.M.

### ROLL CALL

Loveridge, Bowman, Hagman, Gouw, President Wapner

### PLEDGE OF ALLEGIANCE

### INVOCATION

Pastor Mike Urciuoli, Calvary Chapel Ontario

## PUBLIC COMMENT

Public Comment: The open meeting Public Comment portion of the Commission meeting is limited to a maximum of 3 minutes for each Public Comment. Under provisions of the Brown Act, the Commission is prohibited from taking action on oral requests.

## AGENDA REVIEW/ANNOUNCEMENTS

The Chief Executive Officer will go over all updated materials and correspondence received after the Agenda was distributed to ensure Commissioners have received them.

### 1. INFORMATION RELATIVE TO POSSIBLE CONFLICT OF INTEREST

Note: Agenda item contractors, subcontractors and agents which may require member abstentions due to conflict of interests and financial interests. Commission Member abstentions shall be stated under this item for recordation on the appropriate item.

## CONSENT CALENDAR

All matters listed under CONSENT CALENDAR will be enacted by one motion in the form listed below – there will be no separate discussion on these items prior to the time Commission votes on them, unless a member of the Commission requests a specific item be removed from the Consent Calendar for a separate vote.

Each member of the public wishing to address the Authority on items listed on the Consent Calendar will be given a total of 3 minutes.

### 2. APPROVAL OF MINUTES

Minutes for the meeting of the Ontario International Airport Authority regular meeting on February 27, 2020, and the special meeting minutes of March 13, 2020, approving the same as on file with the Secretary/Assistant Secretary.

### 3. BILLS/PAYROLL

Bills February 1, 2020 through February 29, 2020 and Payroll February 1, 2020 through February 29, 2020.

### 4. APPROVAL OF MEETING STIPENDS

That the Ontario International Airport Authority Commission approve meeting stipends for President Wapner for the month of February 2020.

### 5. A RESOLUTION TO UPDATE THE STANDARD FACILITY USE AGREEMENTS (FUA) TEMPLATE FORM AGREEMENT AT ONTARIO INTERNATIONAL AIRPORT

That the Ontario International Airport Authority Board of Commissioners (OIAA) approve the addition of material language to our standard form Facility Use Agreements at Ontario International Airport to address the concern about use beyond the scope of operative FUAs at Ontario International Airport (ONT). Upon execution of an FUA, the Facility User shall pay to the OIAA Use Fees in accordance with then-current fiscal year budget. In instances where the Facility User may possess, occupy, or utilize space not within the Premises assigned to Facility User in the FUA, Facility User shall pay to the OIAA up to 300% of the Use Fees that would apply to such location(s) in accordance with the then-current fiscal year budget.

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE ONTARIO INTERNATIONAL AIRPORT AUTHORITY  
TO AUTHORIZE THE CHIEF EXECUTIVE OFFICER TO NEGOTIATE AND  
EXECUTE FACILITY USE AGREEMENTS FOR ONTARIO INTERNATIONAL  
AIRPORT

**6. APPROVAL LANGUAGE TO COMPLY WITH FEDERAL, STATE, AND AIRPORT RULES AND REGULATIONS**

That the Ontario International Airport Authority (OIAA) adopt language to meet compliance with all Federal State, and Airport rules and regulations pertaining to nondiscrimination requirements.

**7. APPROVE AN AUTHORITY INCREASE TO OIAA CONTRACT NO. SCONT-000197 WITH BRAUGHTON CONSTRUCTION, INC. FOR GENERAL CONSTRUCTION SERVICES AT ONTARIO INTERNATIONAL AIRPORT**

That the Ontario International Airport Authority authorize the Chief Executive Officer (CEO) to increase the existing OIAA Contract No. SCONT-000197 with Braughton Construction, Inc. for on-call general construction services for an additional amount of \$300,000 and a total not to exceed \$600,000. Funds for this contract are included in the current Fiscal Year 2019-20 budget. Funding for subsequent years will be requested through the annual budget process.

**ADMINISTRATIVE DISCUSSION/ACTION/REPORT**

**8. A RESOLUTION DECLARING THE EXISTENCE OF A LOCAL EMERGENCY IN CONNECTION WITH PREPARATIONS THE ONTARIO INTERNATIONAL AIRPORT AUTHORITY IS MAKING, AND ACTIONS IT IS TAKING, IN RESPONSE TO THE SERIOUS AND IMMINENT THREAT OF AN OUTBREAK OF THE NOVEL CORONAVIRUS (COVID-19), AND COMPLIANCE WITH HEALTH AUTHORITIES' APPLICABLE GUIDANCE REGARDING RESPONDING TO COVID-19**

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE ONTARIO INTERNATIONAL AIRPORT AUTHORITY (OIAA) DECLARING THE EXISTENCE OF A LOCAL EMERGENCY IN CONNECTION WITH PREPARATIONS THE ONTARIO INTERNATIONAL AIRPORT AUTHORITY IS MAKING, AND ACTIONS IT IS TAKING, IN RESPONSE TO THE SERIOUS AND IMMINENT THREAT OF AN OUTBREAK OF THE NOVEL CORONAVIRUS (COVID-19), AND COMPLIANCE WITH APPLICABLE HEALTH AUTHORITIES' GUIDANCE REGARDING RESPONDING TO COVID-19

## MANAGEMENT REPORT

Chief Executive Officer Thorpe

## COMMISSION MATTERS

President Wapner

Vice President Loveridge – Long Beach Airport Tour

Secretary Bowman

Commissioner Hagman

Commissioner Gouw

## ADJOURNMENT



**DATE:** MARCH 26, 2020  
**SECTION:** MINUTE ACTION  
**SUBJECT:** RELATIVE TO POSSIBLE CONFLICT OF INTEREST

**RECOMMENDED ACTION(S):** Note: agenda items and contractors/subcontractors, which may require member abstentions due to possible conflicts of interest.

**BACKGROUND:** In accordance with California Government Code 84308, members of the Ontario International Airport Authority may not participate in any action concerning a contract where they have received a campaign contribution of more than \$250 in the prior twelve (12) months and from an entity or individual if the member knows or has reason to know that the participant has a financial interest, except for the initial award of a competitively bid public works contract. This agenda contains recommendations for action relative to the following contractors:

Item No	Principals & Agents	Subcontractors
Item No. 07	Broughton Construction	<ul style="list-style-type: none"><li>• None</li></ul>

**STAFF MEMBER PRESENTING:** Board Clerk, Claudia Y. Isbell

Department: Clerk's Office Submitted to OIAA: March 26, 2020

**ONTARIO INTERNATIONAL AIRPORT AUTHORITY  
REGULAR COMMISSION MEETING  
MINUTES  
FEBRUARY 27, 2020  
(Not official until approved)**

A regular meeting of the Ontario International Airport Authority was held on Thursday, February 27, 2020, at 1923 E. Avion Street, Room 100, Ontario, California.

Notice of said meeting was duly given in the time and manner prescribed by law.

**CALL TO ORDER**

President Wapner called the Ontario International Airport Authority Commission meeting to order at 2:00 p.m.

**ROLL CALL**

PRESENT: Commissioners: Julia Gouw, Curt Hagman, Jim W. Bowman, and Alan D. Wapner.

ABSENT: Commissioners: Ronald O. Loveridge (excused).

Also present were: Deputy Chief Executive Officer Atif Elkadi, General Counsel Lori Ballance and Assistant Secretary Claudia Y. Isbell.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Secretary Bowman.

**INVOCATION**

The invocation was led by Staff Sgt. Octavio Sanchez, USMC, Retired, of FrontSight Military Outreach Ministry in Ontario, California.

**PUBLIC COMMENT**

*Richard Sherman*, spoke on airplane noise concerns.

**AGENDA REVIEW/ANNOUNCEMENT**

There were no announcements made.



## **CONSENT CALENDAR**

**MOTION:** Moved by Commissioner Hagman, seconded by Secretary Bowman, and carried by a vote of 4-0-1, to approve the consent calendar, with Vice President Loveridge absent.

### **1. APPROVAL OF MINUTES**

Approved minutes for the Ontario International Airport Authority regular meeting on January 23, 2020, and approving the same as on file with the Secretary/Assistant Secretary.

### **2. BILLS/PAYROLL**

Approved bills January 1, 2020 through January 31, 2020 and Payroll January 1, 2020 through January 31, 2020.

### **3. APPROVAL OF MEETING STIPENDS**

The Ontario International Airport Authority Commission approved meeting stipends for President Wapner and Commissioner Hagman for the month of January 2020.

## **ADMINISTRATIVE DISCUSSION/ACTION/REPORT**

### **4. FISCAL YEAR UPDATE FOR THE SIX MONTHS ENDING DECEMBER 31, 2019**

The Ontario International Airport Authority received and filed Financial Statements for the six months ending December 31, 2019.

Chief Financial Officer John Schubert presented the fiscal year update.

Commissioner Gouw asked for a comparison to prior years in future updates.

CFO Schubert stated there is limited comparative data, but expects to add a comparison in future year end updates.

## **MANAGEMENT REPORT**

Deputy Chief Executive Officer Elkadi gave an update on cargo and passenger numbers for the month of January 2020, including information regarding the Coronavirus impact.

## **COMMISSIONER MATTERS**

Commissioner Gouw had no comments.

Commissioner Hagman had no comments.

Secretary Bowman had no comments.

President Wapner requested a resolution on the next agenda to discuss the OIAA's position on proposed legislation by Senator Portantino to create a Montclair to Ontario Airport Construction Authority. He also requested the creation of a legislative committee on the next agenda.

## **ADJOURNMENT**

President Wapner adjourned the Ontario International Airport Authority Commission meeting at 2:26 p.m.

RESPECTFULLY SUBMITTED:

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CLAUDIA Y. ISBELL, CLERK OF THE BOARD

APPROVED:

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ALAN D. WAPNER, PRESIDENT  
ONTARIO INTERNATIONAL AIRPORT AUTHORITY

**ONTARIO INTERNATIONAL AIRPORT AUTHORITY  
SPECIAL COMMISSION MEETING  
MINUTES  
MARCH 13, 2020  
(Not official until approved)**

A special meeting of the Ontario International Airport Authority was held on Friday, March 13, 2020 at 1923 E. Avion Street, Room 100, Ontario, California.

Notice of said meeting was duly given in the time and manner prescribed by law.

**CALL TO ORDER**

President Wapner called the Ontario International Airport Authority Commission meeting to order at 2:32 p.m.

**ROLL CALL**

PRESENT: Commissioners: Curt Hagman, Julia Gouw, Jim W. Bowman, Ronald O. Loveridge, and Alan D. Wapner.

ABSENT: Commissioners: None.

Also present were: Chief Executive Officer Mark A. Thorpe, General Counsel Lori Ballance and Assistant Secretary Claudia Y. Isbell.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Vice President Loveridge.

**PUBLIC COMMENT**

There were no public comments.

**AGENDA REVIEW/ANNOUNCEMENT**

There were no announcements.

**1. INFORMATION RELATIVE TO POSSIBLE CONFLICT OF INTEREST**

Note: agenda item contractors, subcontractors and agents which may require member abstentions due to conflict of interests and financial interests. Commission Member abstentions shall be stated under this item for recordation on the appropriate item.

No conflicts were announced.

## **CONSENT CALENDAR**

**MOTION:** Moved by Commissioner Gouw, seconded by Secretary Bowman and carried by a vote of 5-0-0, to approve the consent calendar.

### **2. AWARD OF CONTRACT TO BIRDI SYSTEMS, INC FOR ACCESS CONTROL AND ALARM MONITORING SYSTEM (ACAMS), PANIC/DURESS, AED ALARM, INTERCOM, BADGING/CREDENTIALING INSTALLATION/UPGRADE AND MAINTENANCE SERVICES**

The Ontario International Airport Authority Commission authorized the Chief Executive Officer (CEO) to execute a contract with Birdi Systems Inc., for ACAMS maintenance and services in the amount of \$1,372,000, and authorize the CEO to exercise two, one-year extensions in the amount of \$374,000 annually for an overall amount not to exceed \$2,120,000.

## **ADMINISTRATIVE DISCUSSION/ACTION/REPORT**

General Counsel Ballance announced minor revisions related to clarification made to the resolution and provided a redline copy to the Commissioners.

### **3. A RESOLUTION REAFFIRMING THE STATUTORY AUTHORITY OF THE SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY AS THE SOLE TRANSPORTATION PLANNING AGENCY IN SAN BERNARDINO COUNTY AND ADMINISTRATOR OF MEASURE I SALES TAX FUNDS; AND OPPOSE ANY EFFORTS TO REMOVE LOCAL CONTROL OR INFRINGE UPON THE AUTHORITY OF LOCAL POLICY MAKERS**

The Ontario International Airport Authority (OIAA) 1. Adopted a resolution reaffirming the statutory authority of the San Bernardino County Transportation Authority (SBCTA) as the sole transportation planning agency in San Bernardino County and administrator of Measure I sales tax funds; and 2. Approved attached letters of opposition of SB 1390 and AB 2011 and direct staff to promptly send letters to Senator Portantino and Assembly Member Holden.

**RESOLUTION NO. 2020-01** A RESOLUTION OF THE ONTARIO INTERNATIONAL AIRPORT AUTHORITY REAFFIRMING THE STATUTORY AUTHORITY OF THE SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY AS THE SOLE TRANSPORTATION PLANNING AGENCY IN SAN BERNARDINO COUNTY AND ADMINISTRATOR OF MEASURE I SALES TAX FUNDS.

Commissioners discussed and provided background, comments, and suggested the language be changed in the resolution as follows:

**“BE IT FURTHER RESOLVED,** that the Ontario International Airport Authority ~~opposes any effort to remove or infringe upon~~ support SBCTA’s obligation and authority to fund, plan, construct, and deliver major transportation projects in San Bernardino County.”

**MOTION:** Moved by Commissioner Hagman, seconded by Commissioner Gouw and carried by a vote of 5-0-0, to adopt Resolution 2020-01, with amendments, reaffirming the statutory authority of the San Bernardino County Transportation Authority (SBCTA) as the sole transportation planning agency in San Bernardino County and administrator of Measure I sales tax funds.

**MANAGEMENT REPORT**

CEO Mark Thorpe gave a brief update on the impact of coronavirus at the airport.

**COMMISSIONER MATTERS**

There was consensus among the Commissioners to add a Legislative Ad-Hoc Committee with the following members: President Wapner and Commissioner Hagman.

Commissioner Hagman had no comments.

Commissioner Gouw had no comments.

Secretary Bowman had no comments.

President Wapner had no comments.

**ADJOURNMENT**

President Wapner adjourned the Ontario International Airport Authority Commission meeting at 3:10 p.m.

RESPECTFULLY SUBMITTED:

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CLAUDIA Y. ISBELL, CLERK OF THE BOARD

Ontario International Airport Authority  
Special Commission Meeting  
Minutes  
March 13, 2020  
Page 4 of 4  
***(Not official until approved)***

APPROVED:

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ALAN D. WAPNER, PRESIDENT  
ONTARIO INTERNATIONAL AIRPORT AUTHORITY



DATE: MARCH 26, 2020

SECTION: CONSENT CALENDAR

SUBJECT: ONTARIO INTERNATIONAL AIRPORT AUTHORITY COMMISSION APPROVAL OF STIPENDS AS REQUIRED BY AUTHORITY BYLAWS

RELEVANT STRATEGIC OBJECTIVE: Development of Airport-Related Business.

RECOMMENDED ACTION(S): That the Ontario International Airport Authority Commission approve additional stipends per Article IV, Section 6 of the Authority’s Bylaws.

BACKGROUND: Article IV, Section 6 of the Authority’s Bylaws states as follows:

“No salary: Reimbursement for Expenses; Stipends. The members of the Commission shall receive no salary but shall be reimbursed for necessary expenses (including mileage in accordance with standard IRS mileage reimbursement rates) incurred in the performance of their duties. Additionally, Commissioners will receive a stipend in the amount of one hundred fifty dollars (\$150.00) for attendance at each Commission meeting, standing committee meeting, ad hoc committee meeting, and any Authority-related business function. A maximum of six (6) stipends are permitted per month. An additional two (2) stipends are permitted with prior approval of the President. More than eight (8) stipends per month will require approval by the full Commission.”

During the month of February 2020, President Wapner attended four (4) additional Authority-related business functions. Full Commission approval is needed to approve payment of these additional stipends.

CEQA COMPLIANCE: Exclusion from the definition of “project”: The creation of government funding mechanisms or other government fiscal activities which do not involve any commitment to any specific

STAFF MEMBER PRESENTING: Chief Executive Officer, Mark A. Thorpe

Department: Clerk’s Office

Submitted to OIAA: March 26, 2020

Approved: \_\_\_\_\_

Continued to: \_\_\_\_\_

Denied: \_\_\_\_\_

Chief Executive Officer Approval: Mark A. Thorpe

project which may result in a potentially significant physical impact on the environment. (CEQA Guidelines §15378(b)(4).)

**FISCAL IMPACT AND SOURCE OF FUNDS:** OIAA operating revenue.

**PRIOR COMMISSION ACTION:** On December 8, 2016, the OIAA Commission adopted Resolution No. 2016-14 approving and adopting the OIAA Bylaws.

**STAFFING IMPACT (# OF POSITIONS):**

N/A

**IMPACT ON OPERATIONS:**

N/A

**ATTACHMENTS:**

N/A

*The Agenda Report references the terms and conditions of the recommended actions and request for approval. Any document(s) referred to herein and that are not attached or posted online may be reviewed prior to or following scheduled Commission meetings in the Office of the Clerk of the Commission. Office hours are 8:30 a.m. to 5:00 p.m., Monday through Friday*

This Agenda Report has been reviewed by OIAA General Counsel. |





DATE: MARCH 26, 2020

SECTION: CONSENT CALENDAR

SUBJECT: A RESOLUTION TO UPDATE THE STANDARD FACILITY USE AGREEMENTS (FUA) TEMPLATE FORM AGREEMENT AT ONTARIO INTERNATIONAL AIRPORT

RELEVANT STRATEGIC OBJECTIVE: Develop Airport-Related Business.

RECOMMENDED ACTION(S): That the Ontario International Airport Authority Board of Commissioners (OIAA Board) approve the addition of material language to our standard form Facility Use Agreements at Ontario International Airport to address the concern about use beyond the scope of operative FUAs at Ontario International Airport (ONT).

FISCAL IMPACT SUMMARY: Upon execution of an FUA, the Facility User shall pay to the OIAA Use Fees in accordance with then-current fiscal year budget. In instances where the Facility User may possess, occupy, or utilize space not within the Premises assigned to Facility User in the FUA, Facility User shall pay to the OIAA up to 300% of the Use Fees that would apply to such location(s) in accordance with the then-current fiscal year budget.

BACKGROUND: On November 7, 2016, the OIAA Board approved a resolution to authorize the CEO to negotiate and execute Use Terms and Conditions (UTC) agreements consistent with the standard UTC Agreement form. In June 2017, non-material changes were made and the UTC was renamed to a "Facility Use Agreement," which remained consistent with Board-approved standard UTC Agreement form.

Since the OIAA has reestablished a Commercial Team, the OIAA has completed several rent reconciliation projects related to instances where a Facility User may possess, occupy, or utilize

STAFF MEMBER PRESENTING: Chief Executive Officer, Mark A. Thorpe

Department: Commercial

Submitted to OIAA: March 26, 2020

Approved: \_\_\_\_\_

Continued to: \_\_\_\_\_

Denied: \_\_\_\_\_

Chief Executive Officer Approval: *Mark A. Thorpe*

space not within the Premises assigned to the Facility User in the FUA. These projects cause the OIAA to occur additional administrative expenses and legal fees with time and money spent on the reconciliation.

Monitoring of space usage and site inspections were not done in the past due to different ownership in the airport and lack of personnel in the Commercial Department. In order to discourage Facility Users from continuing to use space beyond their assigned Premises, the OIAA shall continue to monitor space usage and conduct site inspections normally.

**PROCUREMENT:** N/A.

**CEQA COMPLIANCE AND LAND USE APPROVALS:** The proposed project is Categorical Exempt (Class 1) from the provisions of CEQA pursuant to Section 15301, because it provides for the exemption of existing facilities. Operations, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing structures or facilities involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.

**STAFFING IMPACT (# OF POSITIONS):** N/A

**IMPACT ON OPERATIONS:** N/A

**SCHEDULE:** N/A

**ATTACHMENTS:** Attachment A: A Resolution Authorizing the CEO to negotiate and execute the updated FUA.

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This Agenda Report has been reviewed by OIAA General Counsel. |

## RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE ONTARIO INTERNATIONAL AIRPORT AUTHORITY TO AUTHORIZE THE CHIEF EXECUTIVE OFFICER TO NEGOTIATE AND EXECUTE FACILITY USE AGREEMENTS FOR ONTARIO INTERNATIONAL AIRPORT

**WHEREAS**, on November 7, 2016, the Ontario International Airport Authority Board of Commissioners approved a resolution to authorize the CEO to negotiate and execute Use Terms and Conditions (UTC) agreements consistent with the standard UTC Agreement form; and

**WHEREAS**, non-material changes have been made since the standard template was approved; and

**WHEREAS**, the UTC was revised to a "Facility Use Agreement" (FUA) which remained consistent with the Board-approved standard UTC Agreement form; and

**WHEREAS**, since the establishment of a fully-staffed Commercial Team, the OIAA has discovered instances where a Facility User may possess, occupy, or utilize space not within the Premises assigned to the Facility User in the FUA; and

**WHEREAS**, reconciliation of those uses cause the OIAA to incur additional administrative expenses and legal fees with time and money spent on the reconciliation; and

**WHEREAS**, in order to discourage Facility Users from encroaching beyond their assigned premises, monitoring space usage, conducting site inspections, and strengthening language in the Facility Use Agreement is imperative.

**NOW, THEREFORE**, be it resolved by the Ontario International Airport Authority as follows:

**SECTION 1.** The Authority hereby adopts the changes made in Section 1.2, 1.4.4, and 35.2 of (Exhibit A) which strengthen the language in the Facility Use Agreement relating to the use Premises not assigned to Facility User within the FUA.

**SECTION 2.** The Chief Executive Officer of the Authority and their designee, are hereby authorized, empowered, and directed, for and in the name of and on behalf of the Authority, to take any and all actions necessary to execute any and all FUAs, under the rates, charges, and rules and regulations in effect at the time of execution.

**SECTION 3.** All actions heretofore taken by any officer or agent of the Authority in connection with or related to the matters set forth in this Resolution are hereby approved, confirmed, and ratified.

**SECTION 4.** This Resolution shall take effect immediately.

**PASSED, APPROVED, AND ADOPTED** at a regular Meeting this 26<sup>th</sup> day of March 2020.

\_\_\_\_\_  
ALAN D. WAPNER, OIAA PRESIDENT

ATTEST:

\_\_\_\_\_  
SECRETARY/ASSISTANT SECRETARY

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
LORI D. BALLANCE  
GENERAL COUNSEL

STATE OF CALIFORNIA )  
COUNTY OF SAN BERNARDINO )  
CITY OF ONTARIO )

I, Claudia Y. Isbell, Assistant Secretary of the Ontario International Airport Authority, DO HEREBY CERTIFY that foregoing Resolution No. 2020-\_\_\_\_\_ was duly passed and adopted by the Commission of the Ontario International Airport Authority at their regular meeting held on March 26, 2020 by the following roll call vote, to wit:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

\_\_\_\_\_  
SECRETARY/ASSISTANT SECRETARY

(SEAL)

The foregoing is the original of Resolution No. 2020-\_\_\_\_\_ duly passed and adopted by the Commission of the Ontario International Airport Authority at their regular meeting held March 26, 2020.

\_\_\_\_\_  
SECRETARY/ASSISTANT SECRETARY

(SEAL)



DATE: MARCH 26, 2020
SECTION: CONSENT CALENDAR
SUBJECT: APPROVAL LANGUAGE TO COMPLY WITH FEDERAL, STATE, AND AIRPORT RULES AND REGULATIONS

RELEVANT STRATEGIC OBJECTIVE: Provide Customer Friendly Facilities and Services.

RECOMMENDED ACTION(S): That the Ontario International Airport Authority (OIAA) adopt language to meet compliance with all Federal State, and Airport rules and regulations pertaining to nondiscrimination requirements.

FISCAL IMPACT SUMMARY: None.

BACKGROUND: On November 1, 2016 the Ontario International Airport transferred ownership from LAWA to the OIAA. During the transfer, and as part of the settlement agreement, LAWA's agreements were novated to the OIAA. In some cases, the agreements that were transferred do not always have required language to meet our current federal and state requirements. As a result, staff recommends that the attached language be approved to be added to all previous, current and future contracts and agreements to ensure that the OIAA is meeting federal and state requirements pertaining to nondiscrimination requirements.

STAFFING IMPACT (# OF POSITIONS): N/A.

ATTACHMENTS: Proposed language to be added to contracts and agreements.

STAFF MEMBER PRESENTING: Mark A. Thorpe, Chief Executive Officer

Department: Executive

Submitted to OIAA: March 26, 2020

Approved: \_\_\_\_\_

Continued to: \_\_\_\_\_

Denied: \_\_\_\_\_

Chief Executive Officer Approval: Mark A. Thorpe

ITEM NO. 06

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*This Agenda Report has been reviewed by OIAA General Counsel. |*



**DATE:** MARCH 26, 2020

**SECTION:** CONSENT CALENDAR

**SUBJECT:** APPROVE AN AUTHORITY INCREASE TO OIAA CONTRACT NO. SCONT-000197 WITH BRAUGHTON CONSTRUCTION, INC. FOR GENERAL CONSTRUCTION SERVICES AT ONTARIO INTERNATIONAL AIRPORT.

**RELEVANT STRATEGIC OBJECTIVE:** Develop Airport Related Business and Provide Customer-Friendly Facilities and Services.

**RECOMMENDED ACTION(S):** That the Ontario International Airport Authority authorize the Chief Executive Officer (CEO) to increase the existing OIAA Contract No. SCONT-000197 with Braughton Construction, Inc. for on-call general construction services for an additional amount of \$300,000 and a total not to exceed \$600,000.

**FISCAL IMPACT SUMMARY:** Funds for this contract are included in the current Fiscal Year 2019-20 budget. Funding for subsequent years will be requested through the annual budget process.

**BACKGROUND:** As a means to uphold available and/or immediate facility occupancy for prospective lease-hold tenants, general construction and repair services are required on an ongoing basis. In July 2019, the OIAA joined the City of Ontario's contracts with Braughton Construction, Inc. for general construction and board-ups, at an annual expenditure estimated at \$100,000. On October 29, 2019, the OIAA Commissioners approved an increase of not to exceed \$300,000 annually for this contract.

Due to the neglect of various facilities, the lack of a maintenance program for vacant buildings/structures as well as vandalism, the OIAA requires outsourced contractors to provide

**STAFF MEMBER PRESENTING:** Chief Executive Officer, Mark A. Thorpe

Department: Operations

Submitted to OIAA: March 26, 2020

Approved: \_\_\_\_\_

Continued to: \_\_\_\_\_

Denied: \_\_\_\_\_

Chief Executive  
Officer Approval: 



maintenance and repairs on an as-needed basis. General construction repairs assist in the preservation of OIAA's assets, provides increased activities around the facilities, keeps vacant facility systems operational, and will assist in deterring vandals and squatters from occupying the property. The City also required to build new trash enclosures to accommodate the needs of Tenants while they relocate to new operating locations. These enclosures must be fully enclosed with solid roofing to prevent rainfall from entering the enclosure and to prevent wind dispersal as well as offsite transport of trash and recycling.

**PROCUREMENT:** In July 2019, the OIAA piggybacked the City of Ontario's general construction and board-up services contract for ONT. This contract may be extended upon approval by the City of Ontario.

**CEQA COMPLIANCE AND LAND USE APPROVALS:** The issuance or approval of leases, agreements, renewals, amendments, or extension thereof, granting use of an existing facility at a public airport, involving negligible or no expansion of use is exempt from the requirements of the California Environmental Quality Act (CEQA). In addition, to the extent any alteration of facilities occurs, CEQA Guidelines section 15301 provides an exemption for minor alterations to existing structures or facilities involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. Further, CEQA Guidelines Section 15302 provides an exemption relating to the reconstruction of existing structures or facilities involving substantially the same purpose and capacity as the structure replaced.

**STAFFING IMPACT (# OF POSITIONS):** N/A

**IMPACT ON OPERATIONS:** N/A

**SCHEDULE:** N/A

**ATTACHMENTS:** None.

*The Agenda Report references the terms and conditions of the recommended actions and request for approval. Any document(s) referred to herein and that are not attached or posted online may be reviewed prior to or following scheduled Commission meetings in the Office of the Clerk of the Commission. Office hours are 8:30 a.m. to 5:00 p.m., Monday through Friday*

This Agenda Report has been reviewed by OIAA General Counsel. |



DATE: MARCH 26, 2020

SECTION: ADMINISTRATIVE DISCUSSION/ACTION/REPORT

SUBJECT: A RESOLUTION DECLARING THE EXISTENCE OF A LOCAL EMERGENCY IN CONNECTION WITH PREPARATIONS THE ONTARIO INTERNATIONAL AIRPORT AUTHORITY IS MAKING, AND ACTIONS IT IS TAKING, IN RESPONSE TO THE SERIOUS AND IMMINENT THREAT OF AN OUTBREAK OF THE NOVEL CORONAVIRUS (COVID-19), AND COMPLIANCE WITH HEALTH AUTHORITIES' APPLICABLE GUIDANCE REGARDING RESPONDING TO COVID-19

RELEVANT STRATEGIC OBJECTIVES: Safety and Security. Provide Customer Friendly Facilities and Services.

RECOMMENDED ACTION(S): That the Ontario International Airport Authority (OIAA or Authority) approve a resolution declaring the existence of a local emergency in connection with preparations the Authority is making, and actions it is taking, in response to the serious and imminent threat of an outbreak of the novel coronavirus (COVID-19), and compliance with health authorities' applicable guidance regarding responding to COVID-19.

FISCAL IMPACT SUMMARY: Possible appropriations and corresponding expenditures for equipment, materials, supplies, labor services and other items needed to address or respond to a declared local emergency will be accounted for and reported to and by the Authority.

BACKGROUND: Ontario International Airport (ONT) provides essential services and infrastructure for public commercial travel and general commerce. As part of the Aviation segment of the Transportation Systems Sector, ONT is an element of national critical infrastructure recognized by the Department of Homeland Security. The nation's transportation system is required to quickly, safely, and securely move people and goods through the country and overseas.

STAFF MEMBER PRESENTING: Mark A. Thorpe, Chief Executive Officer

Department: Administration

Submitted to OIAA: March 26, 2020

Approved: \_\_\_\_\_

Continued to: \_\_\_\_\_

Denied: \_\_\_\_\_

Chief Executive Officer Approval: *Mark A. Thorpe*

ITEM NO. 08

## **Local Emergency**

Pursuant to Government Code sections 8550 *et seq.* and 8630 *et seq.*, the Authority can determine to declare the existence of a local emergency under applicable circumstances threatening the lives, property or welfare of ONT passengers, employees and operators.

California and the nation are responding to the spread of a respiratory illness caused by a novel coronavirus first identified in Wuhan, Hubei Province, China, and which has now been detected in more than 150 locations internationally, including in the United States. The virus has been named “SARS-CoV-2” and the disease it causes has been named “coronavirus disease 2019” (COVID-19).

On January 30, 2020, the International Health Regulations Emergency Committee of the World Health Organization (WHO) declared the COVID-19 outbreak a “public health emergency of international concern.” On January 31, U.S. Health and Human Services Secretary Alex M. Azar II declared a public health emergency for the United States to aid the nation’s healthcare community in responding to COVID-19. On March 4, 2020, Governor Newsom declared a statewide emergency related to COVID-19. On March 11, WHO publicly characterized COVID-19 as a pandemic. On March 13, the President of the United States declared the COVID-19 outbreak a national emergency.

On March 14, 2020, the City of Ontario declared a local state of emergency in anticipation of regional COVID-19 diagnose, which have since occurred, and to mobilize the City to best serve the Ontario community. Given that ONT is a destination for passengers from across the nation and from some international locations, the potential effects of the spread of COVID-19 is a local emergency at ONT.

The U.S. Centers for Disease Control (CDC), the California Department of Public Health (CDPH), and the San Bernardino County Department of Public Health (SBCDPH) have all issued requirements, recommendations and guidelines for the public, businesses and public agencies regarding addressing the spread of COVID-19. Some of the requirements, recommendations and guidelines, however, do not apply to essential services and infrastructure such as ONT, or to operations related to air travel in general.

## **Available Actions by OIAA Responding to the Local Emergency**

Declaration of a local emergency relating to COVID-19 enables the Authority, including its CEO under delegated power, to issue written orders and regulations necessary to provide for the protection of passengers, employees and operators at ONT, and related property, as affected by such emergency. The orders and/or regulations include those to (1) obtain vital supplies, equipment, and such other properties found lacking and needed for the protection of life and property at ONT and to bind the Authority for the fair value thereof, (2) require emergency services of any OIAA officer or employee, (3) requisition necessary personnel or material of any OIAA departments, and (4) modify or approve contracts as necessary to ensure and protect the life and property of the public, operators, and employees at ONT.

Exercise of local emergency powers by the OIAA CEO or his designees will be timely reported to the Authority, and the Authority must periodically review the need for continuing the local emergency until it terminates the local emergency.

**CEQA COMPLIANCE AND LAND USE APPROVALS: N/A**

**EXHIBITS & ATTACHMENTS:**

Attachment A - Resolution approving and declaring the existence of a local emergency in connection with preparations the Authority is making, and actions it is taking, in response to the serious and imminent threat of an outbreak of the novel coronavirus (COVID-19), and compliance with health authorities' applicable guidance regarding responding to COVID-19.

*The Agenda Report references the terms and conditions of the recommended actions and request for approval. Any document(s) referred to herein and that are not attached or posted online may be reviewed prior to or following scheduled Commission meetings in the Office of the Clerk of the Commission. Office hours are 8:30 a.m. to 5:00 p.m., Monday through Friday, although these hours and review procedures may be modified due to COVID-19 precautions. In that case, the documents may be requested by email at [cisbell@flyontario.com](mailto:cisbell@flyontario.com).*

This Agenda Report has been reviewed by OIAA General Counsel.

RESOLUTION NO. 2020-\_\_\_\_\_

A RESOLUTION OF THE ONTARIO INTERNATIONAL AIRPORT AUTHORITY DECLARING THE EXISTENCE OF A LOCAL EMERGENCY IN CONNECTION WITH PREPARATIONS THE ONTARIO INTERNATIONAL AIRPORT AUTHORITY IS MAKING, AND ACTIONS IT IS TAKING, IN RESPONSE TO THE SERIOUS AND IMMINENT THREAT OF AN OUTBREAK OF THE NOVEL CORONAVIRUS (COVID-19), AND COMPLIANCE WITH HEALTH AUTHORITIES' APPLICABLE GUIDANCE REGARDING RESPONDING TO COVID-19

**WHEREAS**, Ontario International Airport (ONT) provides essential services and infrastructure for public commercial travel and general commerce. As part of the Aviation segment of the Transportation Systems Sector, ONT is an element of national critical infrastructure recognized by the Department of Homeland Security. The nation's transportation system is required to quickly, safely, and securely move people and goods through the country and overseas;

**WHEREAS**, Pursuant to Government Code sections 8550 *et seq.* and 8630 *et seq.*, the Ontario International Airport Authority (OIAA or Authority) can determine to declare the existence of a local emergency under certain circumstances;

**WHEREAS**, California and the nation are responding to the spread of a respiratory illness caused by a novel coronavirus first identified in Wuhan, Hubei Province, China, and which has now been detected in more than 150 locations internationally, including in the United States. The virus has been named "SARS-CoV-2" and the disease it causes has been named "coronavirus disease 2019" (COVID-19);

**WHEREAS**, On January 30, 2020, the International Health Regulations Emergency Committee of the World Health Organization (WHO) declared the COVID-19 outbreak a "public health emergency of international concern." On January 31, U.S. Health and Human Services Secretary Alex M. Azar II declared a public health emergency for the United States to aid the nation's healthcare community in responding to COVID-19. On March 4, 2020, Governor Newsom declared a statewide emergency related to COVID-19. On March 11, WHO publicly characterized COVID-19 as a pandemic. On March 13, the President of the United States declared the COVID-19 outbreak a national emergency;

**WHEREAS**, On March 14, 2020, the City of Ontario declared a local state of emergency in anticipation of regional COVID-19 diagnoses, which have since occurred, and to mobilize the City to best serve the Ontario community. Given that ONT is a destination for passengers from across the nation and from some international locations, the potential effects of the spread of COVID-19 is a local emergency at ONT;

**WHEREAS**, The U.S. Centers for Disease Control (CDC), the California Department of Public Health (CDPH), and the San Bernardino County Department of Public Health (SBCDPH) have all issued requirements, recommendations and guidelines for the public, businesses and public agencies regarding addressing the spread of COVID-19. Some of the requirements, recommendations and guidelines, however, do not apply to essential services and infrastructure such as ONT, or to operations related to air travel in general;

**WHEREAS**, Declaration of a local emergency enables the Authority, including its CEO under delegated power, to issue written orders and regulations necessary to provide for the protection of ONT passengers, employees, and operators, and related property, as affected by such emergency. The orders and/or regulations include those to (1) obtain vital supplies, equipment, and such other properties found lacking and needed for the protection of life and property at ONT and to bind the Authority for the fair value thereof, (2) require emergency services of any OIAA officer or employee, (3) requisition necessary personnel or material of any OIAA departments, and (4) modify or approve contracts as necessary to ensure and protect the life and property of the public, operators, and employees at ONT;

**WHEREAS**, The August 21, 2012 Joint Exercise of Powers Agreement (JPA) between the City of Ontario (City) and the County of San Bernardino (County) that created the Authority stated that the Authority shall have and possess all powers common to the City and County, as well as other powers granted under California law. Both the City and County have provisions in their Municipal Codes allowing for the exercise of emergency powers and authorities;

**WHEREAS**, The JPA also states that, in exercising its powers for the operation, management and administration of ONT, the Authority shall exercise such powers as are restricted and applicable to the City. Accordingly, the Authority's actions and powers available under a declaration of a local emergency shall be consistent with, or shall not exceed, those powers allowed to be exercised by the City during a declared local emergency;

**NOW, THEREFORE BE IT RESOLVED** by the Ontario International Airport Authority, that a declaration of a local state of emergency is made at ONT regarding the serious and imminent threat of COVID-19, and the need to prevent and address the effects of the spread of COVID-19 at ONT; and

**BE IT FURTHER RESOLVED**, Under this declaration of a local emergency at ONT by the Authority, the OIAA Chief Executive Officer (CEO) is empowered to:

- (1) Promulgate written orders and regulations necessary to provide for the protection of passengers, employees and operators at ONT, and related property, as affected by such emergency, including orders or regulations imposing hours of operation within the boundaries of ONT where necessary to preserve the public order and safety; provided, however, such rules and

regulations shall be widely publicized and noticed and shall be confirmed at the earliest practicable time by the Authority Commission; and

- (2) Promulgate written orders and regulations relating to the requirements, recommendations and guidelines issued by the CDC, CDPH and SBCDPH that are applicable to essential services and infrastructure such as ONT, or to operations related to air travel in general, regarding preventing and addressing the spread of COVID-19;
- (3) Make any expenditure in connection with emergency activities, including mutual aid activities, which shall be deemed conclusively to be for the direct protection and benefit of the passengers, airlines, and business partners and property of the OIAA. When necessary to address the effects of the declared emergency, the CEO or his designee may enact conditional changes in procurement processes, spending and signature authority limits, approval authorities, and allocation of Airport resources during the time of the declared emergency in order to support the OIAA required response activities; and
- (4) Require emergency services of any OIAA officer or employee; and
- (5) requisition necessary personnel or material of any OIAA departments; and
- (6) Execute all ordinary powers; all special powers conferred by this Resolution; and all other powers conferred by statute, agreement approved by the Authority Commission, or by any other lawful authority; and
- (7) Approve and modify contracts as necessary to provide for the protection of passengers, employees and operators at ONT, and related property, as affected by such emergency, including ad-hoc revenue agreements with a one (1) year term or less; and
- (8) Represent the Authority in all dealings with public or private agencies on matters pertaining to this declared local emergency; and

**BE IT FURTHER RESOLVED**, In the absence of the OIAA CEO, the OIAA Deputy Chief Executive Officer is empowered to take on the emergency powers of the OIAA CEO authorized and described in this Resolution. The OIAA CEO shall be deemed absent where he is unavailable to participate in meetings or otherwise is unable to perform his duties during an emergency.

**BE IT FURTHER RESOLVED**, The Authority Commission shall review the need for continuing this declaration of a local emergency at least once every 30 days until the Commission terminates this local emergency declaration.

PASSED, APPROVED, AND ADOPTED at a Regular Meeting this 26<sup>th</sup> day of March 2020.

\_\_\_\_\_  
ALAN D. WAPNER, OIAA PRESIDENT

ATTEST:

\_\_\_\_\_  
SECRETARY/ASSISTANT SECRETARY

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
LORI D. BALLANCE  
GENERAL COUNSEL



STATE OF CALIFORNIA            )  
COUNTY OF SAN BERNARDINO    )  
CITY OF ONTARIO                )

I, Claudia Y. Isbell, Assistant Secretary of the Ontario International Airport Authority, DO HEREBY CERTIFY that foregoing Resolution No. 2020-\_\_\_\_\_ was duly passed and adopted by the Commission of the Ontario International Airport Authority at their regular meeting held on March 26, 2020 by the following roll call vote, to wit:

AYES:            COMMISSIONERS:

NOES:            COMMISSIONERS:

ABSENT:          COMMISSIONERS:

\_\_\_\_\_  
SECRETARY/ASSISTANT SECRETARY

(SEAL)

The foregoing is the original of Resolution No. 2020-\_\_\_\_\_ duly passed and adopted by the Commission of the Ontario International Airport Authority at their regular meeting held March 26, 2020.

\_\_\_\_\_  
SECRETARY/ASSISTANT SECRETARY

(SEAL)