



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

In accordance with the Governor's Declarations of Emergency for the State of California (Executive Orders N-25-20 and N-29-20) and the Governor's Stay at Home Order (Executive Order N-33-20), the Ontario International Airport Authority (OIAA) board meetings are being conducted via live stream and teleconference. Members of the public may utilize alternative measures established by OIAA to view the board meetings and/or to address the President and Commissioners. Please see instructions listed below.

Link to watch the April 23, 2020 Board Meeting*:

<https://us02web.zoom.us/j/84792763913>

To dial in, call either:

+1 669 900 6833 or

+1 346 248 7799 or

+1 253 215 8782

WEBINAR ID: 847-9276-3913

*Zoom requires you to enter a response for name and email. To remain anonymous, you may use Attendee and attendee@flyontario.com to bypass this Zoom feature.

ANY MEMBERS OF THE PUBLIC WISHING TO PROVIDE PUBLIC COMMENT MAY DO SO AS FOLLOWS:

EMAIL: You can email public comments to 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. All written comments will be included in the record.

TELEPHONE: You can record your public 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. Recorded comments must be no more than 3 minutes long. 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.

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



APRIL 23, 2020 AT 2:00 P.M.

Ontario International Airport Regular Meeting

MEETING WILL BE HELD VIA LIVE STREAM AND TELECONFERENCE

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

In accordance with the Governor’s Declarations of Emergency for the State of California (Executive Orders N-25-20 and N-29-20) and the Governor’s Stay at Home Order (Executive Order N-33-20), the Ontario International Airport Authority (OIAA) board meetings are being conducted via live stream and teleconference. Members of the public may utilize alternative measures established by OIAA to view the board meetings and/or to address the President and Commissioners. Please see instructions listed below.

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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.

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 – Mark A. Thorpe, Chief Executive Officer

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.

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.

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.

2. APPROVAL OF MINUTES

Minutes for the meeting of the Ontario International Airport Authority regular meeting on March 26, 2020 and approving the same as on file with the Secretary/Assistant Secretary.

3. BILLS/PAYROLL

Bills March 1, 2020 through March 31, 2020 and Payroll March 1, 2020 through March 31, 2020.

4. AUTHORIZE THE CHIEF EXECUTIVE OFFICER TO EXECUTE A FACILITY USE AGREEMENT AND RIGHT-OF-WAY LICENSE AGREEMENT WITH ONTFUEL CORPORATION, INC. FOR THE FUEL FARM

That the Ontario International Airport Authority (OIAA) authorize the Chief Executive Officer (CEO) to execute a (1) year Facility Use Agreement (FUA) and Right-of-Way License Agreement with ONTFUEL Corporation, Inc. for the Fuel Farm at Ontario International Airport (ONT), with four (4), one-year extension options. Upon the Rent Commencement Date of the FUA, ONTFUEL Corporation (ONTFUEL) shall pay the OIAA approximately \$13,000 of Facility Use Fees each month for the Ground Fueling Facility Area.

ADMINISTRATIVE DISCUSSION/ACTION/REPORT
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5. A RESOLUTION DECLARING THE CONTINUED 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

That the Ontario International Airport Authority approve a resolution declaring the continued 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.

RESOLUTION NO. _____

A RESOLUTION OF THE ONTARIO INTERNATIONAL AIRPORT AUTHORITY DECLARING THE CONTINUED 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

6. DEFERRAL OF CERTAIN TENANT RENTS AND FEES

That the Ontario International Airport Authority (OIAA) establish an arrangement with eligible tenants to defer a portion of rents and fees subject to the availability of funds and continuity of tenant services at ONT, organizational adjustments allowed within the parameters of the CARES Act, subject to the discretion and approval of the Chief Executive Officer.

MANAGEMENT REPORT

Chief Executive Officer Thorpe

COMMISSION MATTERS

President Wapner

Vice President Loveridge

Secretary Bowman

Commissioner Hagman

Commissioner Gouw

ADJOURNMENT



DATE: APRIL 23, 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. 04	ONTFUEL CORPORATION, INC.	<ul style="list-style-type: none">Aircraft Services International, Inc.

STAFF MEMBER PRESENTING: Board Clerk, Claudia Y. Isbell

Department: Clerk's Office Submitted to OIAA: April 23, 2020

**ONTARIO INTERNATIONAL AIRPORT AUTHORITY
REGULAR COMMISSION MEETING
MINUTES
MARCH 26, 2020
(Not official until approved)**

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) moved to phone-in teleconference meeting options for Commissioners, effective March 26, 2020. Out of an abundance of caution for the health and well-being of the community, members of the public wishing to participate in the meeting and to address the OIAA Commission were able to do so telephonically for the regular meeting held on Thursday, March 26, 2020.

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 2:03 p.m.

ROLL CALL

PRESENT:	Commissioners:	Alan D. Wapner
PRESENT VIA TELECONFERENCE:	Commissioners:	Julia Gouw, Curt Hagman, Jim W. Bowman, and Ronald O. Loveridge
ABSENT:	Commissioners:	None

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

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by President Wapner.

PUBLIC COMMENT

Members of the public wishing to provide public comment for the items on the agenda were able to do so via email comments to clerk@flyontario.com or via telephone recording comments at (909) 544-5442.

Richard Sherman, provided an email comment expressing his concerns on airplane noise.

AGENDA REVIEW/ANNOUNCEMENT

There were no announcements made.

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 Secretary Bowman, seconded by Commissioner Hagman, and carried by a roll call vote of 5-0-0, to approve the consent calendar as presented.

2. APPROVAL OF MINUTES

Approved 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

Approved bills February 1, 2020 through February 29, 2020 and Payroll February 1, 2020 through February 29, 2020.

4. APPROVAL OF MEETING STIPENDS

The Ontario International Airport Authority Commission approved 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

The Ontario International Airport Authority Board of Commissioners (OIAA) approved 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.

(Not official until approved)

RESOLUTION NO. 2020-02 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

The Ontario International Airport Authority (OIAA) adopted 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

The Ontario International Airport Authority authorized 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

The Ontario International Airport Authority approved 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.

RESOLUTION NO. 2020-03 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

(Not official until approved)

MOTION: Moved by Commissioner Hagman, seconded by Commissioner Gouw, and carried by a roll call vote of 5-0-0, to adopt Resolution 2020-03 declaring the existence of a local emergency.

MANAGEMENT REPORT

Chief Executive Officer Thorpe and Chief Financial Officer Schubert provided the financial impact of the novel Coronavirus (COVID-19) outbreak on ONT.

COMMISSIONER MATTERS

Vice President Loveridge deferred his Long Beach Tour update to a future meeting.

ADJOURNMENT

President Wapner adjourned the Ontario International Airport Authority Commission meeting at 2:25 p.m.

RESPECTFULLY SUBMITTED:

CLAUDIA Y. ISBELL, CLERK OF THE BOARD

APPROVED:

ALAN D. WAPNER, PRESIDENT
ONTARIO INTERNATIONAL AIRPORT AUTHORITY



DATE: **APRIL 23, 2020**

SECTION: **CONSENT CALENDAR**

SUBJECT: **AUTHORIZE THE CHIEF EXECUTIVE OFFICER TO EXECUTE A FACILITY USE AGREEMENT AND RIGHT-OF-WAY LICENSE AGREEMENT WITH ONTFUEL CORPORATION, INC. FOR THE FUEL FARM**

RELEVANT STRATEGIC OBJECTIVE: **Develop Airport-Related Business.**

RECOMMENDED ACTION(S): That the Ontario International Airport Authority (OIAA) authorize the Chief Executive Officer (CEO) to execute a (1) year Facility Use Agreement (FUA) and Right-of-Way License Agreement with ONTFUEL Corporation, Inc. for the Fuel Farm at Ontario International Airport (ONT), with four (4), one-year extension options.

FISCAL IMPACT SUMMARY: Upon the Rent Commencement Date of the FUA, ONTFUEL Corporation (ONTFUEL) shall pay the OIAA approximately \$13,000 of Facility Use Fees each month for the Ground Fueling Facility Area.

BACKGROUND: Currently the OIAA has a Lease Agreement with Aircraft Service International, Inc. (Menzies) for the Fuel Farm at ONT. At the annual ONTFUEL meeting in December 2019, the decision was made to move forward with ASI/Menzies toward a January 1, 2020 transition date. ONTFUEL and Menzies will be entering into a "Fuel System Maintenance, Operation and Management Services Agreement" with Menzies as the Operator to maintain, operate and manage the Fuel Farm and to provide management and administrative services to ONTFUEL that are related to the Fuel Farm.

PROCUREMENT: N/A

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

Department: Commercial

Submitted to OIAA: April 23, 2020

Approved: _____

Continued to: _____

Denied: _____

Chief Executive
Officer Approval: *Mark A. Thorpe*

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: Facility Use Agreement and Right-of-Way License Agreement

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.

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



DATE: APRIL 23, 2020

SECTION: ADMINISTRATIVE DISCUSSION/ACTION/REPORT

SUBJECT: A RESOLUTION DECLARING THE CONTINUED 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 continued 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: April 23, 2020

Approved: _____

Continued to: _____

Denied: _____

Chief Executive Officer Approval: *Mark A. Thorpe*

Item No. 05

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 and which has now been detected in 180 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 proclaimed a local emergency, and on April 7, 2020, continued the local state of emergency declaration in response to regional COVID-19 diagnoses 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 continued 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.

This Agenda Report has been reviewed by OIAA General Counsel.

RESOLUTION NO. 2020-_____

A RESOLUTION OF THE ONTARIO INTERNATIONAL AIRPORT AUTHORITY DECLARING THE CONTINUED 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 and which has now been detected in than 180 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 proclaimed a local emergency, and on April 7, 2020, continued the local state of emergency declaration in response to regional COVID-19 diagnoses 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, related property, and OIAA finances 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;

WHEREAS, on March 26, 2020 the OIAA approved Resolution No. 2020-003 declaring the existence of a local emergency.

NOW, THEREFORE BE IT RESOLVED by the Ontario International Airport Authority does hereby declare a continued local state of emergency 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 continued 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 continued 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 23rd day of April 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 April 23, 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 April 23, 2020.

SECRETARY/ASSISTANT SECRETARY

(SEAL)



DATE: APRIL 23, 2020

SECTION: ADMINISTRATIVE DISCUSSION/ACTION/REPORT

SUBJECT: DEFERRAL OF CERTAIN TENANT RENTS AND FEES

RELEVANT STRATEGIC OBJECTIVES: Develop Airport Related Business: Maintain Financial Accountability and Stability to Support Airport Operations

RECOMMENDED ACTION(S): That the Ontario International Airport Authority (OIAA) establish an arrangement with eligible tenants to defer a portion of rents and fees subject to the availability of funds and continuity of tenant services at ONT, organizational adjustments allowed within the parameters of the CARES Act, subject to the discretion and approval of the Chief Executive Officer.

FISCAL IMPACT SUMMARY: None.

BACKGROUND: The Ontario International Airport Authority has entered into various contracts, leases and other agreements for the use of property and for the right to conduct business at the Ontario International Airport. Those Agreements require the payment of rents, fees or a combination thereof, which are invoiced monthly. Rents, including rents due in the form of Minimum Annual Guarantees (MAGs) are due on the first of each month for that month. Activity based fees are invoiced in arrears and are due within 30 days of the invoice date.

Aviation of all types and across all geographic sectors has been impacted significantly by the economic shut-down associated with Covid-19. At ONT, business operations were immediately impacted on March 14, 2020, the day after the declaration of a National Emergency by President Donald J. Trump. By April 1, 2020 substantially all passenger activity at ONT ceased, with passenger counts decreasing by as much as 95 percent. In addition, to the business impact to passenger airlines, concessionaires that provide nonaeronautical goods and services at ONT, such as Food & Beverage, News and Gifts and Rental

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

Department: Administration

Submitted to OIAA: April 23, 2020

Approved: _____

Continued to: _____

Denied: _____

Chief Executive Officer Approval: Mark A. Thorpe

Car companies have seen a corresponding impact to their sales. These concessionaires are subject to MAGs, which require the concessionaire to pay the greater of the MAG or a contractually determined percentage of sales under their agreements with OIAA.

Locally and nationally, aviation and other business airport partners have requested temporary relief and waivers of rents, fees and MAGs from their airport sponsors. Many airports, including Burbank, John Wayne and LAX have agreed to grant this relief. These considerations have been primarily in the form of deferrals of rents and waivers of MAGs. These deferrals have been made possible by the success of the aviation/airport industry over the last ten years and the accumulation of unrestricted operating cash balances. In addition, the CARES Act which was signed into law on March 27, 2020 provided \$10 B in grant assistance to all commercial service airports, which may be used for all lawful purposes of the airport including operating expenses, debt service and capital expenditures. This assistance is broken into several buckets that are to be allocated to all United States airports based on various formulas to be administered and distributed by the Federal Aviation Administration. On April 14, 2020 the FAA announced the amount of CARES Act assistance, excluding the waiver of match requirements on 2020 Airport Improvement Entitlement grants. OIAA’s share of this CARES funding is approximately \$22.1M.

Management recommends utilizing existing unrestricted operating cash and a portion of the CARES Act funding to provide deferrals and or waivers of Minimum Annual Guarantees to its business partners subject to certain conditions. These deferrals would include April and May 2020 terminal rents for passenger airlines, minimum annual guarantees for nonaeronautical concessionaires and a portion of landing fees for March and April 2020.

The estimated amount of these deferrals and repayment dates are as follows:

Invoice Period Deferred to Date	Apr-2020	May-2020	Total
	Jul 1, 2020	Aug 1, 2020	
Landing Fees *			
Passenger	\$ 447,181	\$ 447,181	\$ 894,362
Cargo	802,308	802,308	1,604,616
Terminal rents	1,439,724	\$ 1,439,724	2,879,448
Minimum Annual Guarantees			
Rental cars	496,304	496,304	992,608
Food & Beverage	89,462	89,462	178,924
News & Gifts	65,889	65,889	131,778
Advertising and other	30,181	30,181	60,362
Total	\$ 3,371,049	\$ 3,371,049	\$ 6,742,098

* Activity fees billed in arrears.

To be eligible for deferrals the company must be current with all amounts invoiced previously as well as any additional amounts invoiced not covered under the deferral arrangement. Also, to the satisfaction of OIAA each company must maintain minimum service levels at ONT through June 30, 2020. In addition, CARES Act funding must be received in an amount and within a time frame established by the Act and as currently indicated by the Federal Aviation Administration. Failure to meet these conditions could result in a cancellation of some or all the deferrals and deferred amounts would be due immediately.

CEQA COMPLIANCE AND LAND USE APPROVALS: N/A

EXHIBITS & 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, 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.

This Agenda Report has been reviewed by OIAA General Counsel.