Welcome to the Meeting of
The Ontario International Airport Authority

- All documents for public review are on file at the Ontario International Airport Administration Offices located at 1923 E. Avion Street, Ontario, CA 91761.
- Anyone wishing to speak during public comment or on an item will be required to fill out a blue slip. Blue slips must be turned in prior to public comment beginning or before an agenda item is taken up. The Secretary/Assistant Secretary will not accept blue slips after that time.
- Comments will be limited to 3 minutes. Speakers will be alerted when they have 1-minute remaining and when their time is up. Speakers are then to return to their seats and no further comments will be permitted.
- In accordance with State Law, remarks during public comment are to be limited to subjects within the Authority’s jurisdiction. Remarks on other agenda items will be limited to those items.
- Remarks from those seated or standing in the back of the board room will not be permitted. All those wishing to speak, including Commissioners and Staff, need to be recognized by the Authority President before speaking.
ORDER OF BUSINESS
The Authority meeting begins at 10:00 a.m. immediately followed by Public Comment.

(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) - 10:00 A.M.
ROLL CALL
Loveridge, Bowman, Hagman, Gouw, President Wapner

PLEDGE OF ALLEGIANCE

INVOCATION
Dr. Brian Kennedy, Senior Pastor, Mt. Zion Church of 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. Additional opportunities for further Public Comment will be given during and at the end of the meeting. 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. APPROVAL OF MINUTES

Minutes for the regular meeting of the Ontario International Airport Authority on March 26, 2019 approving same as on file with the Secretary/Assistant Secretary.

2. BILLS/PAYROLL

Bills March 1, 2019 through March 31, 2019 and Payroll March 1, 2019 through March 31, 2019.

3. APPROVAL OF MEETING STIPENDS

That the Ontario International Airport Authority Commission approve meeting stipends for President Wapner and Commissioner Hagman for the month of March, 2019.

4. A RESOLUTION APPOINTING THE CHIEF FINANCIAL OFFICER AS THE TREASURER

That the Ontario International Airport Authority (Authority) adopt a resolution appointing the Chief Financial Officer, John M. Schubert, to serve as the Treasurer of the Authority.

RESOLUTION NO. ________

A RESOLUTION OF THE ONTARIO INTERNATIONAL AIRPORT AUTHORITY
APPOINTING THE CHIEF FINANCIAL OFFICER AS THE TREASURER
5. A PUBLIC HEARING TO INTRODUCE AN ORDINANCE ESTABLISHING A CLAIMS PRESENTATION PROCEDURE FOR CLAIMS NOT COVERED UNDER THE GOVERNMENT CLAIMS ACT

That the Ontario International Airport Authority Commission:

(A) Introduce and read the title, and waive further reading by regular motion, of an Ordinance establishing a Claims Presentation Procedure for claims not covered under the Government Claims Act; and

(B) Direct OIAA Staff to place the Ordinance on the Agenda for the next available regular meeting of the Commission for final consideration and passage.

Notice of public hearing has been duly given and affidavits of compliance are on file with the Clerk’s office.

ORDINANCE NO. _______

AN ORDINANCE OF THE COMMISSION OF THE ONTARIO INTERNATIONAL AIRPORT AUTHORITY, ESTABLISHING A CLAIMS PRESENTATION PROCEDURE RELATING TO CLAIMS FOR MONEY OR DAMAGES EXCEPTED FROM THE REQUIREMENTS OF THE CALIFORNIA GOVERNMENT CLAIMS ACT

SPECIAL CEREMONIES

• Certificate of Recognition – Chef Lisa Torres

MANAGEMENT REPORT

Chief Executive Officer Thorpe

COMMISSION MATTERS

President Wapner
Vice President Loveridge
Secretary Bowman
Commissioner Hagman
Commissioner Gouw

ADJOURNMENT
A regular meeting of the Ontario International Airport Authority was held on Tuesday, March 26, 2019, 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 3:00 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: Chief Executive Officer Mark A. Thorpe, General Counsel Lori D. Ballance and Assistant Secretary Claudia Y. Isbell.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Commissioner Gouw.

INVOCATION

The Invocation was led by Pastor Mike Urciuoli, Calvary Chapel Ontario.

PUBLIC COMMENT

There were no public comments.

AGENDA REVIEW/ANNOUNCEMENT

There were no announcements.
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 as presented, with Vice President Loveridge absent.

1. APPROVAL OF MINUTES

Approved minutes for the special meeting of the Ontario International Airport Authority on February 15, 2019 and the cancelled meeting on February 26, 2019, approving same as on file with the Secretary/Assistant Secretary.

2. BILLS/PAYROLL

Approved bills February 1, 2019 through February 28, 2019 and payroll February 1, 2019 through February 28, 2019.

3. APPROVAL OF MEETING STIPENDS

The Ontario International Airport Authority Commission approved meeting stipends for President Wapner for the month of February.

MANAGEMENT REPORT

Chief Executive Officer Thorpe provided an update on passenger and cargo traffic and growth.

COMMISSIONER MATTERS

Commissioner Gouw had no comments.

Commissioner Hagman wished China Airlines a happy one-year anniversary at ONT.

Secretary Bowman had no comments.

President Wapner had no comments.
CLOSED SESSION

Hearing no request to speak, President Wapner recessed the regular meeting of the Ontario International Airport Authority to Closed Session at 3:10 p.m. with all Commissioners in attendance except Vice President Loveridge.

- CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
  Pursuant to Government Code Section 54956.9(c)
  Two (2) - Potential Cases

Secretary Bowman left the Closed Session meeting at 4:35 p.m.

The Ontario International Airport Authority Commission regular meeting was reconvened in public session at 5:09 p.m.

CLOSED SESSION REPORT

General Counsel Ballance announced there was no reportable action.

ADJOURNMENT

President Wapner adjourned the Ontario International Airport Authority Commission meeting at 5:09 p.m.

RESPECTFULLY SUBMITTED:

___________________________________________
CLAUDIA Y. ISBELL, CLERK OF THE BOARD

APPROVED:

___________________________________________
ALAN D. WAPNER, PRESIDENT
ONTARIO INTERNATIONAL AIRPORT AUTHORITY
DATE: APRIL 22, 2019  

SECTION: CONSENT CALENDAR  

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

RELEVANT STRATEGIC OBJECTIVE: Development of Airport-Related Businesses.  

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 March 2019, President Wapner attended one (1) additional Authority-related business function and Commissioner Hagman attended six (6) additional Authority-related business functions. Full Commission approval is needed to approve payment of 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
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: APRIL 22, 2019

SECTION: CONSENT CALENDAR

SUBJECT: THE ONTARIO INTERNATIONAL AIRPORT AUTHORITY COMMISSION ADOPT A RESOLUTION APPOINTING THE CHIEF FINANCIAL OFFICER AS THE TREASURER.

RELEVANT STRATEGIC OBJECTIVE: Operational Efficiency and Management

RECOMMENDED ACTION(S): That the Ontario International Airport Authority (Authority) adopt a resolution appointing the Chief Financial Officer, John M. Schubert, to serve as the Treasurer of the Authority.

FISCAL IMPACT AND SOURCE OF FUNDS: None.

BACKGROUND: In accordance with the provisions of the Joint Exercise of Powers Agreement Section 3.E., the Authority may appoint a Treasurer to perform such duties as are set forth in the Joint Powers Agreement and any other duties specified by the Commission. The Treasurer of the Authority is responsible for the custody and safekeeping of the Authority funds and all officers, including the Treasurer, serve at the pleasure of the Commission. Staff recommends the Commission appoint John M. Schubert, the Chief Financial Officer as the Treasurer of the Authority to ensure financial responsibilities are met.

CEQA COMPLIANCE: The proposed staffing services decision is not a "project" under CEQA and does not require environmental review.

STAFFING IMPACT (# OF POSITIONS): The proposed action will not create any permanent positions in the OIAA.

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

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Item No. 04
IMPACT ON OPERATIONS: This action would not impact ONT operations.

SCHEDULE: N/A

EXHIBITS & ATTACHMENTS:

Attachment A – A Resolution Appointing the Treasurer

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.
RESOLUTION NO. _______

A RESOLUTION OF THE ONTARIO INTERNATIONAL AIRPORT AUTHORITY
APPOINTING THE CHIEF FINANCIAL OFFICER AS THE TREASURER

WHEREAS, the Ontario International Airport Authority (the “Authority”) was formed through the Joint Exercise of Power Agreement by and between the City of Ontario (the “City”) and the County of San Bernardino (the “County”); and

WHEREAS, the Joint Powers Agreement requires and allows the appointment, employment, or engagement of professional staff to assist in the overall operation of the Authority;

WHEREAS, the Section 3.E. of the Joint Powers Agreement allows the Commission to appoint a Treasurer to perform such duties as are set forth in the Joint Powers Agreement and any other duties specified by the Commission;

WHEREAS, the Treasurer position is currently being filled on an interim basis by the Deputy Executive Director, Atif Elkadi, and the Authority recently hired a new Chief Financial Officer who they desire to appoint as the permanent Treasurer;

NOW, THEREFORE, BE IT RESOLVED by the Commission of the Ontario International Airport Authority as follows:

SECTION 1. The Commission, in accordance with the Joint Powers Agreement, hereby appoints the Chief Financial Officer, John M. Schubert, to serve as the Treasurer on behalf of the Ontario International Airport Authority.

SECTION 2. This Resolution will take effect immediately upon its adoption.

SECTION 3. The Commission Clerk of the Ontario International Airport Authority shall certify as to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 22nd day of April 2019.

____________________________________
ALAN D. WAPNER, OIAA PRESIDENT

ATTEST:

____________________________________
CLAUDIA Y. ISBELL, CLERK TO THE BOARD/
ASSISTANT SECRETARY

APPROVED AS TO LEGAL FORM:

____________________________________
LORI D. BALLANCE
GENERAL COUNSEL
I, Claudia Y. Isbell, Commission Clerk of the Ontario International Airport Authority, DO HEREBY CERTIFY that foregoing Resolution No. _______ was duly passed and adopted by the Commission of the Ontario International Airport Authority at their special meeting held April 22, 2019 by the following roll call vote, to wit:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

CLAUDIA Y. ISBELL, CLERK TO THE BOARD/ASSISTANT SECRETARY
(SEAL)

The foregoing is the original of Resolution No. _______ duly passed and adopted by the Commission of the Ontario International Airport Authority at their special meeting held April 22, 2019.

CLAUDIA Y. ISBELL, CLERK TO THE BOARD/ASSISTANT SECRETARY
(SEAL)
DATE: APRIL 22, 2019

SECTION: PUBLIC HEARING

SUBJECT: THAT THE ONTARIO INTERNATIONAL AIRPORT AUTHORITY CONSIDER AN ORDINANCE
ESTABLISHING A CLAIMS PRESENTATION PROCEDURE FOR CLAIMS NOT COVERED
UNDER THE GOVERNMENT CLAIMS ACT.

RELEVANT STRATEGIC OBJECTIVE: For orderly handling of administrative matters.

RECOMMENDED ACTION(S): That the Ontario International Airport Authority Commission:

(A) Introduce and read the title, and waive further reading by regular motion, of an Ordinance
establishing a Claims Presentation Procedure for claims not covered under the Government Claims Act; and

(B) Direct OIAA Staff to place the Ordinance on the Agenda for the next available regular
meeting of the Commission for final consideration and passage.

FISCAL IMPACT AND SOURCE OF FUNDS: N/A

BACKGROUND: The California Government Claims Act (Government Code, § 900 et seq.) (the “Act”)
generally governs claims against public agencies for money or damages. The Act provides detailed
procedures for how and when a claim must be presented (6 months or 1 year from accrual, depending
on the claim), deadlines for when the OIAA must act upon a claim (45 days from presentation), and
statutes of limitations to file a lawsuit after the OIAA denies a claim. (Gov. Code, §§ 911.2(a), 911.6(a)).
The OIAA has been following the Act when it processes a claim.

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

[Signatures and dates for approval]

Item No. 05
Certain types of claims are not generally covered by the Act, such as, among others (i) local tax, assessment or fee refunds, (ii) claims by public employees for fees, salaries, wages, expenses, etc., and (iii) claims for money sought from the OIAA by the State or another local public entity. (Gov. Code, § 905). When these types of claims are not governed by another statute or regulation, the Act allows a public agency, including the OIAA, to address them by local ordinance, provided that: (i) the ordinance does not set a shorter time to file a claim than provided in the Act and (ii) the ordinance does not give the OIAA more time to act on a claim than provided in the Act. (Gov. Code, § 935). The proposed Ordinance sets forth clear procedures for handling such claims, and in the very same manner as these types of claims are handled by the City of Ontario under its Municipal Code.

CEQA COMPLIANCE: The subject activity is not a project within the meaning of the California Environmental Quality Act (CEQA) Guidelines Section 15378 and is therefore not subject to review under CEQA.

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

IMPACT ON OPERATIONS: This action would not impact existing ONT operations.

SCHEDULE: N/A.

EXHIBITS & ATTACHMENTS: Proposed Ordinance No. 0002 adopting a Claims Presentation Procedure for claims excepted from the requirements of the Government Claims Act after final passage.

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.
ORDINANCE NO. ____
AN ORDINANCE OF THE COMMISSION OF THE ONTARIO INTERNATIONAL AIRPORT AUTHORITY, ESTABLISHING A CLAIMS PRESENTATION PROCEDURE RELATING TO CLAIMS FOR MONEY OR DAMAGES EXCEPTED FROM THE REQUIREMENTS OF THE CALIFORNIA GOVERNMENT CLAIMS ACT

WHEREAS, pursuant to Section 935 of the California Government Code, the Commission of the Ontario International Airport Authority ("Authority") intends to enact procedures applicable to the presentation and processing of claims excepted under California Government Code Section 905 from the claims filing requirements of Chapter 1 and Chapter 2 of Division 3.6 of Title 1 of the California Government Code and for which no other procedures are set forth in State law; and

WHEREAS, it is in the best interest of the Authority to adopt and implement such claims presentation procedures for the excepted claims,

WHEREAS, on April 22, 2019, the Authority introduced this Ordinance, conducted a first hearing to consider adoption of the claims presentation procedure and concluded said hearing on that date; and

WHEREAS, all legal prerequisites for the introduction of this Ordinance and the conduct of a first hearing to consider to the adoption of this Ordinance have occurred.

NOW, THEREFORE, IT IS HEREBY FOUND, DETERMINED, AND ORDAINED by the Commission of the Ontario International Airport Authority as follows:

SECTION 1: The foregoing recitals are adopted as findings of the Commission of the Ontario International Airport Authority as though set forth fully herein.

SECTION 2: A claims presentation procedure for claims for money or damages excepted from the requirements of the California Government Claims Act is hereby added to the Code of Ordinances of the Ontario International Airport Authority to read, in its entirety, as follows:

SECTION 1. Claims Presentation Procedures

1. Claims Against the Ontario International Airport Authority

   This claims presentation procedure shall govern all claims against the Ontario International Airport Authority ("Authority") for money or damages which are excepted by Government Code Section 905, and which are not governed by any other statute or regulation expressly relating to such claims.
2. Special Claims Procedures

Pursuant to the authority contained in California Government Code section 935, the following claims procedures are established for those claims against the Authority for money or damages not now governed by State or local laws:

(a) Employee claims. Notwithstanding the exceptions contained in California Government Code section 905, all claims by public officers or employees for fees, salaries, wages, overtime pay, holiday pay, compensating time off, vacation pay, sick leave pay, and any other expenses or allowances claimed due from the Authority, when a procedure for processing such claims is not otherwise provided by State or local laws, shall be presented within the time limitations and in the manner prescribed by California Government Code sections 910 through 915.2. Such claims shall further be subject to the provisions of California Government Code sections 935(b) and 945.4 relating to the prohibition of suits in the absence of the presentation of claims and action thereon.

(b) Contract and other claims. In addition to the requirements of subsection (a) of this section, and notwithstanding the exemptions set forth in California Government Code section 905, all claims against the Authority for damages or money, when a procedure for processing such claims is not otherwise provided by State or local laws, shall be presented within the time limitations and in the manner prescribed by California Government Code sections 910 through 915.2. Such claims shall further be subject to the provisions of California Government Code section 945.4 relating to the prohibition of suits in the absence of the presentation of claims and action thereon.

(c) Nothing herein shall permit the filing of a claim or action on behalf of a class or group.

3. Construction

Nothing contained in this Ordinance is intended to extend any statute of limitations or claims filing period under other provisions of any State law or any other applicable law or regulation related to filing a judicial action or other proceeding for recovery of money or damages against the Authority. References in this Ordinance to specific sections of the California Government Code shall refer to those provisions as they now exist or shall hereafter be amended.

4. Time Barred Claims

Nothing in this Ordinance revives or reinstates any claim or cause of action that, on the effective date of this Ordinance, is barred by failure to comply with any previously applicable statute, ordinance or regulation requiring the presentation of a claim prior to suit, or by failure to commence any action within the period prescribed by an applicable statute of limitations.
SECTION 3: Severability. If any section, sentence, clause or phrase of this Ordinance or the application thereof to any entity, person or circumstance is held for any reason to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provision of this Ordinance are severable. The Authority hereby declares that it would have adopted this Ordinance and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

SECTION 4: Effective Date. This Ordinance shall become effective thirty (30) days following its final adoption.

SECTION 5: The President shall sign this Ordinance and the Commission Clerk shall certify as to the adoption and shall cause a summary thereof to be published at least once, in a newspaper of general circulation in the City of Ontario, California within fifteen (15) days of the adoption. The Commission Clerk shall post a certified copy of this Ordinance, including the vote for and against the same, in the Office of the Commission Clerk, in accordance with Government Code Section 36933.

PASSED, APPROVED, AND ADOPTED this May ____, 2019.
I, CLAUDIA Y. ISBELL, Commission Clerk and Assistant Secretary of the Ontario International Airport Authority, DO HEREBY CERTIFY that foregoing Ordinance No. _____ was duly introduced at a special meeting of the Commission of Ontario International Airport Authority held_____ and adopted at the regular meeting held on ____, 2019 by the following roll call vote, to wit:

AYES: COMMISSION MEMBERS: _______________________________

NOES: COMMISSION MEMBERS: _______________________________

ABSENT: COMMISSION MEMBERS: _______________________________

______________________________
CLAUDIA Y. ISBELL, COMMISSION CLERK and ASSISTANT SECRETARY
(SEAL)

I hereby certify that the foregoing is the original of Ordinance No. _____ duly passed and adopted by the Commission of the Ontario International Airport Authority at their regular meeting held on ______, 2019 and that Summaries of the Ordinance were published on __________________ and _________________________ in the Inland Valley Daily Bulletin Newspaper.

______________________________
CLAUDIA Y. ISBELL, COMMISSION CLERK/ ASSISTANT SECRETARY
(SEAL)