



## **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 May 28, 2020 Board Meeting\*:**

<https://us02web.zoom.us/j/84365872605>

**To dial in, call either:**

**+1 669 900 6833 or**

**+1 346 248 7799 or**

**+1 253 215 8782**

**WEBINAR ID: 843 6587 2605**

\*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](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



**MAY 28, 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

## CLOSED SESSION PUBLIC COMMENT

The Closed Session Public Comment portion of the Authority meeting is limited to a maximum of 3 minutes for each speaker and comments will be limited to matters appearing on the Closed Session.

### CLOSED SESSION

- **GC 54957(a) DISCUSSION OF PUBLIC SAFETY MEASURES**  
Consultation with: (Chief Executive Officer and General Counsel)

### REPORT ON CLOSED SESSION

General Legal Counsel

## 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 April 23, 2020 and approving the same as on file with the Secretary/Assistant Secretary.

## 3. BILLS/PAYROLL

Bills April 1, 2020 through April 30, 2020 and Payroll April 1, 2020 through April 30, 2020.

## 4. APPROVAL OF MEETING STIPENDS

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

## 5. AUTHORIZE THE CHIEF EXECUTIVE OFFICER TO EXECUTE AN EASEMENT BETWEEN THE ONTARIO INTERNATIONAL AIRPORT AUTHORITY AND AIRPORT DRIVE INDUSTRIAL OWNER, L.P. A DELAWARE LIMITED PARTNERSHIP.

That the Ontario International Airport Authority (OIAA) authorize the Chief Executive Officer (CEO) to execute a drainage easement between the Ontario International Airport Authority and Airport Drive Industrial Owner. The drainage easement is a private agreement based on drawings prepared by the requestor, as part of the Sunrise Parking Lot Development. The OIAA and its counsel reviewed and provided comments to requestor as part of standard procedures for an OIAA project, therefore, there will not be any fiscal impact.

**6. AWARD OF CONTRACT TO OSBORNE BIOLOGICAL CONSULTING AND AUTHORIZE THE CHIEF EXECUTIVE OFFICER TO EXECUTE A CONTRACT FOR FOCUSED BIOLOGICAL SURVEYS**

That the Ontario International Airport Authority (OIAA) award a contract for the second year of focused biological surveys for the presence or absence of Delhi Sands Fly on portions of the ONT property and authorize the Chief Executive Officer (CEO) to execute a contract with Osborne Biological Consulting (Osborne) in the amount of \$143,872.91. : Upon execution of this agreement, Osborne will conduct surveys of OIAA property between July 1 and September 20, 2020, for an estimated total of \$143,872.91. The costs of this work are accounted for in the OIAA Fiscal Year 2020-2021 budget.

**7. AUTHORIZE THE CEO TO EXECUTE A MONTH TO MONTH EXTENSION AND ADJUST THE MINIMUM MONTHLY GUARANTEE TO THE CONCESSION AGREEMENT BETWEEN THE ONTARIO INTERNATIONAL AIRPORT AUTHORITY AND BANK OF AMERICA, NATIONAL ASSOCIATION FOR ATM SERVICES AT ONTARIO INTERNATIONAL AIRPORT**

That the Ontario International Airport Authority Board of Commissioners authorize the Chief Executive Officer to negotiate and execute a month to month extension, to the Concession Agreement with Bank of America, National Association for the six (6) Automated Teller Machines (ATMs) located in Terminal 2, Terminal 4, the Ground Transportation Center, and the Federal Inspection Services (FIS) facility, as well as temporarily adjust the Minimum Monthly Guarantee to the agreement due to the temporary closure of the FIS facility. While the FIS facility is closed to the public due to no international arrival flights as a result of the COVID-19 impact, Concessionaire shall continue to pay to the OIAA a transaction fee of \$1.75 per transaction that occurs on the ATM in the FIS facility, and the greater of (a) a Minimum Monthly Guarantee of \$7,500 per month, or (b) a transaction fee of \$1.75 per transaction, which is defined as any authorized and approved cash withdrawal processed at ATMs located at ONT, for the five (5) ATMs in Terminal 2, Terminal 4, and the Ground Transportation Center.

**8. ACCEPTANCE OF GRANT AWARDS FROM THE FEDERAL AVIATION ADMINISTRATION OF FUNDS FROM THE AIRPORT IMPROVEMENT PROGRAM**

That the Ontario International Airport Authority (OIAA) authorize the Chief Executive Officer (CEO) to execute all documents necessary to accept grant-in-aid in an amount not to exceed \$22,184,140 from the Federal Aviation Administration (FAA) provided through the Cares Act Grant Program.

**9. A RESOLUTION ELECTING TO BE SUBJECT TO THE PUBLIC EMPLOYEES' MEDICAL AND HOSPITAL CARE ACT**

That the Ontario International Airport Authority (OIAA) Commission adopt a resolution electing to be subject to the Public Employees' Medical and Hospital Care Act at an unequal amount for employees and annuitants 700 non-pers all employees.

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

A RESOLUTION OF THE ONTARIO INTERNATIONAL AIRPORT AUTHORITY ELECTING TO BE SUBJECT TO THE PUBLIC EMPLOYEES' MEDICAL AND HOSPITAL CARE ACT AT AN UNEQUAL AMOUNT FOR EMPLOYEES AND ANNUITANTS 700 NON-PERS ALL EMPLOYEES

**10. A RESOLUTION OF THE ONTARIO INTERNATIONAL AIRPORT AUTHORITY AUTHORIZING INDIVIDUALS TO DEPOSIT AND/OR WITHDRAW MONEY IN THE LOCAL AGENCY INVESTMENT FUND**

That the Ontario International Airport Authority adopt a resolution approving authorized individuals to deposit and/or withdraw in the Local Agency Investment Fund (LAIF). Section 16429.1 et. Seq. of the California Government Code, the Local Agency Investment Fund is a special fund in the California State Treasury whereby the pooling of funds by many California local agencies will allow for high rates of return due to the use of large denomination instruments.

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

RESOLUTION OF THE ONTARIO INTERNATIONAL AIRPORT AUTHORITY AUTHORIZING INDIVIDUALS TO DEPOSIT AND/OR WITHDRAW MONEY IN THE LOCAL AGENCY INVESTMENT FUND

**ADMINISTRATIVE DISCUSSION/ACTION/REPORT**

**11. 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

**MANAGEMENT REPORT**

Chief Executive Officer Thorpe

**COMMISSION MATTERS**

- President Wapner
- Vice President Loveridge
- Secretary Bowman
- Commissioner Hagman
- Commissioner Gouw

**ADJOURNMENT**



DATE: MAY 28, 2020

CLOSED SESSION REPORT

OIAA// (GC 54957(a))

Page 1 of 1

ROLL CALL: Gouw \_\_, Bowman \_\_, Hagman \_\_, Loveridge \_\_, President Wapner \_\_.

STAFF: CEO \_\_, General Counsel \_\_

- GC 54957(a) DISCUSSION OF PUBLIC SAFETY MEASURES  
Consultation with: (Chief Executive Officer and General Counsel)

No Reportable Action	Continue	Approved
//	//	//

Disposition: \_\_\_\_\_

Reported by:

\_\_\_\_\_  
General Legal Counsel / Chief Executive Officer



**DATE:** MAY 28, 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. 06	Osborne Biological Consulting	<ul style="list-style-type: none"><li>• None</li></ul>
Item No. 07	Bank of America	<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: May 28, 2020

**ONTARIO INTERNATIONAL AIRPORT AUTHORITY**  
**REGULAR COMMISSION MEETING**  
**MINUTES**  
**APRIL 23, 2020**  
***(Not official until approved)***

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 were conducted via live stream and teleconference. Members of the public utilized alternative measures established by OIAA to view the board meeting and/or to address the President and Commissioners for the regular meeting held on Thursday, April 23, 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 2:08 p.m.

**ROLL CALL**

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

ABSENT: Commissioners: None

Also present via Zoom conference 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 CEO Mark Thorpe.

**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](mailto:clerk@flyontario.com) or via telephone recording comments at (909) 544-5442.

There were no public comments.

**AGENDA REVIEW/ANNOUNCEMENT**

There were no announcements made.

***(Not official until approved)***

## **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 Gouw, 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 March 26, 2020 and approving the same as on file with the Secretary/Assistant Secretary.

## **3. BILLS/PAYROLL**

Approved 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**

The Ontario International Airport Authority (OIAA) authorized 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**

### **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**

The Ontario International Airport Authority approved 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. 2020-04** 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

Assistant Secretary Isbell announced modification text to add "and OIAA finances" on page 3, paragraph (7) of the resolution.

**MOTION:** Moved by Commissioner Hagman, seconded by Commissioner Gouw, and carried by a roll call vote of 5-0-0, to adopt Resolution 2020-04 declaring the continued existence of a local emergency.

### **6. DEFERRAL OF CERTAIN TENANT RENTS AND FEES**

The the Ontario International Airport Authority approved the establishment of 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.

**MOTION:** Moved by Commissioner Hagman, seconded by Secretary Bowman, and carried by a roll call vote of 5-0-0, to approve the deferral of certain tenant rents and fees.

***(Not official until approved)***

## **MANAGEMENT REPORT**

Chief Executive Officer Thorpe provided an update of COVID-19 impacts at ONT. He noted further information will be available for a more specific financial report at the next meeting in May.

President Wapner requested that all ad hoc committees meet to work on the details and recommendations for the recovery plan to be presented at the next board meeting.

## **COMMISSIONER MATTERS**

President Wapner noted the importance to work on long term plans.

Vice President Loveridge asked about comparative airports.

Secretary Bowman had no comments.

Commissioner Gouw asked about the impacts of cash flow shortfalls. CEO Thorpe provided information on the benefits of OIAA's double residual budget.

Commissioner Hagman suggested staff take this time to work on a plan for the future of ONT.

## **ADJOURNMENT**

President Wapner adjourned the Ontario International Airport Authority Commission meeting at 2:42 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



DATE: MAY 28, 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 April 2020, President Wapner attended one (1) additional Authority-related business function. 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: May 28, 2020

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

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

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

Chief Executive Officer Approval: \_\_\_\_\_

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, 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. |



DATE: MAY 28, 2020

SECTION: CONSENT CALENDAR

SUBJECT: AUTHORIZE THE CHIEF EXECUTIVE OFFICER TO EXECUTE AN EASEMENT BETWEEN THE ONTARIO INTERNATIONAL AIRPORT AUTHORITY AND AIRPORT DRIVE INDUSTRIAL OWNER, L.P. A DELAWARE LIMITED PARTNERSHIP

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 drainage easement between the Ontario International Airport Authority and Airport Drive Industrial Owner.

FISCAL IMPACT SUMMARY: The drainage easement is a private agreement based on drawings prepared by the requestor, as part of the Sunrise Parking lot Development. The OIAA and its counsel reviewed and provided comments to requestor as part of standard procedures for an OIAA project, therefore, there will not be any fiscal impact.

BACKGROUND: This is a non-exclusive easement for the benefit of the grantee property. This easement will allow for construction of a new pipeline as well as drainage under portions of the airport. The new pipeline shall convey bio-filtered stormwater run-off from the Sunrise Lot to the existing catch basin located at the Ontario Airport.

PROCUREMENT: N/A

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

Department: Engineering

Submitted to OIAA: May 28, 2020

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

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

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

Chief Executive Officer Approval: Mark A. Thorpe

ITEM NO. 05

**CEQA COMPLIANCE AND LAND USE APPROVALS:** This project is Categorically Exempt (Class 3 and Class 4) from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15303, which provides an exemption relating to construction of small facilities such as utility or drainage extensions, as well as CEQA Guidelines section 15304, which provides an exemption relating to minor alterations to land, such as trenching and backfilling where the surface is restored, not involving the removal of healthy, mature, scenic trees.

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

**IMPACT ON OPERATIONS:** This action will have no impact to operations.

**SCHEDULE:** Upon approval, the easement will be executed by the OIAA and recorded with the San Bernardino County Clerk.

**EXHIBITS & ATTACHMENTS:** Attachment A – Draft Easement

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



DATE: MAY 28, 2020

SECTION: CONSENT CALENDAR

SUBJECT: AWARD OF CONTRACT TO OSBORNE BIOLOGICAL CONSULTING AND AUTHORIZE THE CHIEF EXECUTIVE OFFICER TO EXECUTE A CONTRACT FOR FOCUSED BIOLOGICAL SURVEYS

RELEVANT STRATEGIC OBJECTIVE: Develop Airport Related Business.

RECOMMENDED ACTION(S): That the Ontario International Airport Authority (OIAA) award a contract for the second year of focused biological surveys for the presence or absence of Delhi Sands Fly on portions of the ONT property and authorize the Chief Executive Officer (CEO) to execute a contract with Osborne Biological Consulting (Osborne) in the amount of \$143,872.91.

FISCAL IMPACT SUMMARY: Upon execution of this agreement, Osborne will conduct surveys of OIAA property between July 1 and September 20, 2020, for an estimated total of \$143,872.91. The costs of this work are accounted for in the OIAA Fiscal Year 2020-2021 budget.

BACKGROUND: The Delhi Sands Fly (DSF), is a federally endangered species. The purpose of Osborne’s work is to conduct a habitat suitability assessment, which is a process needed to support future commercial development on ONT owned land. According to the U.S. Fish & Wildlife Services (USFWS), surveys of DSF must occur between July 1 and September 20 each calendar year because this is the “flight season” of DSF adults and will maximize the validity of any presence/absence determination.

Osborne will photograph the survey area to document existing site conditions. Notes will be taken on various elements, such as vegetation, soil types, existing development, etc. A report of the surveys will be generated and will incorporate findings of the relevant habitat evaluations (made in

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

Department: Commercial

Submitted to OIAA: May 28, 2020

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

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

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

Chief Executive Officer Approval: *Mark A. Thorpe*

2019) of the site(s). Following recovery permit conditions, reports will be filed with the USFWS Carlsbad field office, no later than 45 days after the last date of field survey.

**PROCUREMENT:** Competitive purchasing is preferred in most situations. However, OIAA's purchasing policies allow for non-competitive purchasing in special circumstances, such as this one because time is of the essence. Non-competitive work also can be purchased if services are unique and competitive proposals would be impractical or undesirable.

As mentioned, the annual "flight season" for the DSF is extremely short. It starts approximately one month from this meeting and lasts about 11 weeks in total. If this window is missed, the OIAA will be required to wait another calendar year before conducting and completing the survey. This delay could prevent OIAA from proceeding with planned commercial development objectives, which could negatively affect strategic plans for future revenue generation.

Further, Osborne performed the first-year biological assessment/survey of this property in 2019. Therefore, the knowledge gained by Osborne is unique to this vendor and the nature of the subject of the contract is such that competitive proposals would not produce an advantage and the advertisement for competitive bid would be undesirable.

**CEQA COMPLIANCE AND LAND USE APPROVALS:** The proposed agreement is not a "project" within the meaning of Section 15378 of the CEQA Guidelines because there is no potential for a direct or indirect physical change in the environment. As a result, the authorization is not subject to CEQA.

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

**IMPACT ON OPERATIONS:** N/A

**SCHEDULE:** N/A

**ATTACHMENTS:** Professional Service Agreement between OIAA and Osbourne Biological Consulting

*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. |



DATE: MAY 28, 2020

SECTION: CONSENT CALENDAR

SUBJECT: AUTHORIZE THE CEO TO EXECUTE A MONTH TO MONTH EXTENSION AND ADJUST THE MINIMUM MONTHLY GUARANTEE TO THE CONCESSION AGREEMENT BETWEEN THE ONTARIO INTERNATIONAL AIRPORT AUTHORITY AND BANK OF AMERICA, NATIONAL ASSOCIATION FOR ATM SERVICES AT ONTARIO INTERNATIONAL AIRPORT

RELEVANT STRATEGIC OBJECTIVE: Provide Customer-Friendly Facilities and Services.

RECOMMENDED ACTION(S): That the Ontario International Airport Authority Board of Commissioners (OIAA Board) authorize the Chief Executive Officer (CEO) to negotiate and execute a month to month extension, to the Concession Agreement (Agreement) with Bank of America, National Association (Concessionaire) for the six (6) Automated Teller Machines (ATMs) located in Terminal 2, Terminal 4, the Ground Transportation Center, and the Federal Inspection Services (FIS) facility, as well as temporarily adjust the Minimum Monthly Guarantee to the agreement due to the temporary closure of the FIS facility.

FISCAL IMPACT SUMMARY: While the FIS facility is closed to the public due to no international arrival flights as a result of the COVID-19 impact, Concessionaire shall continue to pay to the OIAA a transaction fee of \$1.75 per transaction that occurs on the ATM in the FIS facility, and the greater of (a) a Minimum Monthly Guarantee of \$7,500 per month, or (b) a transaction fee of \$1.75 per transaction, which is defined as any authorized and approved cash withdrawal processed at ATMs located at ONT, for the five (5) ATMs in Terminal 2, Terminal 4, and the Ground Transportation Center.

BACKGROUND: On October 29, 2019, the Board approved a six month extension, on a month to month basis, to the Agreement for the five (5) ATMs in Terminal 2, Terminal 4, and the Ground Transportation Center, which extended the entire agreement for all six (6) of Concessionaire's ATMs at ONT to end on May 31, 2020.

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

Department: Commercial

Submitted to OIAA: May 28, 2020

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

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

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

Chief Executive Officer Approval: *Mark A. Thorpe*

ITEM NO. 07

Since January 2020, the outbreak of the novel coronavirus (COVID-19) has caused a significant decrease in passenger traffic in the past few months. On March 26, 2020, the OIAA 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). Both international carriers that currently service ONT have temporarily suspended their flights for the month of April and May due to low travel demand. As a result, the OIAA temporarily closed the FIS facility to decrease operational costs.

Bank of America has one (1) ATM located in the FIS; the temporary closure of the FIS and temporary suspension of international flights have drastically affected the ATM located in the FIS, and Bank of America has therefore requested a waiver to the MMG. Further, due to the impact of COVID-19, the Commercial Department is delaying the RFP for ATMs at ONT. Staff is therefore requesting the MMG for the ATM in the FIS to be waived while the FIS is closed, as well as an extension to the agreement due to the decision to delay the RFP.

**PROCUREMENT:** N/A

**CEQA COMPLIANCE AND LAND USE APPROVALS:** The proposed agreement is not a "project" within the meaning of Section 15378 of the CEQA Guidelines because there is no potential for a direct or indirect physical change in the environment. As a result, the authorization is not subject to CEQA.

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

**IMPACT ON OPERATIONS:** N/A

**SCHEDULE:** N/A

**ATTACHMENTS:** Attachment A – Third Amendment to Concession Agreement ONT-8706

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



DATE: MAY 28, 2020

SECTION: CONSENT CALENDAR

SUBJECT: ACCEPTANCE OF GRANT AWARDS FROM THE FEDERAL AVIATION ADMINISTRATION OF FUNDS FROM THE AIRPORT IMPROVEMENT PROGRAM

RELEVANT STRATEGIC OBJECTIVES: Provide Customer Friendly Facilities and Services.

RECOMMENDED ACTION(S): That the Ontario International Airport Authority (OIAA) authorize the Chief Executive Officer (CEO) to execute all documents necessary to accept grant-in-aid in an amount not to exceed \$22,184,140 from the Federal Aviation Administration (FAA) provided through the Cares Act Grant Program.

FISCAL IMPACT SUMMARY: The Ontario International Airport Authority, through the FAA Airport Improvement Program, is eligible to receive \$22,184,140 for eligible airport expense. Funds will not be used for projects.

BACKGROUND: The Coronavirus Aid, Relief, and Economic Security (CARES) Act (H.R. 748, Public Law 116-136), signed into law by the President on March 27, 2020 includes \$10 billion in funds to be awarded as economic relief to eligible U.S. airports affected by the prevention of, preparation for, and response to COVID-19 pandemic. OIAA staff submitted a grant request to FAA to cover expenses associated with the COVID-19 pandemic and is eligible to receive up to \$22,184,140. This grant request has been approved by the FAA and will be executed by the FAA first and requires that the CEO have the authority to accept and execute the grant to receive funds from the FAA. Staff recommends that the OIAA authorize the CEO to accept and execute said grant and enable the FAA to finalize the grant process.

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

Department: Administration

Submitted to OIAA: May 28, 2020

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

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

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

Chief Executive Officer Approval: *Mark A. Thorpe*

ITEM NO. 08

**CEQA COMPLIANCE AND LAND USE APPROVALS:** Approval of this funding mechanism is not a "project" within the meaning of Section 15378 of the CEQA Guidelines because there is no potential for a direct or indirect physical change in the environment. To the extent any alteration of facilities occurs as a result of approval, 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.

**EXHIBITS & ATTACHMENTS:** Attachment A: FAA Grant Application.

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This Agenda Report has been reviewed by OIAA General Counsel.



DATE: MAY 28, 2020

SECTION: CONSENT CALENDAR

SUBJECT: A RESOLUTION OF THE ONTARIO INTERNATIONAL AIRPORT AUTHORITY, ELECTING TO BE SUBJECT TO THE PUBLIC EMPLOYEES’ MEDICAL AND HOSPITAL CARE ACT AT AN UNEQUAL AMOUNT FOR EMPLOYEES AND ANNUITANTS 700 NON-PERS ALL EMPLOYEES

RELEVANT STRATEGIC OBJECTIVE: Develop Airport Related Business.

RECOMMENDED ACTION(S): That the Ontario International Airport Authority (OIAA) Commission adopt a resolution electing to be subject to the Public Employees’ Medical and Hospital Care Act at an unequal amount for employees and annuitants 700 non-pers all employees.

FISCAL IMPACT SUMMARY: OIAA currently contributes 85% of the medical premium for full-time employees and will continue to contribute the same for the CalPERS Health Program.

BACKGROUND: OIAA currently provides group medical coverage to full-time employees through CalChoice. Due to competitive pricing and a richer benefit offering, the OIAA will transition to medical coverage through the CalPERS Health Program effective July 1, 2020.

The CalPERS Health Program is governed by the Public Employees Medical and Hospital Care Act (PEMHCA), and the California Code of Regulations (CCR), of the California Public Employees Retirement Law (PERL). PEMHCA contains all the rules and regulations that a contracting agency must adhere to. PEMHCA is the actual health contract, and this resolution is the method by which OIAA elects to become subject to PEMHCA.

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

Department: Human Resources

Submitted to OIAA: May 28, 2020

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

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

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

Chief Executive Officer Approval: Mark A. Thorpe

ITEM NO. 09

OIAA must file a new resolution to elect to be subject to PEMHCA, establish participation for the whole agency or by recognized employee group(s), and designate the monthly employer health contribution.

Following the approval of the Resolution, OIAA will continue transition to the CalPERS Health Program effective July 1, 2020 for all employees eligible for medical benefits.

**CEQA COMPLIANCE:** N/A

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

**IMPACT ON OPERATIONS:** N/A

**SCHEDULE:** N/A

**ATTACHMENTS:** Attachment A – Resolution electing to be subject to the Public Employees’ Medical and Hospital Care Act at an equal amount for employees and annuitants 700 non-pers all employees.

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

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

ELECTING TO BE SUBJECT TO THE PUBLIC EMPLOYEES' MEDICAL AND HOSPITAL CARE ACT AT AN UNEQUAL AMOUNT FOR EMPLOYEES AND ANNUITANTS 700 NON-PERS ALL EMPLOYEES

**WHEREAS**, (1) A contracting agency meeting the eligibility requirements set forth in Government Code Section 22920, may obtain health benefit plan(s), as defined under Government Code Section 22777, by submitting a resolution to the Board of Administration of the California Public Employees' Retirement System (the "Board"), and upon approval of such resolution by the Board, become subject to the Public Employees' Medical and Hospital Care Act (the "Act"); and

**WHEREAS**, (2) Ontario International Airport Authority is a contracting agency eligible to be subject to the Act under Government Code Section 22920; and

**WHEREAS**, (3) Government Code Section 22892(a) provides that a contracting agency subject to Act shall fix the amount of the employer contribution by resolution; and

**WHEREAS**, (4) Government Code Section 22892(b) provides that the employer contribution shall be an equal amount for both employees and annuitants, but may not be less than the amount prescribed by Section 22892(b) of the Act; and

**WHEREAS**, (5) Government Code Section 22892(c) provides that, notwithstanding Section 22892(b), a contracting agency may establish a lesser monthly employer contribution for annuitants than for employees, provided that the monthly employer contribution for annuitants is annually increased to equal an amount not less than the number of years the contracting agency has been subject to this subdivision multiplied by five percent of the current monthly employer contribution for employees, until the time that the employer contribution for annuitants equals the employer contribution paid for employees; and

**WHEREAS**, (6) Ontario International Airport Authority desires to obtain for its employees and annuitants the benefit of the Act and to accept the liabilities and obligations of an employer under the Act.

**NOW, THEREFORE BE IT RESOLVED**, (a) Ontario International Airport Authority elects to be subject to the provisions of the Act; and

**BE IT FURTHER RESOLVED**, (b) That the employer contribution for each employee shall be the amount necessary to pay the full cost of his/her enrollment, including the enrollment of family members, in a health benefits plan up to a maximum of the PEMHCA Minimum per month, plus administrative fees and Contingency Reserve Fund assessments; and

**BE IT FURTHER RESOLVED**, (c) That the employer contribution for each annuitant shall be the amount necessary to pay the full cost of his/her enrollment, including the enrollment of family members, in a health benefits plan up to a maximum of \$1.00 per month; and

**BE IT FURTHER RESOLVED**, (d) That the monthly employer contribution for annuitants is annually increased to equal an amount not less than the number of years the contracting agency has been subject to this subdivision multiplied by five percent of the current monthly employer contribution for employees, until the time that the employer contribution for annuitants equals the employer contribution paid for employees;

And that the contributions for employees and annuitants shall be in addition to those amounts contributed by the Public Agency for administrative fees and to the Contingency Reserve Fund; and

**BE IT FURTHER RESOLVED**, (e) Ontario International Airport Authority has fully complied with any and all applicable provisions of Government Code Section 7507 in electing the benefits set forth above; and

**BE IT FURTHER RESOLVED**, (f) That the participation of the employees and annuitants of Ontario International Airport Authority shall be subject to determination of its status as an “agency or instrumentality of the state or political subdivision of a State” that is eligible to participate in a governmental plan within the meaning of Section 414(d) of the Internal Revenue Code, upon publication of final Regulations pursuant to such Section. If it is determined that Ontario International Airport Authority would not qualify as an agency or instrumentality of the state or political subdivision of a State under such final Regulations, CalPERS may be obligated, and reserves the right to terminate the health coverage of all participants of the employer; and

**BE IT FURTHER RESOLVED**, (g) That the executive body appoint and direct, and it does hereby appoint and direct, the Secretary to file with the Board a verified copy of this resolution, and to perform on behalf of Ontario International Airport Authority all functions required of it under the Act; and

**BE IT FURTHER RESOLVED**, (h) That coverage under the Act be effective on July 1, 2020.

**PASSED, APPROVED AND ADOPTED** at a regular meeting of the Ontario International Airport Authority Commission at 1923 E. Avion St, Room 100, Ontario, CA 91761, this 28 day of May, 2020.

SIGNED:

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ALAN D. WAPNER, OIAA PRESIDENT

ATTEST:

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SECRETARY/ASSISTANT SECRETARY

APPROVED AS TO LEGAL FORM:

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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 May 28, 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 May 28, 2020.

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

(SEAL)



DATE: MAY 28, 2020

SECTION: CONSENT CALENDAR

SUBJECT: A RESOLUTION OF THE ONTARIO INTERNATIONAL AIRPORT AUTHORITY AUTHORIZING INDIVIDUALS TO DEPOSIT AND/OR WITHDRAW MONEY IN THE LOCAL AGENCY INVESTMENT FUND

RELEVANT STRATEGIC OBJECTIVE: Operational Efficiency and Management

RECOMMENDED ACTION(S): That the Ontario International Airport Authority (OIAA) adopt a resolution approving authorized individuals to deposit and/or withdraw in the Local Agency Investment Fund (LAIF).

FISCAL IMPACT AND SOURCE OF FUNDS: Section 16429.1 et. Seq. of the California Government Code the Local Agency Investment Fund is a special fund in the California State Treasury whereby the pooling of funds by many California local agencies will allow for high rates of return due to the use of large denomination instruments.

BACKGROUND: The Ontario International Airport Authority authorized the creation of the LAIF account at a regular meeting on October 3, 2016. Since then, a Resolution 2018-16 authorized changes in staff that required an updated resolution. The addition of the Chief Financial Officer requires another updated resolution that will incorporate authorized titles.

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

Department: Administration

Submitted to OIAA: May 28, 2020

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

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

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

Chief Executive Officer Approval: Mark A. Thorpe

ITEM NO. 10

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

**SCHEDULE:** N/A |

**EXHIBITS & ATTACHMENTS:** Attachment A – A Resolution Authorizing Individuals to Deposit and/or Withdraw Money in the LAIF

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

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

**A RESOLUTION OF THE ONTARIO INTERNATIONAL AIRPORT AUTHORITY AUTHORIZING INDIVIDUALS TO DEPOSIT AND/OR WITHDRAW MONEY IN THE LOCAL AGENCY INVESTMENT FUND**

**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**, pursuant to Resolution No. 2016-011 and Section 16429.1 et seq. of the California Government Code, the Authority authorized the creation of a Local Agency Investment Fund (LAIF), a special fund in the California State Treasury whereby the Authority pools funds with many California local agencies for high rates of return using large denomination instruments.

**WHEREAS**, the Authority has money in its treasury not required for immediate needs and has determined that it is in the best interest of the Authority to place said money in approved investments yielding maximum returns.

**WHEREAS**, it is in best interest of the Authority to deposit and withdraw money in the Local Agency Investment Fund in the California State Treasury in accordance with the provisions of Section 16429.1 et seq. of the Government Code for the purpose of investment as stated therein.

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

SECTION 1. That the Commission authorizes the following individuals to deposit and withdraw money in the Local Agency Investment Fund:

OIAA Board Commissioner (1)  
OIAA Chief Executive Officer  
OIAA Deputy Chief Executive Officer  
OIAA Chief Financial Officer

SECTION 2. The Ontario International Airport Authority Commission further authorizes the Chief Executive Officer to execute and file with the California State Treasury any and all necessary documentation required to effectuate the above changes made to the Authority's Local Area Investment Fund.

SECTION 3. This resolution supersedes any previously approved designations.

SECTION 4. Effective Date. This Resolution will take effect immediately upon its adoption.

SECTION 5: The Commission Clerk of the Ontario International Airport Authority shall certify as to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 28th day of May 2020.

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

ATTEST:

\_\_\_\_\_  
CLAUDIA Y. ISBELL,  
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, Commission Clerk 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 May 28, 2020 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. 2020-\_\_ duly passed and adopted by the Commission of the Ontario International Airport Authority at their regular meeting held May 28, 2020.

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

(SEAL)



DATE: MAY 28, 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: May 28, 2020

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

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

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

Chief Executive Officer Approval: Mark A. Thorpe

## **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.

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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 April 23, 2020 the OIAA approved Resolution No. 2020-004 declaring the continued 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, related property, and OIAA finances 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 28<sup>th</sup> day of May 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 May 28, 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 May 28, 2020.

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

(SEAL)