



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 Zoom 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 August 27, 2020 Board Meeting*: <https://us02web.zoom.us/j/85120105324>

To dial in, call either: US: +1 669 900 6833 or +1 253 215 8782 or +1 346 248 7799

WEBINAR ID: 851 2010 5324

*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:

E-MAIL: You may submit public comments by e-mail 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 e-mail comments will be included in the record.

TELEPHONE: You may call (909) 414-1718 between 1:45 p.m. and 2:00 p.m. the day of the meeting to speak live during the public comment portion of the meeting. You will be asked to identify the Agenda item you wish to address and be placed on hold until the public comment portion of the meeting. Comments are limited to 3 minutes.

VOICEMAIL: You may record 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 are limited to 3 minutes. All voicemail comments will be included in the record.

MAIL: You may mail in public comments to the OIAA Clerk's Office at 1923 E. Avion St., Ontario, CA 91761. Comments by mail must be received no later than 12:00 p.m. the day of the meeting. Postmarks are not accepted.

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

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

ONTARIO INTERNATIONAL AIRPORT AUTHORITY

COMMISSION AGENDA – REGULAR MEETING



AUGUST 27, 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

Link to watch the August 27, 2020 Board Meeting*: <https://us02web.zoom.us/j/85120105324>

To dial in, call either: US: +1 669 900 6833 or +1 253 215 8782 or +1 346 248 7799

WEBINAR ID: 851 2010 5324

*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:

E-MAIL: You may submit public comments by e-mail 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 e-mail comments will be included in the record.

TELEPHONE: You may call (909) 414-1718 between 1:45 p.m. and 2:00 p.m. the day of the meeting to speak live during the public comment portion of the meeting. You will be asked to identify the Agenda item you wish to address and be placed on hold until the public comment portion of the meeting. Comments are limited to 3 minutes.

VOICEMAIL: You may record 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 are limited to 3 minutes. All voicemail comments will be included in the record.

MAIL: You may mail in public comments to the OIAA Clerk's Office at 1923 E. Avion St., Ontario, CA 91761. Comments by mail must be received no later than 12:00 p.m. the day of the meeting. Postmarks are not accepted.

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

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 July 23, 2020 and the special meeting on August 5, 2020, and approving the same as on file with the Secretary/Assistant Secretary.

3. BILLS/PAYROLL

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

4. APPROVAL OF MEETING STIPENDS

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

5. APPROVAL OF PUBLIC SAFETY ADMINISTRATOR POSITION

That the Ontario International Airport Authority (OIAA) approve the proposed Public Safety Administrator position. Funding for this position is included in the FY 2020-21 Budget. Funding for subsequent years will be requested through the annual budget process.

6. APPROVE MEMORANDUM OF UNDERSTANDING BETWEEN SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY AND ONTARIO INTERNATIONAL AIRPORT AUTHORITY

Approval of the proposed Memorandum of Understanding (MOU) between San Bernardino County Transportation Authority (SBCTA) and Ontario International Airport Authority (OIAA) which memorializes SBCTA's and OIAA's agreement to work in close collaboration regarding development of a proposed project for a possible direct transit connection between the Metrolink San Bernardino Line and Ontario International Airport (ONT).

ADMINISTRATIVE DISCUSSION/ACTION/REPORT

7. AUTHORIZE THE CHIEF EXECUTIVE OFFICER TO EXECUTE TWO (2) ON-CALL PLANNING CONTRACTS WITH 1) HNTB CORPORATION AND 2) RICONDO & ASSOCIATES

That the Ontario International Airport Authority (OIAA) authorize the Chief Executive Officer (CEO) to execute contracts with HNTB Corporation and Ricondo & Associates for three years, with two, one-year extensions, for an amount not to exceed \$12,000,000 over the three-year term, and authorize the CEO to exercise two, one-year extensions at \$2,000,000 annually for an amount not to exceed \$20,000,000 for on call, as-needed airport planning and support services. Funds for this contract were approved in the FY 2020-2021 OIAA operating budget and may be included in the budgets of multiple departments. Funding in excess of what has been approved in the FY 2020-2021 budget, if required, will be reviewed and authorized by the OIAA before it is committed to any task order. Funding for subsequent years will be requested as part of the annual budget process.

8. 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 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 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 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

ONTARIO INTERNATIONAL AIRPORT AUTHORITY



DATE: AUGUST 27, 2020

SECTION: MINUTE ACTION

SUBJECT: RELATIVE TO POSSIBLE CONFLICT OF INTEREST

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

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

Item No	Principals & Agents	Subcontractors
Item No. 07	HNTB Corporation	<ul style="list-style-type: none">• Arellano Associates• Connico Incorporated• Diaz-Yourman & Associates dba Diaz Consultants, Inc.• HELIX Environmental Planning, Inc.• Jacobson/Daniels Associates, LLC• Martinez Geospatial, Inc.• Psomas
	Ricondo & Associates	<ul style="list-style-type: none">• Arellano Associates, LLC• Corgan Associates, Inc.• Connico Incorporated• Faith Group, LLC• Mead & Hunt, Inc.• The Meehan Aviation Group, LLC• Rivers & Christian, Inc.• Vic Thompson Company

STAFF MEMBER PRESENTING: Board Clerk, Claudia Y. Isbell

Department: Clerk's Office

Submitted to OIAA: August 27, 2020

ITEM NO. 01

**ONTARIO INTERNATIONAL AIRPORT AUTHORITY
REGULAR COMMISSION MEETING
MINUTES
JULY 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, July 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 2:00 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 Deputy Chief Executive Officer Atif Elkadi.

PUBLIC COMMENT

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

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

Betty Anderson, provided an email comment expressing concerns on airplane noise.

AGENDA REVIEW/ANNOUNCEMENT

No announcements were made.

1. INFORMATION RELATIVE TO POSSIBLE CONFLICT OF INTEREST

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

No conflicts were announced.

CONSENT CALENDAR

ITEM PULLED: Item No. 06 was pulled from the consent calendar.

MOTION: Moved by Commissioner Hagman, seconded by Commissioner Gouw, and carried by a roll call vote of 5-0-0, to approve the consent calendar Items No. 2-5, adopting Resolution 2020-11, with Item No. 06 being pulled.

2. APPROVAL OF MINUTES

Approved minutes for the meeting of the Ontario International Airport Authority regular meeting on June 25, 2020 and approving the same as on file with the Secretary/Assistant Secretary.

3. BILLS/PAYROLL

Approved bills June 1, 2020 through June 30, 2020 and Payroll June 1, 2020 through June 30, 2020.

4. APPROVAL OF MEETING STIPENDS

The Ontario International Airport Authority Commission approved meeting stipends for President Wapner for the month of June, 2020.

5. A RESOLUTION AMENDING THE EXHIBITS TO THE ONTARIO INTERNATIONAL AIRPORT AUTHORITY CONFLICT OF INTEREST CODE

The Ontario International Airport Authority (OIAA) Commission adopted a Resolution amending the Exhibits to the OIAA's Conflict of Interest Code to update position classification titles, disclosure categories, conflict of interest disclosure form and filing requirements for OIAA employees.

RESOLUTION NO. 2020-11 A RESOLUTION OF THE ONTARIO INTERNATIONAL AIRPORT AUTHORITY, APPROVING AND ADOPTING AMENDED EXHIBITS OF THE CONFLICT OF INTEREST CODE PURSUANT TO THE POLITICAL REFORM ACT OF 1974

ITEM PULLED: Item No. 06 was pulled from the consent calendar.

6. APPROVE A SECOND AMENDMENT WITH ENVIROSUITE (FORMERLY EMS BRUEL & KJAER, INC.) TO CONTINUE MAINTENANCE AND SUPPORT SERVICES FOR THE AIRPORT NOISE AND OPERATIONS MONITORING SYSTEM AT ONTARIO INTERNATIONAL AIRPORT

The Ontario International Airport Authority (OIAA) authorized the Chief Executive Officer to execute a second amendment between the Ontario International Airport Authority (OIAA) and Envirosuite (formerly EMS Bruel & Kjaer, Inc.) for an amount not to exceed \$339,298 for two years. Funds for this contract extension will be requested in the FY 2020-2021 OIAA operating budget and funding for subsequent years will be requested as part of the annual budget process.

Vice President Loveridge asked questions regarding Item No. 06. CEO Thorpe provided more details on the item. Vice President Loveridge asked for a copy of the last quarterly report. President Wapner suggested quarterly reports be provided on the ONT website for the public.

MOTION: Moved by Vice President Loveridge, seconded by Commissioner Gouw, and carried by a roll call vote of 5-0-0, to approve Item No. 06.

ADMINISTRATIVE DISCUSSION/ACTION/REPORT

7. 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 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 outbreak of the novel coronavirus (COVID-19), and compliance with health authorities' applicable guidance regarding responding to COVID-19.

RESOLUTION NO. 2020-12 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 NOVEL CORONAVIRUS (COVID-19), AND COMPLIANCE WITH HEALTH AUTHORITIES' APPLICABLE GUIDANCE REGARDING RESPONDING TO COVID-19

MOTION: Moved by Commissioner Hagman, seconded by Commissioner Gouw, and carried by a roll call vote of 5-0-0, to adopt Resolution 2020-12 declaring the continued existence of a local emergency.

8. REVIEW AND ADOPTION OF A RESOLUTION OF THE ONTARIO INTERNATIONAL AIRPORT AUTHORITY APPROVING THE CONTINUED USE OF THE AUTHORITY'S CURRENT ANNUAL APPROVED BUDGET FOR FISCAL YEAR 2019-2020 FOR AN ADDITIONAL PERIOD OF ONE (1) MONTH BEGINNING AUGUST 1, 2020

The Ontario International Airport Authority approved the following: (1) The Ontario International Airport Authority Commission approved a resolution adopting and authorizing the continued use of the Authority's current approved Fiscal Year 2019-20 budget for the Airport's and Authority's financial and other operations for an additional period of up to one (1) month beginning August 1, 2020. (2) The Ontario International Airport Authority Commission authorized the Chief Executive Officer (CEO) and the Chief Financial Officer/Treasurer (CFO) of the Authority to use the Authority and Airport accounts, account balances, revenues, income, receipts and funds existing and available on and after August 1, 2020 for the financial and other operations of the Authority and Airport in a manner consistent with the current approved budget for Fiscal Year 2019-20 for a period of up to one (1) month beginning on August 1, 2020.

RESOLUTION NO. 2020-13 RESOLUTION OF THE ONTARIO INTERNATIONAL AIRPORT AUTHORITY APPROVING THE CONTINUED USE OF THE AUTHORITY'S CURRENT ANNUAL BUDGET FOR FISCAL YEAR 2019-20 FOR AN ADDITIONAL PERIOD OF ONE (1) MONTH BEGINNING AUGUST 1, 2020

MOTION: Moved by Vice President Loveridge, seconded by Commissioner Hagman, and carried by a roll call vote of 5-0-0, to adopt Resolution 2020-13 approving the continued use of the current annual approved budget for FY 2019-20.

MANAGEMENT REPORT

Chief Executive Officer Thorpe provided an update on COVID-19 impacts at ONT.

Commissioner Hagman asked about updates to local infrastructure around the airport. President Wapner asked for an agenda item for a full discussion at a future meeting.

Vice President Loveridge asked if there was any update on Customs Boarder Protection (CBP) fees. CEO Thorpe said it is still being worked on, and also mentioned the great support of our local congressional delegation.

COMMISSIONER MATTERS

President Wapner asked staff to check into a temporary reduction in CBP shifts due to the current decrease in international flights.

Vice President Loveridge had no additional comments.

Secretary Bowman had no comments.

Commissioner Hagman asked staff to keep exploring different ways to bring revenue into the airport.

Commissioner Gouw had no comments.

ADJOURNMENT

President Wapner adjourned the Ontario International Airport Authority Commission meeting at 2:22 p.m.

RESPECTFULLY SUBMITTED:

CLAUDIA Y. ISBELL, CLERK OF THE BOARD

APPROVED:

ALAN D. WAPNER, PRESIDENT
ONTARIO INTERNATIONAL AIRPORT AUTHORITY

**ONTARIO INTERNATIONAL AIRPORT AUTHORITY
SPECIAL COMMISSION MEETING
MINUTES
AUGUST 5, 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 special meeting held on Wednesday, August 5, 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 2:05 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 were: Chief Executive Officer Mark A. Thorpe, Assistant General Counsel Kevin P. Sullivan and Assistant Secretary Claudia Y. Isbell.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Deputy Chief Executive Officer Atif J. Elkadi.

PUBLIC COMMENT

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

There were no public comments.

SPECIAL CEREMONIES

President Wapner presented OIAA Assistant Secretary/Board Clerk Claudia Y. Isbell with a Certificate of Recognition for obtaining the prestigious Master Municipal Clerk (MMC) designation from the International Institute of Municipal Clerks.

AGENDA REVIEW/ANNOUNCEMENT

There were no announcements made.

CONSENT CALENDAR

MOTION: Moved by Commissioner Hagman, seconded by Commissioner Gouw, and carried by a roll call vote of 5-0-0 to approve the consent calendar as presented.

1. AWARDED CONTRACT WITH WALSH CONSTRUCTION COMPANY II, LLC FOR THE TAXIWAY C IMPROVEMENT PROJECT AT THE ONTARIO INTERNATIONAL AIRPORT

The Ontario International Airport Authority awarded a contract to Walsh Construction Company II, LLC and authorized the Chief Executive Officer (CEO) to execute a contract in the amount not to exceed \$4,008,321.90 for the Taxiway C Improvement Project at Ontario International Airport. The cost to construct this project is accounted for in the OIAA Fiscal Year 2020-21 budget. Total construction cost is \$3,643,929.00, plus a 10% contingency in the amount of \$364,392.90. This project is to be paid with a combination of Passenger Facility Charges (PFC) Program Funds and OIAA appropriations.

ADMINISTRATIVE DISCUSSION/ACTION/REPORT

2. REVIEW AND ADOPTION OF THE ONTARIO INTERNATIONAL AIRPORT AUTHORITY'S FISCAL YEAR 2020-21 BUDGET AND APPROVAL OF THE AIRPORT SYSTEM RATES AND CHARGES FOR FISCAL YEAR 2020-21

The Ontario International Airport Authority Commission approved a resolution approving and adopting the Budget for Fiscal Year 2020-21 and the Schedule of Airport System Rates and Charges for Fiscal Year 2020-21.

RESOLUTION NO. 2020-14 A RESOLUTION OF THE ONTARIO INTERNATIONAL AIRPORT AUTHORITY COMMISSION APPROVING THE ANNUAL BUDGET FOR FISCAL YEAR 2020-21

CEO Thorpe presented the proposed budget for FY 2020-21. Commissioners asked clarifying questions regarding the budget presentation.

President Wapner strongly recommend that we have sufficient budget for air service development and marketing.

Commissioner Hagman mentioned the off cycle is the best time to invest in infrastructure, and complimented staff on their work on the budget.

CEO Thorpe reported a slight change in the Rates and Charges under General Building/Hangar Rate from \$3.48 to \$3.55. He also thanked staff, President Wapner, and Vice President Loveridge for their work on the budget.

MOTION: Moved by Vice President Loveridge, seconded by Commissioner Gouw, and carried by a roll call vote of 5-0-0 to adopt Resolution 2020-14 approving the Budget for Fiscal Year 2020-21 and the Schedule of Airport System Rates and Charges for Fiscal Year 2020-21, including a change to the General Building/Hangar Rate (Exhibit B) from \$3.48 to \$3.55.

CLOSED SESSION

President Wapner recessed the special meeting of the Ontario International Airport Authority to Closed Session at 2:48 p.m. with all Commissioners virtually in attendance.

- **GC 54956.8: REAL PROPERTY NEGOTIATIONS**
Property: 1150 S. Vineyard Avenue, Ontario, CA 91761, 2161 E. Avion St. Building 1, Ontario, CA 91761, 2161 Avion St. Building 2, Ontario, CA 91761;
Guardian Leased Property Located at ONT; Negotiator: OIAA General Counsel
- **GC § 54956.9(b): CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**
Potential litigation (1 case)

The Ontario International Airport Authority Commission special meeting was reconvened in public session at 3:08 p.m.

REPORT ON CLOSED SESSION

President Wapner announced there was no reportable action.

ADJOURNMENT

President Wapner adjourned the Ontario International Airport Authority Commission meeting at 3:09 p.m.

Ontario International Airport Authority Commission
Special Meeting Minutes
Wednesday, August 5, 2020
Page 4 of 4
(Not official until approved)

RESPECTFULLY SUBMITTED:

CLAUDIA Y. ISBELL, CLERK OF THE BOARD

APPROVED:

ALAN D. WAPNER, PRESIDENT
ONTARIO INTERNATIONAL AIRPORT AUTHORITY



DATE: AUGUST 27, 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 July 2020, President Wapner attended fourteen (14) additional Authority-related business functions. Full Commission approval is needed to approve payment of these additional stipends.

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

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

Department: Clerk’s Office

Submitted to OIAA: August 27, 2020

Approved: _____

Continued to: _____

Denied: _____

Chief Executive Officer Approval: *Mark A. Thorpe*

ITEM NO. 04

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.

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



DATE: AUGUST 27, 2020

SECTION: CONSENT CALENDAR

SUBJECT: APPROVAL OF PUBLIC SAFETY ADMINISTRATOR POSITION

RELEVANT STRATEGIC OBJECTIVE: Reduce Airline Costs; Safety and Security.

RECOMMENDED ACTION(S): That the Ontario International Airport Authority (OIAA) approve the proposed Public Safety Administrator position.

FISCAL IMPACT SUMMARY: Funding for this position is included in the FY 2020-21 Budget. Funding for subsequent years will be requested through the annual budget process.

BACKGROUND: OIAA management submitted an operating budget for OIAA’s fiscal year ended June 30, 2021, which was authorized by the OIAA Board of Commissioners on August 5, 2020. This adopted budget included authorized positions and related compensation amounts. Management is seeking authorization to establish one new position. There is no anticipated increase to the adopted budget as a result of this request, as additional costs are offset in total by realized budget savings and from a reallocation of other approved budget categories.

Public Safety Administrator: An employee of this class is responsible for planning, supervising and evaluating activities of the Public Safety Division of the Ontario International Airport (ONT). Incumbents in this classification report directly to the Deputy Chief Executive Officer. The Public Safety Administrator will supervise and coordinate the provision of law enforcement and Airport Rescue and Fire Fighting (ARFF) services performed under contract. Directs all aspects of Ontario International Airport Authority’s (OIAA) Emergency Management and Security and Safety Compliance, including access control security and Transportation Security Administration (TSA) compliance. Incumbents in this classification may act as the liaison between OIAA and other local,

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

Department: Administration

Submitted to OIAA: August 27, 2020

Approved: _____

Continued to: _____

Denied: _____

Chief Executive Officer Approval: *Mark A. Thorpe*

ITEM NO. 05

State and Federal law enforcement agencies on Homeland Security, Intelligence and Emergency Operations issues.

PROCUREMENT: N/A.

CEQA COMPLIANCE AND LAND USE APPROVALS: N/A.

STAFFING IMPACT (# OF POSITIONS): The proposed action will create one (1) new OIAA position.

IMPACT ON OPERATIONS: The Public Safety Administrator position will enhance the operating performance of the OIAA and further establish a safe and secure operational environment.

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.

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

ONTARIO INTERNATIONAL AIRPORT AUTHORITY



DATE: AUGUST 27, 2020

SECTION: CONSENT CALENDAR

SUBJECT: APPROVE MEMORANDUM OF UNDERSTANDING BETWEEN SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY AND ONTARIO INTERNATIONAL AIRPORT AUTHORITY

RELEVANT STRATEGIC OBJECTIVE: Develop Airport-Related Businesses; Provide Customer Friendly Facilities and Services.

RECOMMENDED ACTION(S): Approval of the proposed Memorandum of Understanding (MOU) between San Bernardino County Transportation Authority (SBCTA) and Ontario International Airport Authority (OIAA) which memorializes SBCTA's and OIAA's agreement to work in close collaboration regarding development of a proposed project for a possible direct transit connection between the Metrolink San Bernardino Line and Ontario International Airport (ONT).

FISCAL IMPACT AND SOURCE OF FUNDS: No financial impact.

BACKGROUND INFORMATION: The need and feasibility of providing a direct transit connection between the Metrolink San Bernardino Line and the Ontario International Airport (ONT or Airport) has been identified as a key priority for the region. The SBCTA, Southern California Association of Governments (SCAG), and the Cities of Ontario and Rancho Cucamonga have each conducted several planning studies and initiatives to evaluate the various options to connect ONT and the Metrolink San Bernardino Line. Subsequently, the ONT Roundtable was co-sponsored and formed by the OIAA and SBCTA agencies in 2018 as a forum to bring stakeholders together to facilitate further discussions regarding efficient, effective, and sustainable access to the Airport. The Roundtable includes representatives and stakeholders from a number of agencies and organizations in the Inland Empire.

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

Department: Administration

Submitted to OIAA: August 27, 2020

Approved: _____

Continued to: _____

Denied: _____

Chief Executive Officer Approval: *Mark A. Thorpe*

ITEM NO. 06

The OIAA is fully committed to supporting the SBCTA in selecting a viable alternative for airport-rail access that could support future ridership, reduce costs, improve project delivery, and protect the long-term interests of both the OIAA and SBCTA.

The SBCTA Board intends to issue a Request for Qualifications (RFQ) followed by a Request for Proposals (RFP) to further refine and develop a Proposed Project for environmental review and analysis. SBCTA will be the lead agency under the California Environmental Quality Act (CEQA) and OIAA will be a responsible agency under CEQA.

MEMORANDUM OF UNDERSTANDING OVERVIEW: The SBCTA and OIAA have been working in close coordination to advance the study of the development of a proposed project for a possible direct transit connection between the Metrolink San Bernardino Line and ONT and the MOU further outlines the roles, responsibilities and commitments between SBCTA and OIAA (as further described below) including, but not limited to, the joint development of an RFQ and RFP for a proposed transit connection.

COLLABORATION: The Airport has worked collaboratively with SBCTA throughout the MOU process. As the MOU frameworks were developed, OIAA staff met regularly with SBCTA staff and legal counsel. OIAA staff is recommending approval of this MOU at their August 27, 2020 Board meeting and SBCTA Board is scheduled to consider the MOU for approval at its regularly scheduled meeting on September 2, 2020.

KEY PROVISIONS OF THE MEMORANDUM OF UNDERSTANDING

- **Lead Agency:** SBCTA will act as the Proposed Project lead agency for environmental review and analysis of the Proposed Project, and subject to compliance with Environmental Laws, for design, right of way, and construction.
- **Funding:** SBCTA is responsible for funding the environmental review and analysis related to the Proposed Project. They will pursue the required capital funding for the minimum Proposed Project improvements and identify funding for the future operations.
- **RFQ/RFP:** SBCTA will lead the development of an RFQ and RFP to further refine and develop the Proposed Project for environmental review and analysis, prepare necessary technical studies and prepare necessary environmental analysis. OIAA will share data and provide input to the development of the RFQ / RFP. SBCTA will be the lead agency under CEQA and be responsible for all lead agency responsibilities and obligations and OIAA will be a responsible agency under CEQA.
- **ONT Roundtable:** As one of the important forums for review and feedback on the Proposed Project, SBCTA and OIAA will seek input from the ONT Roundtable regarding the Proposed Project throughout the process.
- **Term of MOU.** The MOU shall be effective when fully executed by both OIAA and the SBCTA, following their respective authorization processes. The initial term of the MOU shall expire on

October 1, 2022, unless terminated earlier by either party after notice and opportunity to meet and confer. The MOU term may be extended if mutually agreed upon by both parties.

- **Future Cooperative Agreement:** The Parties intend to enter into a future cooperative agreement detailing the roles and responsibilities of the respective Parties that encompasses all phases of the Proposed Project through construction. The future cooperative agreement will require approval of the Parties' respective governing Boards.

As part of the MOU, OIAA and SBCTA staff will continue their coordination efforts and share data and technical information related to the Proposed Project.

CEQA COMPLIANCE: Approval of the MOU is not a project under the California Environmental Quality Act (CEQA), Public Resources Code section 21000 *et seq.* In carrying out its responsibilities under the MOU and as a responsible agency under CEQA, OIAA shall retain the authority and discretion provided under Public Resources Code sections 21002.1(d) and 21081, as well as CEQA Guidelines sections 15041, 15042, 15050, and 15096, and to consider alternatives identified pursuant to CEQA Guidelines section 15126.6.

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

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

SCHEDULE: N/A |

EXHIBITS & ATTACHMENTS: Attachment A: Memorandum of Understanding Between the SBCTA and OIAA regarding Potential Tunnel to Ontario International Airport.

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

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

MEMORANDUM OF UNDERSTANDING NO. 21-1002463

BETWEEN

SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY

AND

ONTARIO INTERNATIONAL AIRPORT AUTHORITY

REGARDING

POTENTIAL TUNNEL TO ONTARIO INTERNATIONAL AIRPORT

I. PARTIES AND TERM

- A. This Memorandum of Understanding (“MOU”) is made and entered into this ___ day of _____, 2020, by and between the San Bernardino County Transportation Authority (“SBCTA”), acting by and through its Governing Board, and the Ontario International Airport Authority (“OIAA”) , acting by and through its Governing Board. SBCTA and OIAA shall be individually or collectively, as applicable, be known as “Party” or “Parties”.
- B. The goal of this MOU is to memorialize OIAA’s and SBCTA’s agreement to work in close collaboration regarding development of a proposed project for a possible direct transit connection between the Metrolink San Bernardino Line and Ontario International Airport (“ONT”).
- C. This MOU shall be in full force and effect when signed by all Parties following their respective required authorization processes. The term of this MOU shall expire on October 1, 2022, unless terminated earlier pursuant to Section 1, Paragraph D and/or Section V, Paragraph E of this MOU. Prior to expiration of this MOU, the Parties intend to enter into a cooperative agreement detailing the roles and responsibilities of the respective Parties that encompasses all phases of the Proposed Project through construction. Such future cooperative agreement will require approval of the Parties’ respective governing Boards.
- D. If any Party to this MOU determines that it wishes to no longer be a party to this MOU, then the Party shall provide notice to the other Part at least sixty (60) days in advance of the specified date of termination of the MOU. The Parties commit to work together to resolve any issues and negotiate an updated MOU at least thirty (30) days in advance of the specified date of termination of the MOU. If the Parties are unable to reach agreement, the MOU shall terminate on the date specified in the notification.
- E. This MOU is subject to modification and/or amendment if required by the results of the Request for Qualification (“RFQ”) and subsequent Request for Proposal (“RFP”) processes, and/or any evaluation of alternatives or mitigation measures necessitated by the California Environmental Quality Act (CEQA) and/or the National Environmental Policy Act (NEPA) or any other related and applicable laws (“Environmental Laws”).

II. RECITALS

- A. **WHEREAS**, the Parties, consistent with their respective legal authorities, desire to advance a direct transit connection between the Metrolink San Bernardino Line and Ontario International Airport (ONT) in an effort to mitigate future traffic congestion and emissions surrounding ONT and provide an alternative zero-emission travel mode that connects to the broader rail network serving Southern California in accordance with Environmental Laws.
- B. **WHEREAS**, OIAA gained local control of ONT in 2016 and, while a direct connection is not identified in Measure I because it was subsequent to the renewal of Measure I by San Bernardino County voters in 2004, managing future congestion and emissions surrounding ONT is considered a priority in the region.
- C. **WHEREAS**, this MOU is intended to memorialize the PARTIES desire to connect ONT to the broader rail network serving Southern California in accordance with Environmental Law, and generally define agency roles and responsibilities which will be further defined in a project specific cooperative agreement should the Proposed Project proceed beyond preliminary engineering and environmental approval.
- D. **WHEREAS**, this MOU is not intended to limit Airport growth nor limit the Airport's ability to seek incentive or grant funding through federal, state and local programs which, in certain cases, require emissions reductions achieved through such programs to be voluntary in nature and exceed existing obligations to achieve emission reductions.
- E. **WHEREAS**, the Ontario International Airport ("ONT") Roundtable ("Roundtable") was co-sponsored and formed by the OIAA and SBCTA agencies in 2018 and currently includes representatives from ONT, OIAA, SBCTA, Inland Empire Economic Partnership, Cal State University San Bernardino, San Bernardino County, City of Ontario, Ontario Convention & Visitors Bureau, Lewis Group of Companies, Esri, University of Redlands, Southern California News Group, Southern California Gas Co., Southern California Association of Governments, Bank of America, Inland Empire Community Foundation, Greater Ontario Business Council, Inland Action and other organizations. The Roundtable provides a forum to bring stakeholders together to facilitate discussions regarding efficient, effective, and sustainable access to the Airport, which includes a direct connection from public transportation to ONT.
- F. **WHEREAS**, SBCTA has been presented with information that a subsurface tunnel option may be feasible with reduced construction impacts, no at-grade crossings/limited disruptions to the traveling public, serviced by zero-emission vehicles, with the technological potential to be autonomous, providing a direct connection between the Rancho Cucamonga Metrolink Station along the San Bernardino Line and ONT.
- G. **WHEREAS**, the Parties are reviewing this identified potential option and coordinating and working together to develop other possible options and a defined "Proposed Project" for discussion, analysis, and environmental consideration.
- H. **WHEREAS**, on June 2, 2020, SBCTA staff presented the Roundtable with a summary of the subsurface tunnel possibility and potential of moving forward with a possible option for a Proposed Project on a reduced timeline and at a substantially lower cost than the surface connections previously studied.

- I. **WHEREAS**, on June 3, 2020, the SBCTA Board of Directors provided staff direction to move forward with additional preliminary study to further refine the Proposed Project and, to report back to the SBCTA Board of Directors on September 2, 2020, for further direction on the proposed procurement structure, operating structure, and funding strategy for the Proposed Project. The OIAA Board of Commissioners will be provided information related to the Proposed Project on August 27, 2020. The Parties acknowledge that any approval by SBCTA or OIAA of a final Proposed Project must be in compliance with Environmental Laws.
- J. **WHEREAS**, SBCTA staff continues researching the procurement structure of the Proposed Project in collaboration with the OIAA and other stakeholders, as appropriate, to identify capital infrastructure needs, operational characteristics, and cost estimates as part of a future Request for Qualifications (“RFQ”) and/or Request for Proposals (“RFP”), including multiple Notice(s) to Proceed (“NTP”) to be released at a future date.
- K. **WHEREAS**, the Parties specifically disavow any desire or intention to create any third-party beneficiary under this MOU, and specifically declare that no person or entity shall have any remedy or right of enforcement.
- L. **WHEREAS**, this MOU addresses only the voluntary cooperative efforts between SBCTA and OIAA and does not supersede legal, regulatory, or contractual obligations that OIAA is subject to such as U.S. Department of Transportation (USDOT) or FAA regulations; federal statutes, including the Anti-Head Tax Act (AHTA), the Federal Aviation Act, and the Airline Deregulation Act; international treaties; or the doctrines of federal preemption, the dormant Commerce Clause, and the Supremacy Clause.

NOW, THEREFORE, in consideration of the mutual interests and benefits of all parties to be derived from a transit option to ONT and the future traffic and emission reductions and other benefits, SBCTA and OIAA agree to the following:

III. SBCTA RESPONSIBILITIES

- A. To act as the Proposed Project lead agency, consistent with SBCTA Board of Directors’ direction, for environmental review and analysis of the Proposed Project, and subject to compliance with Environmental Laws, for design, right of way, and construction.
- B. To fund the environmental review and analysis related to the Proposed Project, and diligently pursue the required capital funding for the minimum Proposed Project improvements and identify funding for the future operations, subject to the results of any applicable environmental review. For the purposes of this MOU, the minimum Proposed Project improvements include a single tunnel to ONT, and up to three baseline surface stations of which one is located at the Rancho Cucamonga Metrolink Station and two are located on ONT property within the vicinity of Terminal 2 and Terminal 4.
- C. Develop an RFQ and RFP to further refine and develop the Proposed Project for environmental review and analysis, prepare necessary technical studies and prepare necessary environmental analysis under Environmental Laws. SBCTA will be the lead agency under CEQA and as such will be responsible for all lead agency responsibilities and obligations, including, but not limited to, litigation defense costs. OIAA will be a responsible agency under CEQA.

- D. Coordinate with OIAA on defining the Proposed Project and preparing the RFQ and RFP documents and provide opportunities to OIAA staff for review, input, and approval at key milestones during the process. SBCTA shall also ensure OIAA staff opportunities for input, review and approvals during the environmental review process. This includes development of the final RFQ and RFP language related to peak hour passenger demand requirements. Additional coordination efforts will be required, as necessary, to ensure close and meaningful dialogue between the agencies.
- E. Assign a qualified member of staff to coordinate with OIAA to facilitate coordination and review related to Proposed Project.

IV. OIAA RESPONSIBILITIES

- A. Identify potential operating parameters and requirements for the potential elements of the Proposed Project on OIAA property, including, but not limited to, where surface transit station(s) may potentially be located, available space, and transit passenger parameters for facilitating service to/from ONT for the RFP based on information received in the Statement of Qualifications as a result of the RFQ issuance. OIAA will work to provide this information in a timely manner so not as to unnecessarily delay issuance of the RFP.
- B. Support grant funding efforts for the Proposed Project, subject to compliance with Federal Aviation Administration, Environmental Laws, and other local, state and federal requirements.
- C. In carrying out the above-referenced responsibilities, OIAA shall retain the authority and discretion provided under Public Resources Code sections 21002.1(d) and 21081, as well as CEQA Guidelines sections 15041, 15042, 15050, and 15096, and to consider alternatives identified pursuant to CEQA Guidelines section 15126.6. Nothing in this Agreement shall be interpreted as requiring or authorizing OIAA's approval of any project prior to compliance with applicable requirements of the Environmental Laws.
- D. Pursue any necessary approval(s) from the airlines, FAA and other possible discretionary agency approvals necessary for the improvements on OIAA property.

V. MISCELLANEOUS & MUTUAL RESPONSIBILITIES

- A. OIAA and SBCTA will continue their coordination efforts and share data and technical information related to the Proposed Project; review, share information and provide input to on-going studies and development of RFQ and RFP; and provide information for briefings to OIAA and SBCTA Board of Directors. Staff will engage in continuous coordination as needed, with, at a minimum, bi-weekly meeting(s) via teleconference and in person meetings, to the extent possible and necessary, to share and discuss information.
- B. OIAA/SBCTA will seek input from the Roundtable regarding the Proposed Project throughout the process. This Roundtable will be one of the important forums for review and feedback on the Proposed Project during the coordination, and subsequent RFQ and RFP processes, but does not replace or substitute for the legally required public review and comment process consistent with the requirements of Environmental Laws.
- C. The Parties will abide by all applicable Federal, State and Local laws and regulations pertaining to the Proposed Project.

- D. Neither SBCTA nor any officer or employee thereof is responsible for any injury, damage or liability occurring or arising by reason of anything done or omitted to be done by OIAA under or in connection with any work, authority, jurisdiction or responsibilities delegated to OIAA under this MOU. It is understood and agreed that, pursuant to Government Code Section 895.4, OIAA shall fully defend, indemnify and save harmless SBCTA, its officers and employees, from all claims, suits or actions of every name, kind and description brought for or on account of injury (as defined by Government Code Section 810.8) occurring by reason of anything done or omitted to be done by OIAA under or in connection with any work, authority, jurisdiction or responsibilities delegated to OIAA under this MOU. OIAA's indemnification obligation applies to SBCTA's "active" as well as "passive" negligence but does not apply to SBCTA's "sole negligence" or "willful misconduct" within the meaning of Civil Code Section 2782.
- E. Neither OIAA nor any officer or employee thereof is responsible for any injury, damage or liability occurring or arising by reason of anything done or omitted to be done by SBCTA under or in connection with any work, authority, jurisdiction or responsibilities delegated to SBCTA under this MOU. It is understood and agreed that, pursuant to Government Code Section 895.4, SBCTA shall fully defend, indemnify and save harmless OIAA, its officers and employees, from all claims, fees, costs, suits or actions of every name, kind and description brought for or on account of injury (as defined by Government Code Section 810.8), or any alleged violation of CEQA, occurring by reason of anything done or omitted to be done by SBCTA under or in connection with any work, authority, jurisdiction or responsibilities delegated to SBCTA under this MOU. SBCTA's indemnification obligation applies to OIAA's "active" as well as "passive" negligence but does not apply to OIAA's "sole negligence" or "willful misconduct" within the meaning of Civil Code Section 2782.
- F. Notification. Each Party will designate a person to be responsible for day-to-day communications regarding work under the Proposed Project. For OIAA, that person will be the Director of Planning, or an alternate designated by the Chief Executive Officer. For SBCTA, that person shall be the Director of Transit & Rail. All notices and communications regarding this MOU, interpretation of the terms of this MOU, or changes thereto will be provided as follows:

OIAA	SBCTA
Ontario International Airport Authority	San Bernardino County Transportation Authority
1923 E. Avion Street	1170 W. 3rd Street
Ontario CA 91761	San Bernardino, CA 92410-1715
ATTN: Chief Executive Officer	ATTN: Executive Director
CC: Michelle Brantley	CC: Carrie Schindler

- G. This MOU does not restrict any future agreements between the Parties with respect to the subject matter stated herein or any other subject matter.
- H. This MOU constitutes the entire understanding between the Parties and supersedes all other agreements, oral or written, with respect to the subject matter herein, as of the Effective Date. This MOU shall not be amended except in writing, signed by the Parties which expressly refers to this MOU. The Parties contemplate entering one or more cooperative agreements as the project is defined and progresses prior to the expiration of this MOU.

- I. The Recitals to this MOU are true and correct and are incorporated accordingly.
- J. Except as expressly stated herein, nothing in this MOU shall be construed as a waiver of any Party's discretionary authority or deemed to restrict authority granted to any Party under law in any way with respect to future legislative, administrative, or other actions.
- K. The signature pages of this MOU are being executed in counterparts by authorized signatories of the Parties following the approvals by their respective public agency governing boards. When both Parties have signed, all executed counterparts taken together shall constitute one and the same instrument.
- L. Each signatory of this MOU represents that s/he is authorized to execute on behalf of the Party for which s/he signs. Each Party represents that it has legal authority to enter into this MOU and to perform all obligations under the MOU.

-----SIGNATURES ON FOLLOWING PAGE-----

IN WITNESS WHEREOF, SBCTA and OIAA have executed this MOU below.

SAN BERNARDINO COUNTY
TRANSPORTATION AUTHORITY

ONTARIO INTERNATIONAL AIRPORT
AUTHORITY

By: _____
Frank J. Navarro
President, SBCTA Board of Directors

By: _____
Alan D. Wapner
President, OIAA Commission

Date: _____

Date: _____

APPROVED AS TO FORM AND
PROCEDURE:

APPROVED AS TO FORM AND
PROCEDURE:

By: _____
Julianna K. Tillquist
General Counsel

By: _____
Lori D. Ballance
General Counsel

Date: _____

Date: _____



DATE: AUGUST 27, 2020

SECTION: ADMINISTRATION DISCUSSION/ACTION/REPORT

SUBJECT: AUTHORIZE THE CHIEF EXECUTIVE OFFICER TO EXECUTE TWO (2) ON-CALL PLANNING CONTRACTS WITH 1) HNTB CORPORATION AND 2) RICONDO & ASSOCIATES

RELEVANT STRATEGIC OBJECTIVES: Develop Airport-Related Businesses, Provide Customer Friendly Facilities and Services.

RECOMMENDED ACTION(S): That the Ontario International Airport Authority (OIAA) authorize the Chief Executive Officer (CEO) to execute contracts with HNTB Corporation and Ricondo & Associates for three years, with two, one-year extensions, for an amount not to exceed \$12,000,000 over the three-year term, and authorize the CEO to exercise two, one-year extensions at \$2,000,000 annually for an amount not to exceed \$20,000,000 for on-call, as-needed airport planning and support services.

FISCAL IMPACT AND SOURCE OF FUNDS: Funds for this contract were approved in the FY 2020-2021 OIAA operating budget and may be included in the budgets of multiple departments. Funding in excess of what has been approved in the FY 2020-2021 budget, if required, will be reviewed and authorized by the OIAA before it is committed to any task order. Funding for subsequent years will be requested as part of the annual budget process.

BACKGROUND: The current on-call planning contract was awarded to Leigh Fisher in July 2018 for a three-year term and a contractual amount of \$4,500,000. A number of key studies have been accomplished under this contract, (including ONT Aviation Forecasts, Strategic Assessment, Airfield Benefit-Cost Analysis, On-site Commercial Services, and Roadway and Traffic Analysis). Early in 2020, it appeared that the total dollar amount on the existing contract would likely be exhausted before the contract expiration. In order to continue with important studies and ensure planning

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

Department: Planning

Submitted to OIAA: August 27, 2020

Approved: _____

Continued to: _____

Denied: _____

Chief Executive Officer Approval: Mark A. Thorpe

ITEM NO. 07

continues uninterrupted, the process to solicit additional On-Call Planning resources was initiated in early 2020.

The intent of the on-call planning contracts is to serve all departments of ONT on an “as needed” basis and the Scope of Work includes a wide-variety of expertise to support the development of airport-related businesses and provide customer friendly facilities.

PROCUREMENT: The OIAA conducted a qualifications-based selection process and received 11 proposals on July 13, 2020. The RFP included the following 7 key areas of focus: general airport planning, architectural and facility planning, roadway and transportation planning, commercial development and land use planning, financial planning, environmental planning, and innovation. Submitted Proposals were evaluated on overall responsiveness (10%), firm/team overview (10%), primary staff (20%), work plan (30%), and subject matter competence (30%).

The RFP was released on Friday, June 12, 2020. Due to the pandemic, a non-mandatory pre-proposal meeting was held via Microsoft Teams on Thursday, June 25, 2020 at 10 AM and was virtually attended by over 70 people representing over 20 firms. A presentation provided supplemental information related to the RFP and two addendums answering questions were posted on PlanetBids.

Two proposals rose above the rest as exceptional in overall quality and content. The two firms are leaders in the aviation industry and submitted outstanding proposals that demonstrated an excellent understanding of the unique position and challenges of the airport and the ability to be responsive to the needs of the OIAA.

- HNTB is a robust transportation consulting firms with strong divisions serving Aviation, Architecture, Bridges, Construction Management, Design/Build Delivery, Highways, Intelligent Transport Systems, Program Management, Tolls, Transit and Rail, Tunnels and Water. HNTB has a growing Ontario office and strong relationships with regional transportation authorities.
- Ricondo & Associates is an Aviation Consulting firm with key in-house competencies of business advisory, airport finance, facilities and operations and environmental planning. They have teamed with Mead and Hunt and other firms with a strong IE presence to provide the local connection and access that is so important to ONT.

The selection committee determined that no further information was needed or required from any of the teams and therefore interviews were not required. The RFP included language that OIAA reserves the right to select and award the contract(s) without conducting interviews.

Each of the four selection panelists and two advisors unanimously recommend awarding contracts to both HNTB Corporation and Ricondo & Associates.

CEQA COMPLIANCE: The proposed staffing and consulting services decision relating to planning and feasibility studies is not a "project" under CEQA and is statutorily exempt from environmental review under CEQA Guidelines section 15262. To the extent the staffing services decision could be deemed a "project" for purposes of CEQA, it would be Categorically Exempt (Class 1) from the provisions of CEQA pursuant to (1) CEQA Guidelines section 15309 for project inspection services, (2) CEQA Guidelines section 15301 for the operations, repair, maintenance, permitting, or minor alteration of existing structures or facilities involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination, and CEQA Guidelines section 15303 for new construction, installation or conversion of a limited number of small structures, facilities or equipment.

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

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

SCHEDULE: N/A |

EXHIBITS & ATTACHMENTS: Attachment A: Draft contract(s) for On-Call Planning.

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

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



DATE: AUGUST 27, 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 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 outbreak of 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: August 27, 2020

Approved: _____

Continued to: _____

Denied: _____

Chief Executive Officer Approval: Mark A. Thorpe

ITEM NO. 08

Local Emergency

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

California and the nation are responding to the spread of a respiratory illness caused by a novel coronavirus and which has now been detected in more than 200 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 most recently on August 18, 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 novel coronavirus (COVID-19), and compliance with health authorities' applicable guidance regarding responding to COVID-19.

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

This Agenda Report has been reviewed by OIAA General Counsel.

RESOLUTION NO. 2020-_____

A RESOLUTION OF THE ONTARIO INTERNATIONAL AIRPORT AUTHORITY DECLARING THE CONTINUED EXISTENCE OF A LOCAL EMERGENCY IN CONNECTION WITH PREPARATIONS THE ONTARIO INTERNATIONAL AIRPORT AUTHORITY IS MAKING, AND ACTIONS IT IS TAKING, IN RESPONSE TO 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 more than 200 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 most recently on August 18, 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 July 23, 2020 the OIAA approved Resolution No. 2020-012, 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 COVID-19 outbreak, 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 27th day of August 2020.

ALAN D. WAPNER, OIAA PRESIDENT

ATTEST:

CLAUDIA Y. ISBELL
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 August 27, 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 August 27, 2020.

SECRETARY/ASSISTANT SECRETARY

(SEAL)