



## **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) Commission meetings are being conducted via Zoom and teleconference. Members of the public may utilize alternative measures established by OIAA to view the Commission meetings and/or to address the President and Commissioners. Please see instructions listed below.

**Link to watch the April 22, 2021 Commission Meeting\*:** <https://us02web.zoom.us/j/89788297077>

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

**WEBINAR ID:** 897 8829 7077

\*Zoom may require 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 the day of the meeting no later than 12:00 p.m. Please identify the Agenda item you wish to address in your comments. All e-mail comments will be included in the meeting record.

**TELEPHONE:** You may call (909) 414-1718 the day of the meeting between 1:45 p.m. to 2:00 p.m. 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) 544-5307 the day of the meeting no later than 12:00 p.m. 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 meeting 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 the day of the meeting no later than 12:00 p.m. 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 Natalie Gonzaga at 909-544-5307 or clerk@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 Commission Meeting, please call (909) 544-5307.

# ONTARIO INTERNATIONAL AIRPORT AUTHORITY

## COMMISSION AGENDA – REGULAR MEETING



**APRIL 22, 2021 AT 2:00 P.M.**

Ontario International Airport Authority 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 April 22, 2021 Commission Meeting\*:** <https://us02web.zoom.us/j/89788297077>

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

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**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 the day of the meeting no later than 12:00 p.m. 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 Natalie Gonzaga at 909-544-5307 or clerk@flyontario.com.

## ORDER OF BUSINESS

The Commission meeting begins at 2:00 p.m. with Public Comment and the Regular Meeting, followed by Closed Session Public Comment and Closed Session.

(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 COMMENTS

The 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

Agenda item contractors, subcontractors and agents 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 Commission on items listed on the Consent Calendar will be given a total of 3 minutes.

### 2. APPROVAL OF MINUTES

Minutes for the regular meeting of the Ontario International Airport Authority on March 25, 2021 and approving the same as on file with the Secretary/Assistant Secretary.

### 3. BILLS/PAYROLL

Bills March 1 through March 31, 2021 and Payroll March 1 through March 31, 2021.

### 4. APPROVAL OF MEETING STIPENDS

That the Ontario International Airport Authority Commission approve meeting stipends for President Wapner for the month of March, 2021.

### 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 NOVEL CORONAVIRUS (COVID-19) AND COMPLIANCE WITH HEALTH AUTHORITIES' APPLICABLE GUIDANCE REGARDING RESPONDING TO COVID-19

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.

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

**6. APPROVAL OF THE FIRST CONTRACT AMENDMENT TO DKMG CONSULTING LLC., FOR ON-CALL, AS-NEEDED FINANCIAL AIRPORT CONSULTING SERVICES**

That the Ontario International Airport Authority (OIAA) Commission authorize the Chief Executive Officer (CEO) to amend the existing DKMG Consulting LLC., Contract No. SCONT-000309, by increasing the authority to \$177,000 for the first contract year. Funds for this contract are available in the FY 2020-21 OIAA operating budget and are reimbursed through the bond issuance. Funding for subsequent years will be requested as part of the annual budget process.

**MANAGEMENT REPORT**

Chief Executive Officer Thorpe

**COMMISSION MATTERS**

President Wapner

Vice President Loveridge

Secretary Bowman

Commissioner Hagman

Commissioner Gouw

**SPECIAL CEREMONIES**

Moment of silence for the tragedy that occurred at the FedEx Ground facility in Indianapolis on April 15, 2021.

**CLOSED SESSION PUBLIC COMMENT**

The Closed Session Public Comment portion of the Commission 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**

**CLOSED SESSION**

- GC § 54957, PUBLIC EMPLOYEE PERFORMANCE EVALUATION

**REPORT ON CLOSED SESSION**

General Legal Counsel

**ADJOURNMENT**



**DATE:** APRIL 22, 2021

**SECTION:** MINUTE ACTION

**SUBJECT:** RELATIVE TO POSSIBLE CONFLICT OF INTEREST

**RECOMMENDED ACTION(S):** Agenda items and contractors/subcontractors 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
06	DKMG	<ul style="list-style-type: none"><li>• None</li></ul>

**STAFF MEMBER PRESENTING:** Board Clerk, Natalie Gonzaga

Department: Clerk's Office

Submitted to OIAA: April 22, 2021

**ONTARIO INTERNATIONAL AIRPORT AUTHORITY  
REGULAR COMMISSION MEETING  
MINUTES  
MARCH 25, 2021  
(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) Commission meetings were conducted via live stream and teleconference. Members of the public utilized alternative measures established by OIAA to view the Commission meeting and/or to address the President and Commissioners for the regular meeting held on Thursday, March 25, 2021.

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

ABSENT: Commissioners: None

Also present via Zoom webinar were: Chief Executive Officer Mark A. Thorpe, General Counsel Lori Ballance, Assistant General Counsel Kevin Sullivan, and Board Clerk Natalie Gonzaga.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Assistant General Counsel Kevin Sullivan.

**CLOSED SESSION PUBLIC COMMENT**

There was no closed session public comment.

**CLOSED SESSION**

President Wapner recessed the regular meeting of the Ontario International Airport Authority to closed session at 2:08 p.m. with all Commissioners in attendance.

- GC § 54957, PUBLIC EMPLOYEE PERFORMANCE EVALUATION
- GC section 54956.8: REAL PROPERTY NEGOTIATIONS (portions of the Airport); OIAA General Counsel's office as negotiator.



- GC § 54956.9(b): CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION  
Potential litigation (1 case)

Secretary Bowman exited the closed session at 2:59 p.m. (excused)

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

### **REPORT ON CLOSED SESSION**

Assistant General Counsel Sullivan announced there was no reportable action.

### **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), live via telephone at (909) 414-1718, via telephone recording comments at (909) 544-5307 or by mail.

Richard Sherman provided an email comment regarding continuing loud late-night flights.

Public comments were provided to all Commissioners and entered into the meeting record.

### **AGENDA REVIEW/ANNOUNCEMENT**

None.

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

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

No conflicts were announced.

### **CONSENT CALENDAR**

**MOTION:** Moved by Commissioner Gouw, seconded by Commissioner Hagman, and carried by a roll call vote of 4-0-1, to approve the consent calendar Items No. 2-10, including Resolution No. 2021-06, with Secretary Bowman absent (excused).

## **2. APPROVAL OF MINUTES**

Approved minutes for the regular meeting of the Ontario International Airport Authority on February 25, 2021, and approved the same as on file with the Secretary/Assistant Secretary.

## **3. BILLS/PAYROLL**

Approved bills February 1 through February 28, 2021, and Payroll February 1 through February 28, 2021.

## **4. APPROVAL OF MEETING STIPENDS**

The Ontario International Airport Authority Commission approved meeting stipends for President Wapner and Commissioner Hagman for the month of February, 2021.

## **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 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. 2021-06** 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

## **6. APPROVAL OF AN UPDATED AIRPORT CONCESSION DISADVANTAGED BUSINESS ENTERPRISE (ACDBE) PROGRAM AND POLICY STATEMENT IN ACCORDANCE WITH REGULATIONS OF THE UNITED STATES DEPARTMENT OF TRANSPORTATION (DOT) 49 CFR PART 23**

The Ontario International Airport Authority (OIAA) approved the updated ACDBE base program and policy statement which will be used as a basis for establishing the ACDBE goal, in accordance with Federal Regulation 49 CFR Part 23.

**7. APPROVAL OF AN UPDATED DISADVANTAGED BUSINESS ENTERPRISE/SMALL BUSINESS ENTERPRISE PROGRAM AND POLICY STATEMENT IN ACCORDANCE WITH REGULATIONS OF THE UNITED STATES DEPARTMENT OF TRANSPORTATION (DOT) 49 CFR PART 26**

The Ontario International Airport Authority (OIAA) approved the updated DBE/SBE base program and policy statement which will be used as a basis for establishing the DBE/SBE goals, in accordance with Federal Regulation 49 CFR Part 26.

**8. APPROVAL TO CONTINUE MONTH-TO-MONTH CONTRACT SERVICES WITH DIVERSE FACILITY SERVICES (DFS) TO PROVIDE JANITORIAL SERVICES AT THE GROUND TRANSPORTATION CENTER**

The Ontario International Airport Authority (OIAA) authorized the Chief Executive Officer (CEO) to continue month-to-month contract services with DFS for janitorial services at the Ground Transportation Center. Funds for this contract are available in the Fiscal Year 2020-21 budget via existing PO balance under contract number SCONT-000031.

**9. APPROVAL OF THE FIRST CONTRACT AMENDMENT TO HILTACHK MARKETING GROUP FOR GENERAL MARKETING MEDIA BUY TO SUPPORT CONCESSIONS, AIR SERVICE, COMMUNITY ENGAGEMENT, AND PUBLIC RELATIONS AT ONTARIO INTERNATIONAL AIRPORT**

The Ontario International Airport Authority (OIAA) authorized the Chief Executive Officer (CEO) to amend the existing Hiltachk Marketing Group Contract No. SCONT-000317 to authorize the purchase of general marketing media buys as directed by the Authority. Funding for this contract amendment is approved under the Fiscal Year 2020-21 budget. Funding for subsequent years will be requested through the annual budget process.

**10. AUTHORIZE THE CHIEF EXECUTIVE OFFICER TO PROCURE EIGHT (8) ZERO-EMISSION TRANSIT BUSES AND FOUR (4) CHARGING STATIONS WITH PROTERRA INC., UNDER THE SAME TERMS AND CONDITIONS AS THE COMMONWEALTH OF VIRGINIA COOPERATIVE CONTRACT E194-81688**

The Ontario International Airport Authority (OIAA) approved and authorized the Chief Executive Officer (CEO) to execute an authority to procure eight (8) 40' electric buses and four (4) charging stations with Proterra Inc., under the same terms and conditions as the Cooperative Agreement with the Commonwealth of Virginia (Virginia) Statewide Contract E194-81688.

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

### **11. A RESOLUTION DENYING THE BID PROTEST BY MAG US PARKING MANAGEMENT LLC TO RFP#200005 REGARDING THE CONSOLIDATED CAR PARKING AND BUS SHUTTLE SERVICES AT ONTARIO INTERNATIONAL AIRPORT**

The Ontario International Airport Authority (OIAA) denied the bid protest filed by MAG US Parking Management LLC (MAG) to RFP#200005.

Chief Executive Officer Thorpe introduced Chief Commercial Officer Dan Cappell, who provided a Staff presentation to the Commission regarding the bid protest by MAG USA.

Martin Jones, CEO of MAG USA, was allotted 10 minutes to speak to the Commission regarding the bid protest.

Discussion ensued between Commissioners and Staff.

The Commissioners made a motion to (1) deny the bid protest for the reasons stated in the Agenda Report and in the Staff presentation, and (2) adopt the Resolution attached to the Agenda Report.

### **RESOLUTION NO. 2021-07 A RESOLUTION OF THE ONTARIO INTERNATIONAL AIRPORT AUTHORITY DENYING THE BID PROTEST BY MAG US PARKING MANAGEMENT LLC TO RFP#200005 REGARDING THE CONSOLIDATED CAR PARKING AND BUS SHUTTLE SERVICES AT ONTARIO INTERNATIONAL AIRPORT**

**MOTION:** Moved by Commissioner Hagman, seconded by Commissioner Gouw, and carried by a roll call vote of 4-0-1, to (1) deny the bid protest for the reasons stated in the Agenda Report and in the Staff presentation, and (2) adopt the Resolution attached to the Agenda Report, with Secretary Bowman absent (excused).

### **12. AWARD OF A CONCESSION AGREEMENT WITH PARKING CONCEPTS, INC., FOR CAR PARKING OPERATIONS AND SHUTTLE BUS SERVICES AT ONTARIO INTERNATIONAL AIRPORT**

That the Ontario International Airport Authority (OIAA) approve the award of a concession agreement with Parking Concepts, Inc. (PCI), and authorize the Chief Executive Officer (CEO) to execute a five-year concession agreement to provide car parking and shuttle bus operations at Ontario International Airport (ONT), and authorize the CEO to exercise one five-year extension option. The new concession agreement for car parking and shuttle bus operations at ONT will bring an expected cost reduction of approximately \$2,000,000 each year.

The Commissioners made a motion to approve the Agreement with PCI with authority for the CEO to negotiate some refinements to the Agreement to protect OIAA's interests in the event MAG sues on its bid protest.

**MOTION:** Moved by Vice President Loveridge, seconded by Commissioner Gouw, and carried by a roll call vote of 4-0-1, to approve the Agreement with PCI with authority for the CEO to negotiate some refinements to the Agreement to protect OIAA's interests in the event MAG sues on its bid protest, with Secretary Bowman absent (excused).

Vice President Loveridge exited the regular meeting at 3:34 p.m.

### **MANAGEMENT REPORT**

Chief Executive Officer Thorpe provided updates on passenger and cargo traffic, new service announcements, and new partnerships at ONT.

### **COMMISSIONER MATTERS**

Commissioner Hagman expressed enthusiasm regarding Hawaiian Airlines back at ONT, commented on an increase in flights due to an accelerated reopening, and asked the CEO for an update on international travel trends related to vaccinations.

Commissioner Gouw had no comments.

President Wapner expressed appreciation for the staff efforts with non-aviation local partnerships as part of the COVID recovery plan for ONT.

### **ADJOURNMENT**

President Wapner adjourned the Ontario International Airport Authority Commission meeting at 3:43 p.m.

RESPECTFULLY SUBMITTED:

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NATALIE GONZAGA, BOARD CLERK  
ONTARIO INTERNATIONAL AIRPORT AUTHORITY

Ontario International Airport Authority Commission

Regular Meeting Minutes

Thursday, March 25, 2021

Page 7 of 7

***(Not Official Until Approved)***

APPROVED:

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ALAN D. WAPNER, PRESIDENT  
ONTARIO INTERNATIONAL AIRPORT AUTHORITY



DATE: APRIL 22, 2021

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.

FISCAL IMPACT AND SOURCE OF FUNDS: OIAA operating revenue.

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

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

During the month of March 2021, President Wapner attended nine (9) additional Authority-related business functions. Full Commission approval is needed to approve payment of these additional stipends.

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

Department: Clerk’s Office

Submitted to OIAA: April 22, 2021

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

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

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

Chief Executive Officer Approval: Mark A. Thorpe

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

**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 [clerk@flyontario.com](mailto:clerk@flyontario.com).*

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





DATE: APRIL 22, 2021

SECTION: CONSENT CALENDAR

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 OBJECTIVE: 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: April 22, 2021

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

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

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

Chief Executive Officer Approval: Mark A. Thorpe

ITEM NO. 05

## **Local Emergency**

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

California and the nation are responding to the spread of a respiratory illness caused by a novel coronavirus and which has now been detected in 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, 2020, 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, 2020, WHO publicly characterized COVID-19 as a pandemic. On March 13, 2020, 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 January 15, 2021 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

**PRIOR COMMISSION ACTION:** On March 25, 2021, the OIAA Commission adopted Resolution No. 2021-06 approving and declaring the continued existence of a local emergency.

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

**IMPACT ON OPERATIONS:** 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 [clerk@flyontario.com](mailto:clerk@flyontario.com).*

This Agenda Report has been reviewed by OIAA General Counsel.

## RESOLUTION NO. 2021-\_\_

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 January 15, 2021, continued the local state of emergency declaration in response to regional COVID-19 diagnoses and to mobilize the City to best serve the Ontario community. Given that ONT is a destination for passengers from across the nation and from some international locations, the potential effects of the spread of COVID-19 is a local emergency at ONT;

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

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

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

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

**WHEREAS**, on March 25, 2021 the OIAA approved Resolution No. 2021-06, 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 22<sup>nd</sup> day of April 2021.

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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, Natalie Gonzaga, Assistant Secretary of the Ontario International Airport Authority, DO HEREBY CERTIFY that foregoing Resolution No. 2021-\_\_ was duly passed and adopted by the Commission of the Ontario International Airport Authority at their regular meeting held on April 22, 2021 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. 2021-\_\_ duly passed and adopted by the Commission of the Ontario International Airport Authority at their regular meeting held April 22, 2021.

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

(SEAL)





DATE: APRIL 22, 2021

SECTION: CONSENT CALENDAR

SUBJECT: APPROVAL OF THE FIRST CONTRACT AMENDMENT TO DKMG CONSULTING LLC., FOR ON-CALL, AS-NEEDED FINANCIAL AIRPORT CONSULTING SERVICES

RELEVANT STRATEGIC OBJECTIVE: Reduce Airline Costs.

RECOMMENDED ACTION(S): That the Ontario International Airport Authority (OIAA) Commission authorize the Chief Executive Officer (CEO) to amend the existing DKMG Consulting LLC., Contract No. SCONT-000309 by increasing the authority to \$177,000 for the first contract year.

FISCAL IMPACT SUMMARY: Funds for this contract are available in the FY 2020-21 OIAA operating budget and are reimbursed through the bond issuance. Funding for subsequent years will be requested as part of the annual budget process.

BACKGROUND: The OIAA requires financial airport consulting services to assist in the development of capital project financing strategies, including cash flow analysis and preparation of rates and charges scenarios; preparation of reports regarding the feasibility of OIAA bond issues, including the report of the Airport Consultant to be incorporated into bond issue disclosure documents and preparation of documentation to satisfy the additional bonds test; Passenger Facility Charge program including identification of project eligibility, airline consultation, preparation of applications and amendments; rental car customer facility change program and rental car leases; evaluation, develop, and negotiate airline and tenant leases; air traffic and analysis and preparation of forecasts; and, provide other financial services typically provided by an airport’s financial consultant.

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

Department: Finance

Submitted to OIAA: April 22, 2021

Chief Executive Officer Approval: *Mark A. Thorpe*

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

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

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

On November 1, 2020, the OIAA entered into a Professional Services Agreement with DKMG Consulting to provide the required financial airport consulting services under the CEO's signing authority of \$100,000. Increasing the authority amount is necessary to continue ongoing consulting services with the current bonds associated with OIAA's financial requirements.

**PROCUREMENT:** N/A

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

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

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

**SCHEDULE:** N/A

**ATTACHMENTS:** Attachment A: First Contract Amendment  
Attachment B: DKMG Consulting Contract SCONT-000309

*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 [clerk@flyontario.com](mailto:clerk@flyontario.com).*

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



**DATE:**           **APRIL 22, 2021**

**CLOSED SESSION REPORT**

OIAA// (GC § 54957)

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

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

• **GC § 54957, PUBLIC EMPLOYEE PERFORMANCE EVALUATION**

No Reportable Action

Continue

Approved

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

Reported by:

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