

**ONTARIO INTERNATIONAL AIRPORT
AUTHORITY
COMMISSION AGENDA
REGULAR MEETING**

MAY 23, 2017 AT 3:00 P.M.

**Ontario International Airport Administration Offices
1923 E. Avion Street, Room 100, Ontario, CA 91761**

Alan D. Wapner
President

Ronald O. Loveridge
Vice President

Lucy Dunn
Secretary

Jim W. Bowman
Commissioner

Curt Hagman
Commissioner



Kelly J. Fredericks
Chief Executive Officer

Lori D. Ballance
General Counsel

Jeff P. Reynolds
Treasurer

Welcome to the Regular Meeting of the Ontario International Airport Authority.

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

ORDER OF BUSINESS The Authority meeting begins with Closed Session and Closed Session comment at 3:00 p.m., Public Comment at 3:30 p.m. immediately followed by the Regular Meeting.

(EQUIPMENT FOR THE HEARING IMPAIRED IS AVAILABLE UPON REQUEST AT THE REGULAR MEETING.)

CALL TO ORDER (OPEN SESSION)

3:00 p.m.

ROLL CALL

Loveridge, Dunn, Bowman, Hagman, President Wapner

CLOSED SESSION PUBLIC COMMENT: The Closed Session Public Comment portion of the Authority meeting is limited to a maximum of 3 minutes for each speaker and comments will be limited to matters appearing on the Closed Session. Additional opportunities for further Public Comment will be given during and at the end of the meeting.

CLOSED SESSION

- GC 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Property: 1923 E. Avion Street, Terminal #1 and #2, Ontario, California; Negotiator: Kelly Fredericks; Negotiating Parties: Hudson Group Retail Specialist; Under Negotiation: Price and terms of payment.
- GC 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Property: 1150 S. Vineyard Avenue, Ontario, CA 91761; Negotiator: Kelly Fredericks; Negotiating Parties: Guardian Air Services, LLC; Under Negotiation: Price and terms of payment.
- GC 54956.9(d)(2), CONFERENCE WITH LEGAL COUNSEL, ANTICIPATED LITIGATION:
Three (3) cases.

In attendance: Loveridge, Dunn, Bowman, Hagman, President Wapner

PLEDGE OF ALLEGIANCE

REPORT ON CLOSED SESSION

General Legal Counsel

PUBLIC COMMENTS

3:30 p.m.

The Public Comment portion of the Authority meeting is limited to 30 minutes with each speaker given a maximum of 3 minutes. An opportunity for further Public Comment will be given at the end of the meeting. Under provisions of the Brown Act, the Commission is prohibited from taking action on oral requests.

As previously noted -- if you wish to address the Commission, fill out one of the blue slips at the rear of the chambers and give it to the Secretary/Assistant Secretary.

AGENDA REVIEW/ANNOUNCEMENTS The Chief Executive Officer will go over all updated materials and correspondence received after the Agenda was distributed to ensure Commissioners have received them.

CONSENT CALENDAR

All matters listed under **CONSENT CALENDAR** will be enacted by one motion in the form listed below – there will be no separate discussion on these items prior to the time Commission votes on them, unless a member of the Commission requests a specific item be removed from the Consent Calendar for a separate vote.

Each member of the public wishing to address the Authority on items listed on the Consent Calendar will be given a total of 3 minutes.

1. APPROVAL OF MINUTES

Minutes for the special meeting of the Ontario International Airport Authority on April 27, 2017 and May 6, 2017, approving same as on file with the Secretary/Assistant Secretary.

2. APPROVAL OF MEETING STIPENDS

That the OIAA Commission approve meeting stipends for Commissioner Hagman.

ADMINISTRATIVE REPORTS/DISCUSSION/ACTION

3. APPROVE AND AUTHORIZE PERMANENT REMOVAL FROM CONSIDERATION ON FUTURE COMMISSION AGENDAS REGARDING THE PROFESSIONAL SERVICES CONTRACT FOR C&S ENGINEERS, INC TO PREPARE AN AIRPORT MASTER PLAN AND ENVIRONMENTAL ANALYSIS FOR ONTARIO INTERNATIONAL AIRPORT CONTINGENT UPON SIGNATORY AIRLINE SUPPORT – ITEM 04 CONTINUED FROM APRIL 27, 2017

That the OIAA Commission: (1) Approve and authorize permanent removal from consideration on future Commission agendas regarding the Professional Services Contract with C&S ENGINEERS, INC. to prepare an airport master plan and environmental analysis for Ontario International Airport contingent upon signatory airline support; (2) Authorize OIAA staff to modify and re-scope the Airport Master Plan project and related environmental analysis, subject to Commission approval; and (3) Authorize OIAA staff to initiate, at the appropriate time, a new RFQ and bid process for professional consulting services to prepare a modified and re-scoped Airport Master Plan project and related environmental analysis as approved by the Commission.

4. AUTHORIZE APPROVAL OF (1) THE CEO TO EXECUTE A CONTRACT BETWEEN SAN BERNARDINO COUNTY AND THE OIAA TO RECEIVE GENERAL FUNDS FROM THE COUNTY IN THE AMOUNT OF \$250,000.00; (2) CEO TO USE THOSE FUNDS SPECIFICALLY FOR A SECURITY LANE EXPANSION PROJECT IN TERMINAL 4; AND (3) CEO TO NEGOTIATE AND EXECUTE A CONTRACT WITH HAFNER COMPANY, INC. FOR THE SECURITY LANE PROJECT

That the Ontario International Airport Authority: (1) authorize the CEO to sign an agreement between the Ontario International Airport Authority and the County of San Bernardino authorizing the county's contribution to the Ontario International Airport Authority for the security lane expansion project at Terminal 4; (2) authorize the CEO to use those funds for the security lane expansion project in Terminal 4; and, (3) authorize the CEO to negotiate and sign a contract with Hafner Company, Inc. for the security lane expansion project in Terminal 4 in the amount of \$250,000.00.

PUBLIC HEARING

5. A PUBLIC HEARING TO CONSIDER AN ORDINANCE ESTABLISHING A CONFLICTS OF INTEREST CODE

That the Ontario International Airport Authority Commission introduce and read the title, and waive further reading by regular motion, of an Ordinance establishing a Conflict of Interest Code as required by the Political Reform Act (Government Code Section 81000, et seq); and direct staff to place the Ordinance on the Agenda for the next available regular meeting of the Commission for final consideration and passage.

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

STAFF MATTERS

6. ONTARIO INTERNATIONAL AIRPORT AUTHORITY TEAM UPDATE

- Chief Executive Officer report, Kelly Fredericks

COMMISSION MATTERS

President Wapner
Vice President Loveridge
Secretary Dunn
Commissioner Bowman
Commissioner Hagman

ADJOURNMENT

**ONTARIO INTERNATIONAL AIRPORT AUTHORITY
CLOSED SESSION REPORT
OIAA// (GC 54957.1)
May 23, 2017**

ROLL CALL: Bowman __, Dunn __, Hagman __, Loveridge __, President Wapner __.

STAFF: CEO __, General Counsel __

In attendance: Loveridge __, Dunn __, Bowman __, Hagman __, President Wapner __.

- GC 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Property: 1923 E. Avion Street, Terminal #1 and #2, Ontario, California; Negotiator: Kelly Fredericks; Negotiating Parties: Hudson Group Retail Specialist; Under Negotiation: Price and terms of payment.

No Reportable Action	Continue	Approved
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Disposition: _____

STAFF: CEO __, General Counsel __

In attendance: Loveridge __, Dunn __, Bowman __, Hagman __, President Wapner __.

- GC 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Property: 1150 S. Vineyard Avenue, Ontario, CA 91761; Negotiator: Kelly Fredericks; Negotiating Parties: Guardian Air Services, LLC; Under Negotiation: Price and terms of payment.

No Reportable Action	Continue	Approved
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Disposition: _____

ONTARIO INTERNATIONAL AIRPORT AUTHORITY
CLOSED SESSION REPORT
OIAA// (GC 54957.1)
May 23, 2017 (continued)

STAFF: CEO __, General Counsel __

In attendance: Loveridge __, Dunn __, Bowman __, Hagman __, President Wapner __.

- GC 54956.9(d)(2), CONFERENCE WITH LEGAL COUNSEL, ANTICIPATED LITIGATION:
Three (3) cases.

No Reportable Action	Continue	Approved
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Disposition: _____

Reported by:

General Legal Counsel / Chief Executive Officer

**ONTARIO INTERNATIONAL AIRPORT AUTHORITY
SPECIAL COMMISSION MEETING
MINUTES
THURSDAY, APRIL 27, 2017
(Not Official Until Approved)**

A special meeting of the Ontario International Airport Authority was held on Thursday, April 27, 2017, at 1923 E. Avion Street, Room 100, Ontario, California.

Notice of said meeting was duly given in the time and manner prescribed by law.

CALL TO ORDER

Commission President Wapner called the Ontario International Airport Authority Commission meeting to order at 4:07 p.m.

ROLL CALL

PRESENT: Commissioners: Lucy Dunn, Jim W. Bowman, Curt Hagman (arrived at 4:13 p.m.), Ronald O. Loveridge and Alan D. Wapner

ABSENT: Commissioners: None

Also present were: CEO Kelly J. Fredericks, General Counsel Lori D. Ballance, Assistant Counsel Kevin P. Sullivan, and Assistant Secretary Claudia Y. Isbell.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Commissioner Bowman.

Hearing no requests to speak, President Wapner recessed the regular meeting of the Ontario International Airport Authority to Closed Session at 4:14 p.m. with Commissioners Bowman, Dunn, Hagman, Loveridge and President Wapner in attendance.

CLOSED SESSION

- GC 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Property: 1150 S. Vineyard Avenue, Ontario, CA 91761; Negotiator: Kelly Fredericks; Negotiating Parties: Guardian Air Services, LLC; Under Negotiation: Price and terms of payment.
- GC 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Property: 1923 E. Avion Street, Ontario, CA 91761, Terminal #2 and Terminal #4; Negotiator: Kelly Fredericks; Negotiating Parties: Delaware North Companies Travel Hospitality Services, Inc.; Under Negotiation: Price and terms of payment.

- GC 54957, PUBLIC EMPLOYEE APPOINTMENT
Title: General Legal Counsel
- GC 54956.9(d)(2), CONFERENCE WITH LEGAL COUNSEL, ANTICIPATED LITIGATION: *Three (3) cases.*

The Ontario International Airport Authority Commission meeting was reconvened in public session at 5:16 p.m.

CLOSED SESSION REPORT

General Legal Counsel Ballance announced there was no reportable action.

PUBLIC COMMENTS

There were no public comments.

PRESENTATION

RECOGNITION OF OUTGOING ASSISTANT SECRETARY – VICKI KASAD

A certificate was presented to Vicki Kasad on behalf of the Commission in appreciation for her commitment to the Ontario International Airport Authority.

CONSENT CALENDAR

MOTION: Moved by Commissioner Hagman, seconded by Vice President Loveridge and carried by unanimous vote to approve the Consent Calendar as presented, with the minutes as corrected and approving Resolutions No. 2017-01 and 2017-02.

Item No. 01 pulled for discussion by Secretary Dunn.

1. APPROVAL OF MINUTES

Approved minutes for the regular meeting of the Ontario International Airport Authority on March 28, 2017, approving same as on file with the Secretary/Assistant Secretary.

Secretary Dunn clarified language on page 4 of 6, Item No. 06 of the March 28, 2017 minutes indicating that she was interested in seeing staff's recommendation of the process for the disposal of the property.

2. APPROVAL OF MEETING STIPENDS

The OIAA Commission approved meeting stipends for Commissioner Hagman.

3. RESOLUTIONS OF THE ONTARIO INTERNATIONAL AIRPORT AUTHORITY APPOINTING AND DESIGNATING THE AUTHORITY'S GENERAL COUNSEL, ELECTING THE AUTHORITY'S ASSISTANT SECRETARY, AND APPROVING AND AUTHORIZING EXECUTION OF AGREEMENT FOR GENERAL COUNSEL SERVICES

The Ontario International Airport Authority Commission approved Resolution No. 2017-01: (1) Appointing and designating Gatzke, Dillon & Ballance LLP as General Counsel for the Ontario International Airport Authority; and (2) Authorized the Chief Executive Officer or designee to execute the Agreement for Professional Legal Services with Gatzke Dillon & Ballance LLP, effective April 27, 2017; and approved Resolution No. 2017-02: (3) Electing Claudia Y. Isbell as Assistant Secretary for the Ontario International Airport Authority.

RESOLUTION NO. 2017-01 A RESOLUTION OF THE ONTARIO INTERNATIONAL AIRPORT AUTHORITY APPOINTING AND DESIGNATING THE AUTHORITY'S GENERAL COUNSEL, AND APPROVING AND AUTHORIZING EXECUTION OF AGREEMENT FOR GENERAL COUNSEL SERVICES

RESOLUTION NO. 2017-02 A RESOLUTION OF THE ONTARIO INTERNATIONAL AIRPORT AUTHORITY ELECTING THE AUTHORITY'S ASSISTANT SECRETARY

ADMINISTRATIVE REPORTS/DISCUSSION/ACTION

4. APPROVE AND AUTHORIZE EXECUTION OF A PROFESSIONAL SERVICES CONTRACT TO PREPARE AN AIRPORT MASTER PLAN AND ENVIRONMENTAL ANALYSIS FOR ONTARIO INTERNATIONAL AIRPORT AND AUTHORIZE THE AUTHORITY TO EXPEND REVENUES IN SUPPORT OF THE PROFESSIONAL SERVICES CONTRACT – ITEM 03 CONTINUED FROM MARCH 28, 2017

The Ontario International Airport Authority Commission (1) Approve and authorize the execution of a Professional Services Contract with C&S Engineers, Inc. to prepare an airport master plan and environmental analysis for Ontario International Airport contingent upon signatory airline support; and (2) Authorize the expenditure of revenues in support of the Professional Services Contract.

CEO Fredericks stated this was a recommendation for the Commission to approve a Master Plan agreement with C&S Engineers, Inc. He further stated that OIAA has never had a Master Plan completed. He added that staff followed a rigorous selection process as required by the Federal Aviation Administration (FAA), which was a competitive process and it was advertised locally and nationally. C&S was selected based on a points system. He mentioned that in accordance with FAA process, a scope was established and based on that scope a contract was negotiated. He pointed

out the importance of a Master Plan and mentioned it was a part of the Strategic Business Plan adopted by the Commission in January 2013. Mr. Fredericks stated staff needed to do more due diligence regarding airline support, adding that staff communicated with the air carriers on April 26, 2017, and they are in support and requested that the OIAA Commission approve staff's recommendation contingent on airline support. He announced that a meeting has been scheduled with the Airline Affairs Committee on May 16, 2017 and added that he was optimistic that they would reach an agreement, but this was too important to advance without the partnership of the air carriers.

President Wapner disclosed his potential conflict with this item. He mentioned that he was unsure as to whether he could be a part of the discussion. He added that he would prefer airline consent before moving forward with this item and reiterated that he did not want to get too involved in discussion without first confirming if he had a conflict. Mr. Wapner then deferred to General Counsel for legal advice.

Assistant Counsel Sullivan advised President Wapner that a determination had been made and there was no disqualifying event with respect to the C&S Engineers, Inc. item. He added that there were three triggering events that were reviewed to determine whether there was a disqualifying event and added that Mr. Wapner was free to participate and vote on the item.

President Wapner clarified that the laws that govern elected officials when they sit on a joint powers authority board are much different than when they sit in their elected positions. In their elected positions campaign contributions do not disqualify them from voting, but when they are appointed to a board, there is a strict limitation to \$250 within the preceding 12 months. He added that he accepted a contribution in excess of \$250 by a private individual who works for the company.

Mr. Sullivan stated he determined that the individual who contributed to Mr. Wapner was not a party, they were not a participant with respect to this particular contract, and added that his investigation also showed the individual was not an agent. He added that his investigation revealed, no conflict on all three items.

President Wapner added that he wanted the public to be aware that the issue was investigated.

Commissioner Bowman stated that normally Commissioners are given figures prior to giving authorization and asked who makes up for the financial shortfall if the airlines did not support the Master Plan.

CEO Fredericks stated that 67% of the funds needed for the Master Plan will be FAA funded and the balance would come out of the airlines rates and charges over several years.

President Wapner expressed concern over sending mixed messages and added that acting discounts the airlines support even with the stated contingency. He questioned when the contingency ended and added that he would rather have all the information before deciding.

Commissioner Hagman stated he did not realize how comprehensive the Master Plan was and asked whether it was all required by FAA. He added that the number one goal for the Commission was to bring more flights to bring rates down and added that the fastest way this could be accomplished was by having the properties work for the airport. He asked if there were any items that were optional or if all items mentioned in the scope were required. He mentioned the Master Plan included the attendance at committee meetings and again asked if this was required by FAA and for what purpose since the airport has been functioning without a Master Plan. He questioned what was the fastest way of achieving the ultimate goal of bringing more flights to the airport and cheaper rates for the residents.

CEO Fredericks stated that approval of the Master Plan was the most efficient and cost effective way of reaching that goal. He added that the Master Plan was all in accordance with the FAA. He mentioned that there were two projects identified in which FAA funds could be used before they expired. He added that the Master Plan should have been approved by December 1, 2016, but staff only received local control of the airport on November 1, 2016. He stated he was concerned with the history of the airport giving back grant money and stressed that time was of the essence. He also expressed concern over losing entitlement dollars and missing out on discretionary dollars.

President Wapner questioned why staff did not get airline approval before December.

CEO Fredericks stated he initiated a meeting with the air carriers as early as March 2016 and this was not the first time the airlines heard of the Master Plan.

Secretary Dunn asked what the downside was to getting airline consent prior to Commission action.

CEO Fredericks stated his concern was that staff needed to have this under contract and the grant application completed and signed off by the FAA prior to September 30, 2017. Mr. Fredericks deferred to Nick Johnson with Johnson Aviation Consulting for further clarification.

Mr. Johnson stated that the FAA has given a lot of grace in terms of the normal deadline for the grant application and approval process. He added that normally these applications are completed before the end of the calendar year.

Secretary Dunn asked if the airlines were responsible for the cost overruns that the FAA did not pay and added that the Commission's objective was to try to make things

easier for the airlines and questioned if it would not be better to get their support prior to taking action.

CEO Fredericks stated that staff spoke to the airlines and added that they are in support of the item as written as they have the assurance that the Master Plan would not go forward without their approval.

President Wapner questioned why a contingency was included if the airlines were in support.

CEO Fredericks clarified that the item was going to be fully vetted on May 16, 2017.

President Wapner stated he was opposed to the item since the airlines were not in support.

Commissioner Bowman stated that the entire intent is to bring costs down for airlines and added that he would hate to vote on an item without specific figures as a number has not been negotiated with the airlines and added that he would like to table the item.

MOTION: Moved by Commissioner Bowman to table the item.

SUBSTITUTE MOTION: Moved by Secretary Dunn to continue the item to the next regular meeting.

President Wapner expressed concerns regarding repeatedly continuing the item if it were not ready by the next regular meeting.

Commissioner Bowman rescinded his motion to table and seconded the motion to continue the item to the next meeting.

Vice President Loveridge stated that the City of Ontario typically named the individuals who evaluated request for proposals on their staff reports and asked which OIAA staff members sat on the oral panel and requested that the names be listed in the future staff reports.

CEO Fredericks named COO Bruce Atlas, CFO Jeff Reynolds, Director of Commercial Real Estate Amy Goethals, and CDO Mark Thorpe.

Secretary Dunn recalled the City of Ontario had an Airport Land Use Plan and questioned how the Master Plan and the Land Use Plan were connected as she wanted to make sure it was discussed and considered. She added that she wanted an alignment between the City and the Authority work.

City of Ontario Mayor pro Tem Debra Dorst-Porada, indicated that the City does have a plan and expressed her frustration with regards to the City not being included in the review process. She added that the City Engineer or City Planner should have been a part of the review panel to determine who would be best to develop a Master Plan. She further expressed her frustration with the City and the Authority not working as a team adding that it was necessary for both to work together, and further added the importance of having airline approval. Lastly, she stated that she hoped the Commission would direct CEO Fredericks to include the City Planner or the City Engineer in the development of the Master Plan.

MOTION: Moved by Secretary Dunn, seconded by Commissioner Bowman and carried by a vote 4 to 1, with President Wapner opposed, to continue the item to the next regular meeting on May 23, 2017.

	Yes	No	Abstain
President Wapner		X	
Vice President Loveridge	X		
Secretary Dunn	X		
Commissioner Bowman	X		
Commissioner Hagman	X		

5. APPROVE AND AUTHORIZE THE EXECUTION OF A PROFESSIONAL SERVICES CONTRACT FOR CIVIL DESIGN SERVICES AND CONSTRUCTION ADMINISTRATION SERVICES TO REHABILITATE THE TAXIWAY S&W INTERSECTION AND CONSTRUCT TAXIWAY S5 AND AUTHORIZE THE AUTHORITY TO EXPEND REVENUES IN SUPPORT OF THE PROFESSIONAL SERVICES CONTRACT - ITEM 04 CONTINUED FROM MARCH 28, 2017

The Ontario International Airport Authority approved and authorized the execution of a Professional Services Contract with T.Y. LIN INTERNATIONAL, INC., to complete civil design services and construction administration services for the rehabilitation of the Taxiway S&W intersection and construction of Taxiway S5 at Ontario International Airport; and authorized the expenditure of revenues in support of the Professional Services Contract.

CEO Fredericks introduced the item and stated it was necessary for the completion of project S&W intersection, the paved area adjacent to the UPS operation. This is the first large project for the airport. He stated changes were made to the contract to reflect the changes in ownership and added that T.Y. Lin was going to continue the project that was initiated under the Los Angeles World Airport (LAWA). He added that the project was expected to be bid out this year and was hopeful that construction would proceed by the end of 2017.

President Wapner asked if this project was going to cause the closure or affect the usage of any runways in the area.

CEO Fredericks indicated the runways would not be affected.

Commissioner Bowman indicated that the total amount of the expenditure for the project should be included on the main agenda and visible for the public.

CEO Fredericks indicated the contract would be brought before the Commission for final approval.

MOTION: Moved by Commissioner Hagman, seconded by Vice President Loveridge and carried by unanimous vote, to approve and authorize the execution of a Professional Services Contract with T.Y. LIN INTERNATIONAL, INC.

6. APPROVE A DISADVANTAGED BUSINESS ENTERPRISE PROGRAM IN ACCORDANCE WITH REGULATIONS OF THE U.S. DEPARTMENT OF TRANSPORTATION (DOT), 49 CFR PART 26- ITEM 05 CONTINUED FROM MARCH 28, 2017

The Ontario International Airport Authority Commission approved the Disadvantaged Business Enterprise Program for the Ontario International Airport Authority.

RESOLUTION NO. 2017-03 A RESOLUTION OF THE ONTARIO INTERNATIONAL AIRPORT AUTHORITY TO AUTHORIZE A DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM IN ACCORDANCE WITH REGULATIONS OF THE U.S. DEPARTMENT OF TRANSPORTATION (DOT), 49 CFR PART 26

CEO Fredericks introduced the item and stated that a DBE program is required for any airport that accepts federal grants over \$150,000. He added that staff followed FAA methodology and staff has a goal over the next 3 years of 13 percent.

Tracey Lawrence Collins, small business owner of High Surety and Insurances Services and Lawrence Consulting Solutions, stated the presented resolution did not have a clause for a small business development program as required by the FAA.

Dorota Skrzypek with Johnson Aviation Consulting stated the small business portion of the program was a part of the DBE put forth by staff.

MOTION: Moved by Commissioner Bowman, seconded by Secretary Dunn and carried by unanimous vote, to approve Resolution No. 2017-03.

7. A RESOLUTION OF THE ONTARIO INTERNATIONAL AIRPORT AUTHORITY DESIGNATING PUBLIC PARKING VENUES AND PRODUCTS, AND SETTING PARKING RATES AT ONTARIO INTERNATIONAL AIRPORT

The Ontario International Airport Authority Commission approved Resolution No. 2017-04 approving and designating separate parking venues and products for Ontario International Airport; and setting parking rates at Ontario International Airport.

RESOLUTION NO. 2017-04 A RESOLUTION OF THE ONTARIO INTERNATIONAL AIRPORT AUTHORITY DESIGNATING PUBLIC PARKING VENUES AND PRODUCTS, AND SETTING PARKING RATES AT ONTARIO INTERNATIONAL AIRPORT

CEO Fredericks introduced the item and stated this item has full support and encouragement of the air carriers adding that some parking rates are being modestly adjusted, and creating new premium parking for some of the partners. Mr. Fredericks stated the Commission's agenda packet included a comparative analysis that indicates the airport remains at or under all the competing airports by a substantial amount. He added that this would generate revenue that will go directly to the air carriers to reduce their costs.

MOTION: Moved by Commissioner Bowman, seconded by Commissioner Hagman and carried by unanimous vote, to approve Resolution No. 2017-04.

8. APPROVE AND AUTHORIZE EXECUTION OF A FIVE-YEAR LEASE WITH ONE THREE-YEAR OPTION AND ONE TWO-YEAR OPTION BETWEEN ONTARIO INTERNATIONAL AIRPORT AUTHORITY AND DELAWARE NORTH COMPANIES TRAVEL HOSPITALITY SERVICES, INC., AT ONTARIO INTERNATIONAL AIRPORT

The Ontario International Airport Authority Commission approved and authorized execution of a Lease agreement between Ontario International Airport Authority and Delaware North Companies Travel Hospitality Services, Inc., to continue to operate food and beverage concessions, as well as to make a six-million dollar (\$6,000,000.00) initial investment for the complete rebranding and refurbishment of concessions which will generate an estimated \$1,188,000.00 in net revenue from the rental commencement date and an estimated \$12,917,000.00 in net revenue over the ten (10) year term and improve the customer experience at ONT.

CEO Fredericks introduced the item and stated this this was a 5-year lease agreement which contained a 2 and 3-year option. He added this agreement would provide a multi-million-dollar makeover to the airport to improve revenues, create more business-related activity to offset the costs for the air carriers, and improve the customer experience.

Senior Vice President of Business Development Richard Ayson, thanked the Commission for the opportunity.

Vice President Loveridge asked for clarification on why it was transformational.

Mr. Ayson stated that the plan will make the airport consistent with the newest trends.

President Wapner asked if Mr. Ayson was at liberty to disclose the names of restaurants expected in the airport.

Mr. Ayson stated he intended to bring Wahoos Fish Tacos, Rock & Brews, Einstein Bros. Bagels, and a Wolfgang Puck. He also mentioned the intent to upgrade the existing Coffee Bean & Tea Leaf.

President Wapner noted Delaware North's guaranteed to bring a low-price differential of only 10% over and an increase in presence at pre-security area.

Mr. Ayson noted an increase in Airport Concession Disadvantaged Business Enterprise participation from 11 percent to 20 percent with the new JV partner.

MOTION: Moved by Commissioner Hagman, seconded by Secretary Dunn and carried by unanimous vote, to approve and authorize the execution of a lease agreement with Delaware North Companies Travel Hospitality Services, Inc.

9. COMMISSION DISCUSSION AND REQUEST FOR FURTHER DIRECTION REGARDING PROPERTY GENERALLY BOUNDED BY AIRPORT DRIVE TO THE NORTH, JURUPA STREET TO THE SOUTH, HAVEN AVENUE TO THE WEST AND DOUBLEDAY AVENUE TO THE EAST

The OIAA Commission accepted an agenda report and staff recommendations and direct staff to: (i) Follow the Federal Aviation Administration's (FAA's) process to declare the property generally bounded by Airport Drive to the north, Jurupa Street to the south, Haven Avenue to the west, and Doubleday Avenue to the east ("Subject Property") as surplus property; (ii) Complete an appraisal of the Subject Property's fair market value; (iii) Prepare information detailing a public auction process that would be used for the sale of the Subject Property; and (iv) Return to the Commission in the summer of 2017 with an update on the Subject Property.

CEO Fredericks introduced the item and gave a background on the property in question. He pointed out that this was non-aeronautical property and added that it was cost prohibitive to connect the property. The property was not acquired using FAA funds and does not have the encumbrances of having to pay back previously utilized grant funds. He noted that three options were considered sale, lease, or development. He added that the property must be deemed as surplus property by the FAA.

Commissioner Hagman asked why it was necessary to get FAA approval if the property was not purchased with federal funds.

CEO Fredericks stated the FAA must declare the property as surplus before a potential sale. He noted that staff recommends that the Authority work with the FAA to declare the property as surplus property, complete a required appraisal of the property, and proceed with an auction for sale, noting that the appraisal will be completed sometime in July, and at that stage the Commissioner would be presented with options.

President Wapner stated he was in support of an auction but would rather it was not limited to a sale and that other options be presented as well.

Commissioner Bowman agreed with President Wapner and asked if the Board of Airport Commissions (BOAC) was going to be involved.

CEO Fredericks indicated they were not.

Secretary Dunn indicated that the direction was to develop a process and instead there is a recommendation for a sale. Ms. Dunn stated she was concerned with the process going too fast, adding that she was a bit persuaded by the idea to pay on the LAWA debt.

Commissioner Hagman stated there were two steps that the Commission should direct staff to act on now and that included having the FAA declare the property as surplus and an appraisal of the property after that, the item should be brought back to the Commission. He noted he wanted the process to include the air carriers, shipping companies and existing leads to evaluate if there is a need in their business model and the business of the airport to utilize this property. He noted this would not slow down the process and still allow the Commission the opportunity to evaluate the best options for the airport.

President Wapner asked how long before the appraisal was complete.

CEO Fredericks stated staff had an appraiser under contract and anticipated having the appraisal in July.

President Wapner stated he was concerned with the timing as the market is doing well.

Commissioner Hagman amended his motion to include direction for staff to bring back an economic development summary of the current economic trends and an evaluation from General Counsel regarding repercussions of selling, leasing, developing or a combination and how each scenario affects participating parties.

President Wapner requested that the recommendation also be reviewed by an economist.

Secretary Dunn added that General Counsel take a close look at the settlement agreement to confirm that BOAC's approval was not necessary.

MOTION: Moved by Commissioner Hagman, seconded by Vice President Loveridge and carried by unanimous vote, to have the property declared as surplus property by the FAA; get the required appraisal and bring back to the Commission; include an economic development summary of the current economic trends; and include an evaluation by General Counsel.

President Wapner introduced the new General Counsel and Assistant Secretary.

STAFF MATTERS

10. ONTARIO INTERNATIONAL AIRPORT AUTHORITY TEAM UPDATE

- Chief Executive Officer report, Kelly Fredericks

CEO Fredericks announced two new staff members, Director of Air Services Development Phoebe Zhang and Director of Finance Nicholas Bottini. He also reported an increase in traffic numbers with domestic passenger traffic up by 7.1 percent and international traffic down 22 percent. He added that Volaris is starting a new service to Leon, Guanajuato, Mexico twice a week year-round and an increase to Guadalajara from 5 to 7 days a week. Mr. Fredericks announced the increase in cargo numbers and added that there is a strong indication for continued growth.

He announced the Fly Ontario program resurrecting the Set Ontario Free campaign and the first focus is to bring back JetBlue.

He also provided an update on the Business Advisory Group and indicated he plans to come back at the May 23, 2017 meeting with a list of names to enhance all aspects of the business and economic development issues with an initial focus on air services development at the airport.

CEO Fredericks indicated that staff intended to bring a proposal and recommendation for Transportation Network Carriers such as Uber and Lift at the May 23, 2017 meeting.

CEO Fredericks stated the importance of partnership and collaboration with the City of Ontario and noted it was necessary moving forward. He added that staff was in the process of finalizing agreements with the City for fire and police services at the airport. He noted his intent to utilize the Public Safety Ad Hoc committee and suggested a special meeting to approve the agreements.

Lastly, Mr. Fredericks announced a May 11, 2017 Budget and Bylaws committee and added that a final draft budget will be provided by courier on May 19, 2017 allowing Commissioners enough time to review. He added that once there was an approved budget, staff would be providing the Commission a very detailed financial report for their review and added that staff was available to answer questions.

President Wapner added that Commissioner Hagman has been asking to review the budget some time now.

Commissioner Hagman stated that it was his intent to bring the budget issue up at every meeting if necessary as he has never been a part of a board or commission where he does not have access to, at minimum, quarterly updates, statements or monthly updates. He added that he was not comfortable not getting those numbers as it was the Commission's responsibility. He mentioned that he was hopeful that there was new software to provide the information, or suggested that staff go back to spreadsheets if necessary.

CEO Fredericks stated he did not think it was appropriate to provide specific numbers in his update until he has the meeting with the airlines and added that he was prepared to meet with Commissioners on an individual basis.

Commissioner Hagman asked if it were possible to have a representative from the airlines available to answer questions during meetings adding that their input is important.

CEO Fredericks indicated he would encourage the airline carrier to attend meetings adding that typically an airline representative was not available.

President Wapner indicated he was more interested in the budget the Authority is operating under now, the LAWA budget and seeing what other expenditures OIAA is making that were not included in the LAWA budget. He requested a report of expenditures that have taken place since November 1, 2016 and an organizational chart to better understand the budgetary impact of what that is as well.

Commissioner Hagman added that one of the things expressed to the public once there was local control was that OIAA would be more efficient, streamlining and lowering rates for customers and he would like to see something that shows the airport working towards that goal.

COMMISSIONER MATTERS

There were no Commissioner matters.

ADJOURNMENT

President Wapner adjourned the Ontario International Airport Authority Commission meeting at 6:18 p.m.

Respectfully submitted:

CLAUDIA Y. ISBELL, ASSISTANT SECRETARY

APPROVED:

ALAN D. WAPNER, PRESIDENT
ONTARIO INTERNATIONAL AIRPORT AUTHORITY

**ONTARIO INTERNATIONAL AIRPORT AUTHORITY
SPECIAL COMMISSION MEETING
MINUTES
SATURDAY, MAY 6, 2017
(Not Official Until Approved)**

A special meeting of the Ontario International Airport Authority was held on Saturday, May 6, 2017, at 1923 E. Avion Street, Room 100, Ontario, California.

Teleconference Location Available at: 3 Yale Court, Coto de Caza, CA 92679.

Notice of said meeting was duly given in the time and manner prescribed by law.

CALL TO ORDER

Commission President Wapner called the Ontario International Airport Authority Commission meeting to order at 8:31 a.m.

ROLL CALL

PRESENT: Commissioners: Lucy Dunn (via Teleconference at 8:33 a.m.), Jim W. Bowman, Curt Hagman, Ronald O. Loveridge and Alan D. Wapner

ABSENT: Commissioners: None

Also present were: General Counsel Lori D. Ballance, Assistant Counsel Kevin P. Sullivan, and Assistant Secretary Claudia Y. Isbell.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Vice President Loveridge.

PUBLIC COMMENTS

There were no public comments.

ADMINISTRATIVE REPORTS/DISCUSSION/ACTION

- 1. AUTHORIZE APPROVAL OF COOPERATIVE AGREEMENTS BETWEEN THE CITY OF ONTARIO AND THE ONTARIO INTERNATIONAL AIRPORT AUTHORITY TO PROVIDE FIRE PROTECTION, LAW ENFORCEMENT AND DISPATCH SERVICES FOR THE ONTARIO INTERNATIONAL AIRPORT AND AUTHORIZE THE EXPENDITURE OF REVENUES IN SUPPORT OF COOPERATIVE AGREEMENTS**

The Ontario International Airport Authority Commission approved and authorized the execution of Cooperative Agreements between the City of Ontario and the Ontario International Airport Authority to provide fire protection, law enforcement, and

dispatch services for the Ontario International Airport and authorized the expenditure of revenues in support of the Cooperative Agreements.

MOTION: Moved by Commissioner Hagman, seconded by Commissioner Bowman and carried by unanimous vote by those present, with Secretary Dunn absent, to authorize approval of Cooperative Agreements between the City of Ontario and the Ontario International Airport Authority for fire, law enforcement, and dispatch services.

Secretary Dunn joined the meeting via Teleconference at 8:33 a.m.

COMMISSIONER MATTERS

Commissioner Hagman announced the Chino Air Show taking place on Saturday, May 6, 2017 through Sunday, May 7, 2017.

Commissioner Bowman thanked staff for their hard work in finalizing the agreements with the City of Ontario.

ADJOURNMENT

President Wapner adjourned the Ontario International Airport Authority Commission meeting at 8:34 a.m.

Respectfully submitted:

CLAUDIA Y. ISBELL, ASSISTANT SECRETARY

APPROVED:

ALAN D. WAPNER, PRESIDENT
ONTARIO INTERNATIONAL AIRPORT AUTHORITY

**ONTARIO INTERNATIONAL
AIRPORT AUTHORITY**

Agenda Report

May 23, 2017

**SECTION:
CONSENT CALENDAR**

**SUBJECT: OIAA COMMISSION APPROVAL OF STIPENDS AS REQUIRED BY
AUTHORITY BYLAWS**

RECOMMENDED ACTION(S): That the Ontario International Airport Authority Commission approve additional stipends per Article IV, Section 6 of the Authority's Bylaws.

BACKGROUND:

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

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

During the month of April 2017, OIAA Commissioner Hagman attended six (6) additional Authority-related business functions. Full Commission approval is needed to approve payment of stipends.

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.

STAFF MEMBER PRESENTING: Kelly Fredericks, Chief Executive Officer

Prepared by: Kelly Fredericks
Department: _____

OIAA

Chief Executive
Officer Approval:  _____

Submitted to OIAA: May 23, 2017
General Counsel
Review: May 9, 2017
Approved: _____
Continued to: _____
Denied: _____

Item No. 02

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).)

STAFFING IMPACT (# OF POSITIONS):

N/A

IMPACT ON OPERATIONS:

N/A

EXHIBITS AND ATTACHMENTS:

None.

The Agenda Report references the terms and conditions of the recommended actions and request for approval. Any document(s) referred to herein and that are not attached or posted online may be reviewed prior to or following scheduled Commission meetings in the Office of the Clerk of the Commission. Office hours are 8:30 a.m. to 5:00 p.m., Monday through Friday

This Agenda Report has been reviewed by OIAA General Counsel.

**ONTARIO INTERNATIONAL
AIRPORT AUTHORITY**
Agenda Report
May 23, 2017

**SECTION:
ADMINISTRATIVE
REPORTS/DISCUSSION/ACTION**

SUBJECT: AUTHORIZE APPROVAL OF: (1) THE CEO TO EXECUTE A CONTRACT BETWEEN SAN BERNARDINO COUNTY AND THE OIAA TO RECEIVE GENERAL FUNDS FROM THE COUNTY IN THE AMOUNT OF \$250,000.00; (2) CEO TO USE THOSE FUNDS SPECIFICALLY FOR A SECURITY LANE EXPANSION PROJECT IN TERMINAL 4; AND (3) CEO TO NEGOTIATE AND EXECUTE A CONTRACT WITH HAFNER COMPANY, INC. FOR THE SECURITY LANE PROJECT

RECOMMENDED ACTION(S): That the Ontario International Airport Authority: (1) authorize the CEO to sign an agreement between the Ontario International Airport Authority and the County of San Bernardino authorizing the county's contribution to the Ontario International Airport Authority for the security lane expansion project at Terminal 4; (2) authorize the CEO to use those funds for the security lane expansion project in Terminal 4; and, (3) authorize the CEO to negotiate and sign a contract with Hafner Company, Inc. for the security lane expansion project in Terminal 4 in the amount of \$250,000.00.

FISCAL IMPACT SUMMARY:

Funds for Hafner Company, Inc.'s (Hafner) work are being provided by the County of San Bernardino. Approval for Hafner's work will not require use of funds from the OIAA's FY 2016/17 budget, nor require use of additional Discretionary General Funding (Net County Costs).

BACKGROUND

The OIAA was formed under a Joint Powers Agreement (JPA) in August 2012 by the City of Ontario and the County of San Bernardino to provide overall direction for the management, operations, development, and marketing of Ontario International Airport (ONT). The OIAA identified a need for an additional security lane—expansion to a fifth lane—in Terminal 4 at ONT (Project). After discussions with the airlines and site visit assessments by engineers and other OIAA staff, it was determined that the existing four-lane structure at Terminal 4 did not sustain passenger flows during peak traffic periods,

STAFF MEMBER PRESENTING: Kelly Fredericks, Chief Executive Officer

Prepared by: Kelly Fredericks
Department: _____

OIAA

Chief Executive
Officer Approval: _____

Submitted to OIAA: May 23, 2017

General Counsel

Review: May 19, 2017

Approved: _____

Continued to: _____

Denied: _____

Item No. 04

which created severe passenger congestion, and flight delays and additional costs to the airlines. This project proposes the addition of a fifth lane to the existing security checkpoint at Terminal 4, which includes the relocation of TSA office space, the shifting of the four existing lanes, and the addition of TSA-required security cameras and screening equipment. The OIAA entered into a contract with the Hafner Company Inc. (dba JH Construction) on the date the airport was transferred to complete this Project. The Project has resulted in the need for additional funding. Pursuant to Section 8 of the JPA, a separate agreement is allowed and can be authorized to enable the County to make contributions, payments or advances of public funds to the OIAA for purposes identified in the JPA (in the amount up to \$250,000 per fiscal year). Based on the scope and fee provided by the Hafner, this \$250,000 amount will be sufficient to complete its required construction services. Under Article 3, Section 4 of the OIAA Bylaws, all contracts must be approved and signed by the Commission, unless otherwise delegated by the Commission. Further, pursuant to Commission Resolution No. 2016-001, dated February 1, 2016, the CEO was provided a maximum signing authority of up to \$100,000 per contract. Since this contract will be in the amount of \$250,000.00 staff recommends the OIAA Commission to authorize the OIAA CEO to negotiate and execute a contract with Hafner to complete the Project.

PROCUREMENT: Hafner was selected by the OIAA as sole-source because of the urgency of this project and the familiarity and experience Hafner has with the airport and this particular Project. Hafner has been providing construction services to ONT for over 25 years for various airside and landside projects, and has also provided construction services to all the major airlines at ONT for various tenant improvement projects. Hafner's staff are badged, familiar with the terminal area architectural, structural, and utilities details, and familiar with the safety and security mandates at commercial service airports. Based on these factors, Hafner was deemed best-suited for this urgent and much needed Project.

FISCAL IMPACT AND SOURCE OF FUNDS

Approval of this recommendation will not require the use of additional funds in the 2016/17 OIAA budget approved by the OIAA Commission for Hafner's work. Additionally, approval of this recommendation will not require the use of additional Discretionary General Funding (Net County Costs) for Hafner's work.. As approved by the Board of Supervisors on June 14, 2016, the County's 2016-17 Budget includes \$250,000.00 per fiscal year to establish the Ontario Airport Reserve for future support of the airport.

CEQA COMPLIANCE

The proposed project is Categorically Exempt (Class 1) from the provisions of CEQA pursuant to Section 15301, because it provides for the exemption of existing facilities. Operations, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing structures or facilities involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.

STAFFING IMPACT (# OF POSITIONS)

N/A

IMPACT ON OPERATIONS

N/A

SCHEDULE

N/A

EXHIBITS AND ATTACHMENTS

Attachment A – Funding Agreement between County of San Bernardino and the Ontario International Airport Authority

Attachment B – Agreement with Hafner Company, Inc., JH Construction

This Agenda Report references the terms and conditions of the recommended actions and request for approval. Any document(s) referred to herein and that are not attached or posted online may be reviewed prior to or following scheduled Commission meetings in the Office of the Clerk of the Commission. Office hours are 8:30 a.m. to 5:00 p.m., Monday through Friday.

This Agenda Report has been reviewed by General Counsel. |

**ONTARIO INTERNATIONAL
AIRPORT AUTHORITY**

Agenda Report
May 23, 2017

**SECTION:
PUBLIC HEARING**

**SUBJECT: A PUBLIC HEARING TO CONSIDER AN ORDINANCE ESTABLISHING A
CONFLICTS OF INTEREST CODE.**

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

- (A) Introduce and read the title, and waive further reading by regular motion, of an Ordinance establishing a Conflict of Interest Code as required by the Political Reform Act (Government Code Section 81000, et seq); and
- (B) Direct OIAA Staff to place the Ordinance on the Agenda for the next available regular meeting of the Commission for final consideration and passage.

BACKGROUND

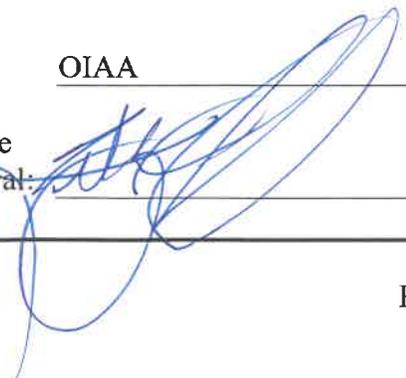
The Political Reform Act (Government Code Section 8100, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 California Code of Regulations Section 18730) that contains the terms of a standard conflict of interest code, which can be incorporated by reference in the Authority's code. After public notice and hearing, the standard code may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the Exhibits A and B, designating positions and establishing disclosure categories, shall constitute the conflict interest code of the Ontario International Airport Authority ("Authority").

Individuals holding designated positions shall file their statements of economic interest with the Authority, which will make the statements available for public inspection and reproduction (Gove. Code Sec. 81008). All statements will be retained by the Authority.

STAFF MEMBER PRESENTING: Kelly Fredericks, Chief Executive Officer

Prepared by: Claudia Y. Isbell
Department: _____

OIAA

Chief Executive
Officer Approval:  _____

Submitted to OIAA: May 23, 2017
General Counsel
Review: May 9, 2017
Approved: _____
Continued to: _____
Denied: _____

Item No. 05

FISCAL IMPACT AND SOURCE OF FUNDS

There is no fiscal impact.

PRIOR COMMISSION ACTION

October 15, 2012: JPA filing requirements were discussed and it was determined that staff would prepare a Conflict of Interest Code for the Authority.

July 07, 2014: The Commission directed staff to reviewed the Biennial Conflict of Interest Code.

October 06, 2014: The Commission received the 2014 Local Agency Biennial Review of the Conflict of Interest Code report and confirmed no changes were required at that time.

CEQA COMPLIANCE

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

ATTACHMENTS:

Attachment A: Proposed Ordinance adopting the Ontario International Airport Authority Conflict of Interest Code after final passage.

The Agenda report references the terms and conditions of the recommended actions and request for approval. Any document(s) referred to herein and that are not attached or posted on-line may be reviewed prior to or following scheduled Commission meetings in the Office of the Clerk of the Commission. Office hours are 8:30 a.m. to 5:00 p.m., Monday through Friday.

This Agenda Report has been reviewed by OIAA General Counsel |

**Conflict of Interest Code
of the
Ontario International
Airport Authority**



CONFLICT OF INTEREST OF THE ONTARIO INTERNATIONAL AIRPORT AUTHORITY

SECTION A. PURPOSE:

1. Statement of Purpose.

The Ontario International Airport Authority (the “Authority”) was created through a Joint Exercise of Powers Agreement between the City of Ontario and the County of San Bernardino on August 21, 2012 for the operation, maintenance, management, administration, development, and marketing of the Ontario International Airport (“Airport”).

The California Political Reform Act, Government Code Sections 81000, *et seq.*, requires state and local government agencies to adopt and promulgate Conflict of Interest Codes. The Fair Political Practices Commission has adopted a regulation, California Code of Regulations, title 2, section 18730, which contains the terms of a standard Conflict of Interest Code, which can be incorporated by reference and which may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act of 1974 after public notice and hearings. Therefore, the terms of the California Code of Regulations, title 2, section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission, along with the attached Appendix in which officials and employees are designated and disclosure categories are set forth, are hereby incorporated by reference and constitute the Conflict of Interest Code of the Authority.

Incorporation by reference of the terms of this regulation along with the designation of employees and the formulation of disclosure categories in the Appendix referred to below constitute the adoption and promulgation of a Conflict of Interest Code within the meaning of Government Code section 87300 or the amendment of a Conflict of Interest Code within the meaning of Government Code section 87306 if the terms of this regulation are substituted for terms of a Conflict of Interest Code already in effect. A Code so amended or adopted and promulgated requires the reporting of reportable items in a manner substantially equivalent to the requirements of Government Code sections 81000, *et seq.* The requirements of a Conflict of Interest Code are in addition to other requirements of the Political Reform Act, such as the general prohibition against conflicts of interest contained in Government Code section 87100, and to other state or local laws pertaining to conflicts of interest.

It is the purpose of this Conflict of Interest Code to provide for the disclosure of Designated Employees assets and income which may be materially affected by their actions, and, in appropriate circumstances, to provide that Designated Employees should be disqualified from acting in order that conflicts of interest may be avoided. Nothing contained herein is intended to modify or abridge the provisions of the Political Reform Act of 1974 (Govt. Code, § 81000, *et seq.*)

SECTION B. DEFINITION OF TERMS:

1. **Definitions.** This Conflict of Interest Code contains a number of key terms, such as “Designated Employee,” interests in real property within the jurisdiction,” “investments in business entities,” “income,” and decisions “made” or “participated in” by a Designated Employee, which are defined in the Political Reform Act of 1974 (Govt. Code §§ 81000 through 91014) and the regulations of the Fair Political Practices Commission (2 Cal. Code of Regs. §§ 18110 through 18997.). These definitions and regulations, and any amendments to the Act or regulations, are incorporated by reference into this Conflict of Interest Code. [2 Cal. Code of Regs., § 18730, subd. (b)(1)]

SECTION C. DISCLOSURE STATEMENTS:

1. **Officials and Designated Employees.** The designated employees holding positions listed in Exhibit “A” of the Appendix of this Conflict of Interest Code are “Designated Employees.” It has been determined that these officers and employees make or participate in the making of decisions which may foreseeably have a material effect on economic interest. [Gov. Code § 87302, subd. (a)(3); 2 Cal. Code of Regs., § 18730, subd. (b)(2)]
2. **Disclosure Requirements.** Each Designated Employee shall file statements, disclosing interests in real property, investments in business entities, business positions held, and income or sources of income received which might foreseeably be affected materially by the operations of the Ontario International Airport. The disclosure categories set forth in Exhibit “B” of the Appendix specify which kinds of financial interests are reportable. It has been determined that the types of investments, interest in real property, business positions, income, and sources of income assigned to each Designated Employee in Exhibit “A” of the Appendix are of the type that may be affected materially by decisions made or participated in by the Designated Employee by his or her position and are reportable.
3. **Conflict of Interest Disclosure Form.** All persons or firms, including subcontractors, seeking contracts or purchase orders, are required to complete Exhibit “C” the “Conflict of Interest Disclosure Form.”

This Conflicts of Interest Code does not establish any disclosure obligation for those Designated Employees who are also specified in Government Code section 87200.

[Gov. Code, § 87302(a); 87302(b); 2 Cal. Code of Regs., § 18730(b)(3)]

4. **Revisions to Designation of Officials and Employees, and to Disclosure Requirements.**

The Commission of the Authority may, from time to time, by resolution, modify or revise the list of Designated Employees in Exhibit “A” of the Appendix, the disclosure categories set forth in Exhibit “B” of the Appendix, and the Conflict of Interest Disclosure Form set forth in “Exhibit C” of the Appendix, including but not limited to establishing a minimum contract or purchase order amount that requires

completion of Exhibit "C". The resolution adopted by the Commission of the Authority shall constitute a revised appendix referred to in subsection (b)(2) of Section 18730 of Title 2 of the California Code of Regulations. It shall be determined in such resolution that the persons holding such positions make or participate in the making of decisions which may foreseeably have a material effect on financial interests

5. Statements of Economic Interest: Time of Filing; Contents Thereof.

- (a) **Initial Statements.** All Designated Employees employed on the effective date of this Conflict of Interest Code, as originally adopted, promulgated and approved, by the code-reviewing body, shall file statements within 30 days after the effective date of this Conflict of Interest Code. Thereafter, each person already in a position when is designated by an amendment to this Conflict of Interest Code shall file an initial statement within 30 days after the effective date of the amendment. All initial statements shall disclose any reportable investments, interests in real property, and business positions held on the effective date of this Conflict of Interest Code, and income, including gifts, and loans, received during the 12 months prior to the effective date of this Conflict of Interest Code. [2 Cal. Code of Regs., § 18730, subd. (b)(5)(A)]

- (b) **Assuming Office Statements.** All persons who are elected, appointed, promoted or transferred to a Designated Employee position after the effective date of this Conflict of Interest Code shall file statements within 30 days after assuming the Designated Employee position, disclosing any reportable investments, interests in real property, and business positions held on the date of assuming office, and income, including gifts and loans, received during the 12 months prior to the date of assuming office. [2 Cal. Code of Regs., § 18730, subd. (b)(5)(B)]

- (c) **Annual Statements.** Annual statements shall be filed by all Designated Employees on or before April 1 of each year, disclosing any reportable investments, interest in real property, business positions and income held or received during the previous calendar year provided, however, that the period covered by an employee's first annual shall begin on the effective date of the Conflict of Interest Code or the date of assuming office, whichever is later. [2 Cal. Code of Regs., § 18730, subd. (b)(5)(C)]

- (d) **Leaving Office Statements.** Every Designated Employee who leaves office and does not assume another Designated Employee position for the Authority shall file a statement within 30 days after leaving office, disclosing any reportable investments, interests in real property, business positions, and income held or received during the period between the closing date of the last statement filed and the date of leaving office.
[Gov. Code, § 87302, subd. (b); 2 Cal. Code of Regs., §§ 18730, subd. (b)(5)(D), 18730, subd. (b)(6)]

6. Statements for Persons Who Resign Prior to Assuming Office.

Any person who resigns within 12 months of initial appointment, or within 30 days of the date of notice provided by the filing officer to file an assuming office statement, is not deemed to have assumed office or left office, provided he or she did not make or participate in the making of, or use his or her position to influence any decisions and did not receive or become entitled to receive any form of payment as a result of his or her appointment. Such persons shall not file either an assuming of leaving office statement.

(a) Any person who resigns a position within 30 days of the date of a notice from the filing officer shall do both of the following:

(1) File written resignation with the appointing power; and

(2) File a written statement with the filing officer declaring under penalty of perjury that during the period between appointment and resignation he or she did not make, participate in the making or use the position to influence any decision of the Authority, or receive, or become entitled to receive, and form of payment by virtue of being appointed to the position.

[Gov. Code, § 87302, subd. (d); 2 Cal. Code of Regs., § 18730(b)(5.5)]

7. Place of Filing Statements.

All Designated Employees required to submit a statement of economic interest shall file the original with the Authority's filing officer. The filing officer shall make and retain a copy of all statements filed by officials listed in Government Code Sections 87200, and forward the originals of such statements to the Fair Political Practices Commission. The filing officer shall retain the originals of the statements of all other Designated Employees. [Gov. Code, § 87500, subd. (f); 2 Cal. Code of Regs., § 18730, subd. (b)(4), 18115, 18753]

8. Forms for Statements. Statements for disclosing economic interests shall be made on forms prescribed by the Fair Political Practices Commission and supplied by the Authority filing officer. [Gov. Code, § 81010, subd. (a); 2 Cal. Code of Regs., § 18730, subd. (b)(7), 18115, subd. (b)(2)]

SECTION D. MANNER OF REPORTING:

1. Contents of Reports of Investments and Interests in Real Property.

Investments and interests in real property which have a fair market value of less than two thousand dollars (\$2,000) are not investments and interests in real property within the meaning of the Political Reform Act.

Investments or interests in real property of an individual include those held by the individual's spouse, including registered domestic partners, and dependent children, as well as the pro rata share of any investment or interest in real property of any business entity or trust in which the individual, spouse and dependent children own, in the aggregate, a direct, indirect or beneficial interest of 10% or greater. [2 Cal. Code of Regs., § 18730, fn. 4]

When an investment or interest in real property is required to be reported under this Conflict of Interest Code, the statement shall contain the following:

- (a) A statement of the nature of the investment or interest;
- (b) The name of the business entity in which each investment is held, and a general description of the business activity in which the business is engaged;
- (c) The address or other precise location of the real property;
A statement whether the fair market value of the investment or interest in real property equals or exceeds two thousand dollars (\$2,000), exceeds ten thousand dollars (\$10,000), exceeds one hundred thousand dollars (\$100,000), or exceeds one million dollars (\$1,000,000). [Gov. Code, §§ 82033, 82034, 87206; 2 Cal. Code of Regs., § 18730, subd. (b)(7)(A)]

2. Contents of Reports of Personal Income.

Personal income of a Designated Employee includes his or her own income as well as his or her community property interests in the income of his or her community property interest in the income of his or her spouse but does not include salary or reimbursement for expenses received from a state, federal, or local government agency. [2 Cal. Code of Regs., § 18730, fn. 5]

When personal income is required to be reported under this Conflict of Interest Code, the statement shall contain:

- (a) The name and address of each source of income aggregating five hundred dollars (\$500) or more in value per year, or fifty dollars (\$50) or more in value if the income was a gift, and a general description of the business activity, if any, of each source;
- (b) A statement whether the aggregate value of the income from each source, or in the case of a loan, the highest amount owed to each source, was one thousand dollars (\$1,000) or less, greater than one thousand dollars (\$1,000), greater than ten thousand dollars (\$10,000), or greater than one hundred thousand dollars (\$100,000);
- (c) A description of the consideration, if any, for which the income was received;
- (d) In the case of a gift, the name, address, and business activity of the donor and any intermediary through which the gift was made; a description of the gift; the amount or value of the gift; and, the date on which the gift was received;
In the case of a loan; the annual interest rate and the security, if any, given for the loan and the term of the loan. [Gov. Code, §§ 82030, 87302, subd. (b), 87207; 2 Cal. Code of Regs., § 18730, subd. (b)(7)(B)]

3. Contents of Reports of Business Entity Income.

Income of a business entity is reportable if the direct, indirect or beneficial interest of the filer and the filer's spouse is in the business entity aggregates a 10% or greater interest. The disclosure of persons who are clients or customers of a business entity is required only if the clients or customers are within one of the disclosure categories of the filer. [2 Cal. Code of Regs., § 18730, fn. 6]

When income of a business entity, including income of a sole proprietorship, is required to be reported under this Conflict of Interest Code, the statement shall contain;

- (a) The name, address and a general description of the business activity of the business entity; and
- (b) The name of every person from whom the business entity received payments if the filer's pro rata share of gross receipts from such person was equal or greater to or greater than ten thousand dollars (\$10,000) during a calendar year. [Gov. Code, §§ 87302, subd. (b), 87207, subd. (b); 2 Cal. Code of Regs., §§ 18730, subd. (b)(7)(C)]

4. Contents of Reports of Business Position Disclosure.

When business positions are required to be reported, a Designated Employee shall list the name and address of each business entity in which he or she is a director, officer, partner, trustee, employee, or in which he or she holds any position of management, a description of the business activity in which the business entity is engaged, and the Designated Employee's position with the business entity. [Gov. Code § 87302, subd. (b); 2 Cal. Code of Regs., § 18730, subd. (b)(7)(D)]

5. Acquisition or Disposal During Reporting Period.

In the case of an annual statement or a leaving office statement, the statement shall include any investments or interests in real property that was partially or wholly acquired or disposed of at any time during the period covered by the statement, whether or not they are still held at the time of filing, and shall contain the date of acquisition or disposal. [Gov. Code §§ 87302, subd. (b), 87206; 2 Cal. Code of Regs., § 18730, subd. (b)(7)(E)]

SECTION E. HONORARIA AND GIFTS:

1. Prohibition on Receipt of Honoraria.

No Designated Employee shall accept any honorarium from any source if he or she would be required to report the receipt of income or gifts from that source on his or her statement of economic interest.

This Section does not limit or prohibit payments, advances, or reimbursements for travel, including actual transportation and related lodging and subsistence which is reasonably related to a governmental purpose as specified in Government Code section 89506. [Gov. Code, §§ 89501, 89502; 2 Cal. Code of Regs. § 18730, subd. (b)(8)(A)]

2. Prohibition on Receipt of Gifts.

No Designated Employee shall accept gifts with a total value of more than four hundred and seventy dollars (\$470) in a calendar year from any single source, if he or she would be required to report the receipt of income or gifts from that source on his or her statement of economic interests.

This Section does not limit or prohibit payments, advances or reimbursements for travel and related lodging and subsistence permitted by Government Code section 89506; or wedding gifts and gifts exchanged between individuals on birthdays, holidays, and other similar occasions, provided that the gifts exchange are not substantially disproportionate in value. [Gov. Code § 89503, subd. (e); 2 Cal. Code of Regs., § 18730, subd. (b)(8.1)(A)]

SECTION F. LOANS:

1. Loans to Public Officials.

- (a) Except as set for in Subsection (c), below, no Commissioner of the Authority shall, from the date of his or her appointment to the Commission, while he or she holds the position, receive a personal loan from any officer, employee, member or consultant of the Authority or any agency over which the Authority has direction and control.
- (b) No Commissioner of the Authority shall, from the date of his or her appointment to the Commission, while he or she holds the position, receive a personal loan from any person who has a contract with the Authority or any agency over which the Authority has a direction and control.

This Section shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the public official's status. [2 Cal. Code of Regs., § 18730, subd. (b)(8.2)]

- (c) This Section shall not apply to the following:
 - (1) Loans made to the campaign committee of an elected officer or candidate for elective office.
 - (2) Loans made to the public official by his or her spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such persons, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this Section.
 - (3) Loans from a person which, in the aggregate, do not exceed five hundred dollars (\$500) at any given time.
 - (4) Loans made, or offered in writing before January 1, 1998. [2 Cal. Code of Regs., § 18730, subd. (b)(8.2)]

2. Loan Terms.

- (a) Except as set forth in Subsection (b), below, no Commissioner shall, from the date of his or her appointment to the Commission, while he or she holds a seat on the Commission, receive a personal loan of five hundred dollars (\$500) or more, except when the loan is in writing and clearly states the terms of the loan, including parties to the loan agreement, date of the loan, amount of the loan, term of the loan, date or dates when payments shall be due on the loan and the amount of payments, and the rate of interest paid on the loan.
- (b) This Section shall not apply to the following types of loans:
 - (1) Loans made to the campaign committee of an elected officer.
 - (2) Loans made to the elected officer by his or her spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such persons, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempt under this Section.
 - (3) Loans made, or offered in writing, before January 1, 1998.
 - (4) Nothing in this Section shall exempt any person from any other provision of this Conflict of Interest Code or the Political Reform Act. [2 Cal. Code of Regs., § 18730, subd. (b)(8.3)]

3. Personal Loans.

Except as set forth in Subsection (c) below, a personal loan received by any Designated Employee shall become a gift to the Designated Employee for the purposes of this Conflict of Interest Code in the following circumstances:

- (a) If the loan has a defined date or dates for repayment, when the statute of limitations for filing an action for default has expired.
- (b) If the loan has no defined date or dates for repayment, when one year has elapsed from the later of the following:
 - (1) The date the loan was made.
 - (2) The date the last payment of one hundred dollars (\$100) or more was made on the loan.
 - (3) The date upon which the debtor has made payments on the loan aggregating to less than two hundred fifty dollars (\$250) during the previous 12 months.
- (c) This Section shall not apply in the following types of loans:
 - (1) A loan to the campaign committee of an elected officer or a candidate for elective office.
 - (2) A loan that would otherwise not be a gift under the Political Reform Act.
 - (3) A loan that would otherwise be a gift as set forth in this Section, but on which the creditor has taken reasonable action collect the balance due.
 - (4) A loan that would otherwise be a gift as set forth in this Section, but on which the creditor, based on reasonable business considerations, has not undertaken collection action. Except in a criminal action, a creditor who claims that a loan is not a gift on the basis of this subsection has the burden of proving that the decision for not taking collection action was based on reasonable business considerations.

- (5) A loan made to a debtor who has filed for bankruptcy and the loan is ultimately discharged in bankruptcy.
- (6) Nothing in this Section shall exempt any person from any other provision of this Conflict of Interest Code or the Political Reform Act. [Gov. Code, § 83112; 2 Cal. Code of Regs., § 18730, subd. (b)(8.2-8.4)]

SECTION G. DISQUALIFICATION:

1. Disqualification Requirements.

- (1) No Designated Employee shall make, participate in the making, or in any way attempt to use his or her official position to influence the making of any governmental decision which he or she knows or has reason to know will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on the official or a member of his or her immediate family, or on:
 - (a) Any business entity in which the Designated Employee has a direct or indirect investment worth two thousand dollars (\$2,000) or more;
 - (b) Any real property in which the Designated Employee has a direct or indirect interest worth two thousand dollars (\$2,000) or more;
 - (c) Any source of income, other than gifts and other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating five hundred dollars (\$500) or more in value provided to, received by, or promised to the Designated Employee within 12 months prior to the time the decision is made;
 - (d) Any business entity in which the Designated Employee is a director, officer, partner, trustee, employee, or holds, any position of management; or Any donor of, or any intermediary or agent for donor of, a gift, gifts, aggregating four hundred seventy dollars (\$470) or more in value provided to, received by, or promised to the Designated Employee within 12 months prior to the time when the decision is made. [Gov. Code, §§ 87103, 87302(c); 2 Cal. Code of Regs., § 18730, subd. (b)(9)]

2. Disclosure of Disqualifying Interest.

When a Designated Employee determines that he or she has a disqualifying interest in a decision, the determination not to act may be accompanied by disclosure of the disqualifying interest. [Gov. Code, § 87302, subd. (c); 2 Cal. Code of Regs., § 18730, subd. (b)(10)]

Officials specified in Government Code Section 87200, including officials who manage the investment of public funds, must identify conflicts of interests pursuant to 2 Cal. Code of Regs. section 18702.5.

3. Legally Required Participation.

This Conflict of Interest Code does not prevent a Designated Employee from making or participating in the making of any governmental decision to the extent that his or her participation is legally required for the decision to be made. The fact that the vote of a Designated Employee who is on a voting body is needed to break a tie does not make his or her participation legally required for the purposes of this Section. The Attorney for the Authority shall advise any Designated Employee on a case-by-case basis whether or not the “Rule of Necessity” is applicable. [Gov. Code, §§ 87101, 87302, subd. (c); 2 Cal. Code of Regs., § 18730, subd. (b)(9.3)]

SECTION H. OPTIONS OF THE COMMISSION AND COUNSEL

1. Request for Opinion and Reliance.

Any Designated Employee who is unsure of any duty, right, or privilege of participation in any matter under this Conflict of Interest Code or under the provisions of the Political Reform Act of 1974 may request assistance from the Fair Political Practices Commission or an opinion from the Attorney for the Authority. Nothing in this Section shall require the Attorney for the Authority to issue any formal or informal opinion. [Gov. Code, § 87114; 2 Cal. Code of Regs. § 18730, subd. (b)(11)]

SECTION I. LEGISLATIVE OR JUDICIAL AMENDMENTS:

1. Automatic Amendment of Conflict of Interest Code.

All amendments or changes to the provision of the Political Reform Act of 1974, occurring as the result of legislative amendment or judicial decision only, shall automatically and immediately be incorporated into this Conflict of Interest Code and this Conflict of Interest Code shall, without further action, thereupon be deemed amended and changed to reflect such legislative or judicial amendment or decision.

SECTION J. FORCE AND EFFECT OF CONFLICT OF INTEREST CODE:

1. Violations.

This Conflict of Interest Code has the force and effect of law. Designated Employees violating any provisions of this Conflict of Interest Code are subject to the administrative, criminal and civil sanctions provided by the Political Reform Act of 1974, Government Code Section 81000, *et seq.*

Additionally, a decision in relation to which a violation of the disqualification provisions of this Conflict of Interest Code or Government Code Section 91003. [Gov. Code, § 87300; 2 Cal. Code of Regs., § 18730, subd. (b)(12)]

SECTION K. STATUTE OF LIMITATIONS:

1. Civil Actions.

No civil action alleging a violation of any provision of this Conflict of Interest Code shall be filed more than four (4) years after the date the violation occurred.

2. Criminal Actions.

Prosecution of violation of this Conflict of Interest Code must be commenced within four (4) years after the date on which the violation occurred.

3. Administration Proceedings.

No administration action alleging a violation of any of the provisions of this Conflict of Interest Code shall be commenced more than five (5) years after the date on which the violation occurred. [Gov. Code, §§ 91000, 91000.5, 91011]

SECTION L. SEVERABILITY:

In case any provision in or obligation under this Conflict of Interest Code shall be invalid, illegal, or unenforceable under any law of the State of California, the validity, legality and enforceability of the remaining provisions or obligations shall not in any way be affected or impaired.

EXHIBIT A
Designated Employee Positions

Chief Development Officer	
Chief Executive Officer	
Chief Financial Officer	
Chief Marketing Officer	
Chief Operations Officer	
Clerk of the Board	
Director of Air Services Development	
Director of Business Development	
Director of Commercial Real Estate	
Director of Finance	
Director of Human Resources	
Director of Operations Chief III	
Director of Public Safety	
Director of Stakeholder Engagement	
General Counsel	
Government Relations	
Internal Auditor	
Manager, Airside Chief	
Manager, Airside Chief I	
Manager, Engineering	
Manager, Environmental Affairs (Environment)	
Manager, Field	
Manager, Landside Chief I	
Manager, Maintenance Contracts	
Manager, Marketing Service	
Procurement Specialist	
Project Manager	
Senior Accountant	
Consultants	

EXHIBIT B
Disclosure Categories

Full disclosure, through filing the Fair Political Practices Commission Form 700, is required for designated employees and consultants. This requires disclosure of all interests in real property located within San Bernardino County, as well investments, business positions, and sources of income, including gifts, loans and travel payments.

Conflict of Interest Disclosure Form

SECTION 1: INSTRUCTIONS

All persons or firms seeking contracts and purchase orders with the OIAA must complete and submit this OIAA Conflict of Interest Disclosure Form along with the proposal. This requirement also applies to any proposed sub-consultant(s). Failure to comply with this requirement may cause your proposal to be declared non-responsive.

Any questions regarding the information required to be disclosed in this form should be directed to OIAA’s General Legal Counsel, especially if you answer “yes” to any questions in this form, as doing so may also disqualify your firm from submitting an offer on this proposal.

Name of Firm _____

Name of Preparer _____

Job Title: _____

Project Title: _____

RFP/RFQ # _____

SECTION 2: QUESTIONS

1. Does any employee, officer, or consultant of OIAA or any member of the OIAA Commission have any direct or indirect financial interest in your proposal? [Govt. Code, § 1090]

Yes _____ No _____

If yes, please list the names of those who have a financial interest and the nature of the interest:

Name	Nature of Interest
_____	_____
_____	_____
_____	_____
_____	_____

2. Does any employee, officer, or consultant of OIAA or any member of the OIAA Commission have any direct or indirect investment in your firm worth at least \$2,000? [Govt. Code, § 87103(a); 2 CCR § 18700(c)(3)(6)(A)]

Yes _____ No _____

If yes, please list the names of those involved and the nature of the investment interest:

Name	Nature of Interest
_____	_____
_____	_____
_____	_____
_____	_____

3. Does any employee, officer, or consultant of OIAA or any member of the OIAA Commission have any direct or indirect interest in any real estate involving your firm worth at least \$2,000? [Govt. Code, § 87103(b); 2 CCR § 18700(c)(3)(6)(B)]

Yes _____ No _____

If yes, please list the names of those involved and the nature of the real estate interest:

Name	Nature of Interest
_____	_____
_____	_____
_____	_____
_____	_____

4. During the last twelve (12) months, has your firm provided or promised a source of income to any employee, officer, or consultant of OIAA or any member of the OIAA Commission, aggregating greater than \$500? [Govt. Code, § 87103(c); 2 CCR § 18700(c)(3)(6)(C)]

Yes _____ No _____

If yes, please list the names of those involved and the nature of the source of income:

Name	Nature of Income
_____	_____
_____	_____
_____	_____
_____	_____

5. Is any employee, officer, or consultant of OIAA or any member of the OIAA Commission a director, officer, partner, trustee, employee, or hold any position of management in your firm, including any parent, subsidiary or other related business entity? [Govt. Code, § 87103(d); 2 CCR §18700(c)(3)(6)(D)]

Yes_____ No_____

If yes, please list the names of those involved and the nature of the position:

Name	Nature of Position
_____	_____
_____	_____
_____	_____
_____	_____

6. Within the last twelve (12) months, have you or anyone at your firm (either directly, or through an intermediary or agent) given or promised any gift valued at least \$470 to any employee, officer, or consultant of OIAA or any member of OIAA Commission, including their spouses or dependent children? [Govt. Code, §87103(e), §89503; Reg. §18940.2; 2 CCR §18700(c)(3)(6)(E)]

Yes_____ No_____

If yes, please list the names of those involved and the nature of the gift:

Name	Nature of Interest
_____	_____
_____	_____
_____	_____
_____	_____

7. Have you or any member of your firm ever been an employee, officer, or consultant of OIAA or ever served as a member of the OIAA Commission within the last twelve (12) months?

Yes_____ No_____

If yes, please list the name, position, and dates of services:

Name	Position	Dates of Service
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

8. Are you or any managers, partners, or officers of your firm related by blood or marriage/domestic partnership to any employee, officer, or consultant of OIAA or member of the OIAA Commission that is considering your proposal?

Yes _____ No _____

If yes, please list the names and nature of the relationship:

Name	Relationship
_____	_____
_____	_____
_____	_____
_____	_____

9. In the last twelve (12) months, have you or any employee of your firm (including, managers, partners, directors and/or officers), either directly or indirectly through an intermediary or agent, ever given or promised a campaign contribution, aggregating greater than \$250 to any employee, officer, or consultant of OIAA or any member of the OIAA Commission (including contributions to a political committee created by or on behalf of a member/candidate)? [Govt. Code, § 84308(b)]

Yes _____ No _____

If "yes," please list the name of the contributor, position held by the contributor, the date(s) of the contribution(s), and to whom the contribution was made:

Name(s)/Position(s)	Date(s)	Dollar Value
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Further, if the answer to Question No. 8 above is "yes," please answer each of the following, below [Govt. Code, § 84308; 2 Cal. Code. Regs., §§ 18438.3, 18438.4]

- (A) Is the contributor a party to the proposal being made to OIAA for decision?

Yes _____ No _____

- (B) Is the contributor a participant in the proposal being made to OIAA for decision, by doing any of the following:

- Communicating with any member of OIAA Commission for the purpose of influencing their decision on the proposal?

Yes _____ No _____

- Testifying or making any oral statements before the OIAA

Commission for the purpose of influencing the decision on the proposal?

Yes____ No_____

- Communicating with any employee, officer, or consultant of OIAA, or is the contributor’s agent lobbying, testifying, or communicating with anyone at OIAA or any member of OIAA Commission, for the purpose of influencing the decision on the proposal?

Yes____ No_____

(C) Is the contributor an agent of a party or a participant in the proposal to be decided by OIAA for decision (a person is an agent if they represent you in connection with the proposal before OIAA).

Yes____ No_____

SECTION 3: VALIDATION STATEMENT

This Validation Statement must be completed and signed by at least one General Partner, Owner, Principal, or Officer authorized to legally commit the proposer.

DECLARATION

I (print full name) _____, hereby declare that I am the (position or title) _____ of (firm name) _____, and that I am duly authorized to execute this Validation Statement on behalf of this entity. I hereby state that this OIAA Conflict of Interest Disclosure Form dated _____ is correct and current as submitted. I acknowledge that any false, deceptive, or fraudulent statements on this Validation Statement will result in rejection of my contract proposal.

Signature of Person Certifying for Proposer

Date

NOTICE

A material false statement, omission, or fraudulent inducement made in connection with this OIAA Conflict of Interest Form is sufficient cause for rejection of the contract proposal or revocation of a prior contract award.

ORDINANCE NO. _____

AN ORDINANCE OF THE COMMISSION OF THE ONTARIO INTERNATIONAL AIRPORT AUTHORITY, APPROVING A CONFLICT OF INTEREST CODE AND MAKING FINDINGS IN SUPPORT THEREOF.

WHEREAS, the Commission of the Ontario International Airport Authority desires that elected and appointed officials be prohibited from making, participating in the making, or attempting to use their official positions to influence a governmental decision in which they know or have reason to know they have a financial interest; and

WHEREAS, the Political Reform Act (Act), set forth at Government Code section 81000 *et seq.*, requires state and local government agencies to adopt and promulgate a Conflict of Interest Code; and

WHEREAS, on May 23, 2017, the Commission of the Ontario International Airport Authority introduced this Ordinance, conducted a first hearing to consider adoption of a Conflict of Interest Code and concluded said hearing on that date; and

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

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

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

SECTION 2: A Conflict of Interest Code is hereby added to the Code of Ordinances of the Ontario International Airport Authority to read, in its entirety, as follows:

SECTION A. PURPOSE:

1. Statement of Purpose.

The Ontario International Airport Authority (the “Authority”) was created through a Joint Exercise of Powers Agreement between the City of Ontario and the County of San Bernardino on August 21, 2012 for the operation, maintenance, management, administration, development, and marketing of the Ontario International Airport (“Airport”).

The California Political Reform Act, Government Code Sections 81000, *et seq.*, requires state and local government agencies to adopt and promulgate Conflict of Interest Codes. The Fair Political Practices Commission has adopted a regulation, California Code of Regulations, title 2, section 18730, which contains the terms of a standard Conflict of Interest Code, which can be incorporated by reference and which may be amended by the Fair Political Practices Commission to conform to

amendments in the Political Reform Act of 1974 after public notice and hearings. Therefore, the terms of the California Code of Regulations, title 2, section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission, along with the attached Appendix in which officials and employees are designated and disclosure categories are set forth, are hereby incorporated by reference and constitute the Conflict of Interest Code of the Authority.

Incorporation by reference of the terms of this regulation along with the designation of employees and the formulation of disclosure categories in the Appendix referred to below constitute the adoption and promulgation of a Conflict of Interest Code within the meaning of Government Code section 87300 or the amendment of a Conflict of Interest Code within the meaning of Government Code section 87306 if the terms of this regulation are substituted for terms of a Conflict of Interest Code already in effect. A Code so amended or adopted and promulgated requires the reporting of reportable items in a manner substantially equivalent to the requirements of Government Code sections 81000, *et seq.* The requirements of a Conflict of Interest Code are in addition to other requirements of the Political Reform Act, such as the general prohibition against conflicts of interest contained in Government Code section 87100, and to other state or local laws pertaining to conflicts of interest.

It is the purpose of this Conflict of Interest Code to provide for the disclosure of Designated Employees assets and income which may be materially affected by their actions, and, in appropriate circumstances, to provide that Designated Employees should be disqualified from acting in order that conflicts of interest may be avoided. Nothing contained herein is intended to modify or abridge the provisions of the Political Reform Act of 1974 (Govt. Code, § 81000, *et seq.*)

SECTION B. DEFINITION OF TERMS:

1. **Definitions.** This Conflict of Interest Code contains a number of key terms, such as “Designated Employee,” interests in real property within the jurisdiction,” “investments in business entities,” “income,” and decisions “made” or “participated in” by a Designated Employee, which are defined in the Political Reform Act of 1974 (Govt. Code §§ 81000 through 91014) and the regulations of the Fair Political Practices Commission (2 Cal. Code of Regs. §§ 18110 through 18997.). These definitions and regulations, and any amendments to the Act or regulations, are incorporated by reference into this Conflict of Interest Code. [2 Cal. Code of Regs., § 18730, subd. (b)(1)]

SECTION C. DISCLOSURE STATEMENTS:

- 1. Officials and Designated Employees.** The designated employees holding positions listed in Exhibit “A” of the Appendix of this Conflict of Interest Code are “Designated Employees.” It has been determined that these officers and employees make or participate in the making of decisions which may foreseeably have a material effect on economic interest. [Gov. Code § 87302, subd. (a)(3); 2 Cal. Code of Regs., § 18730, subd. (b)(2)]
- 2. Disclosure Requirements.** Each Designated Employee shall file statements, disclosing interests in real property, investments in business entities, business positions held, and income or sources of income received which might foreseeably be affected materially by the operations of the Ontario International Airport. The disclosure categories set forth in Exhibit “B” of the Appendix specify which kinds of financial interests are reportable. It has been determined that the types of investments, interest in real property, business positions, income, and sources of income assigned to each Designated Employee in Exhibit “A” of the Appendix are of the type that may be affected materially by decisions made or participated in by the Designated Employee by his or her position and are reportable.
- 3. Conflict of Interest Disclosure Form.** All persons or firms, including subcontractors, seeking contracts or purchase orders, are required to complete Exhibit “C” the “Conflict of Interest Disclosure Form.”

This Conflicts of Interest Code does not establish any disclosure obligation for those Designated Employees who are also specified in Government Code section 87200.

[Gov. Code, § 87302(a); 87302(b); 2 Cal. Code of Regs., § 18730(b)(3)]

- 4. Revisions to Designation of Officials and Employees, and to Disclosure Requirements.** The Commission of the Authority may, from time to time, by resolution, modify or revise the list of Designated Employees in Exhibit “A” of the Appendix, the disclosure categories set forth in Exhibit “B” of the Appendix, and the Conflict of Interest Disclosure Form set forth in “Exhibit C” of the Appendix, including but not limited to establishing a minimum contract or purchase order amount that requires completion of Exhibit “C”. The resolution adopted by the Commission of the Authority shall constitute a revised appendix referred to in subsection (b)(2) of Section 18730 of Title 2 of the California Code of Regulations. It shall be determined in such resolution that the persons holding such positions make or participate in the making of decisions which may foreseeably have a material effect on financial interests

5. Statements of Economic Interest: Time of Filing; Contents Thereof.

- (a) **Initial Statements.** All Designated Employees employed on the effective date of this Conflict of Interest Code, as originally adopted, promulgated and approved, by the code-reviewing body, shall file statements within 30 days after the effective date of this Conflict of Interest Code. Thereafter, each person already in a position when is designated by an amendment to this Conflict of Interest Code shall file an initial statement within 30 days after the effective date of the amendment. All initial statements shall disclose any reportable investments, interests in real property, and business positions held on the effective date of this Conflict of Interest Code, and income, including gifts, and loans, received during the 12 months prior to the effective date of this Conflict of Interest Code. [2 Cal. Code of Regs., § 18730, subd. (b)(5)(A)]
- (b) **Assuming Office Statements.** All persons who are elected, appointed, promoted or transferred to a Designated Employee position after the effective date of this Conflict of Interest Code shall file statements within 30 days after assuming the Designated Employee position, disclosing any reportable investments, interests in real property, and business positions held on the date of assuming office, and income, including gifts and loans, received during the 12 months prior to the date of assuming office. [2 Cal. Code of Regs., § 18730, subd. (b)(5)(B)]
- (c) **Annual Statements.** Annual statements shall be filed by all Designated Employees on or before April 1 of each year, disclosing any reportable investments, interest in real property, business positions and income held or received during the previous calendar year provided, however, that the period covered by an employee's first annual shall begin on the effective date of the Conflict of Interest Code or the date of assuming office, whichever is later. [2 Cal. Code of Regs., § 18730, subd. (b)(5)(C)]
- (d) **Leaving Office Statements.** Every Designated Employee who leaves office and does not assume another Designated Employee position for the Authority shall file a statement within 30 days after leaving office, disclosing any reportable investments, interests in real property, business positions, and income held or received during the period between the closing date of the last statement filed and the date of leaving office.
[Gov. Code, § 87302, subd. (b); 2 Cal. Code of Regs., §§ 18730, subd. (b)(5)(D), 18730, subd. (b)(6)]

6. Statements for Persons Who Resign Prior to Assuming Office.

Any person who resigns within 12 months of initial appointment, or within 30 days of the date of notice provided by the filing officer to file an assuming office statement, is not deemed to have assumed office or left office, provided he or she did not make or participate in the making of, or use his or her position to influence any decisions and did not receive or become entitled to receive any form of payment as a result of his or her appointment. Such persons shall not file either an assuming of leaving office statement.

- (a) Any person who resigns a position within 30 days of the date of a notice from the filing officer shall do both of the following:
- (1) File written resignation with the appointing power; and
 - (2) File a written statement with the filing officer declaring under penalty of perjury that during the period between appointment and resignation he or she did not make, participate in the making or use the position to influence any decision of the Authority, or receive, or become entitled to receive, and form of payment by virtue of being appointed to the position.
- [Gov. Code, § 87302, subd. (d); 2 Cal. Code of Regs., § 18730(b)(5.5)]

7. Place of Filing Statements.

All Designated Employees required to submit a statement of economic interest shall file the original with the Authority's filing officer. The filing officer shall make and retain a copy of all statements filed by officials listed in Government Code Sections 87200, and forward the originals of such statements to the Fair Political Practices Commission. The filing officer shall retain the originals of the statements of all other Designated Employees. [Gov. Code, § 87500, subd. (f); 2 Cal. Code of Regs., § 18730, subd. (b)(4), 18115, 18753]

8. Forms for Statements.

Statements for disclosing economic interests shall be made on forms prescribed by the Fair Political Practices Commission and supplied by the Authority filing officer. [Gov. Code, § 81010, subd. (a); 2 Cal. Code of Regs., § 18730, subd. (b)(7), 18115, subd. (b)(2)]

SECTION D. MANNER OF REPORTING:

1. Contents of Reports of Investments and Interests in Real Property.

Investments and interests in real property which have a fair market value of less than two thousand dollars (\$2,000) are not investments and interests in real property within the meaning of the Political Reform Act.

Investments or interests in real property of an individual include those held by the individual's spouse, including registered domestic partners, and dependent children, as well as the pro rata share of any investment or interest in real property of any business entity or trust in which the individual, spouse and dependent children own, in the aggregate, a direct, indirect or beneficial interest of 10% or greater. [2 Cal. Code of Regs., § 18730, fn. 4]

When an investment or interest in real property is required to be reported under this Conflict of Interest Code, the statement shall contain the following:

- (a) A statement of the nature of the investment or interest;
- (b) The name of the business entity in which each investment is held, and a general description of the business activity in which the business is engaged;
- (c) The address or other precise location of the real property;
A statement whether the fair market value of the investment or interest in real property equals or exceeds two thousand dollars (\$2,000), exceeds ten thousand dollars (\$10,000), exceeds one hundred thousand dollars (\$100,000), or exceeds one million dollars (\$1,000,000). [Gov. Code, §§ 82033, 82034, 87206; 2 Cal. Code of Regs., § 18730, subd. (b)(7)(A)]

2. Contents of Reports of Personal Income.

Personal income of a Designated Employee includes his or her own income as well as his or her community property interests in the income of his or her community property interest in the income of his or her spouse but does not include salary or reimbursement for expenses received from a state, federal, or local government agency. [2 Cal. Code of Regs., § 18730, fn. 5]

When personal income is required to be reported under this Conflict of Interest Code, the statement shall contain:

- (a) The name and address of each source of income aggregating five hundred dollars (\$500) or more in value per year, or fifty dollars (\$50) or more in value if the income was a gift, and a general description of the business activity, if any, of each source;
- (b) A statement whether the aggregate value of the income from each source, or in the case of a loan, the highest amount owed to each source, was one thousand dollars (\$1,000) or less, greater than one thousand dollars (\$1,000), greater than ten thousand dollars (\$10,000), or greater than one hundred thousand dollars (\$100,000);
- (c) A description of the consideration, if any, for which the income was received;
- (d) In the case of a gift, the name, address, and business activity of the donor and any intermediary through which the gift was made; a description of the gift; the amount or value of the gift; and, the date on which the gift was received;

In the case of a loan; the annual interest rate and the security, if any, given for the loan and the term of the loan. [Gov. Code, §§ 82030, 87302, subd. (b), 87207; 2 Cal. Code of Regs., § 18730, subd. (b)(7)(B)]

3. Contents of Reports of Business Entity Income.

Income of a business entity is reportable if the direct, indirect or beneficial interest of the filer and the filer's spouse is in the business entity aggregates a 10% or greater interest. The disclosure of persons who are clients or customers of a business entity is required only if the clients or customers are within one of the disclosure categories of the filer. [2 Cal. Code of Regs., § 18730, fn. 6]

When income of a business entity, including income of a sole proprietorship, is required to be reported under this Conflict of Interest Code, the statement shall contain;

- (a) The name, address and a general description of the business activity of the business entity; and
- (b) The name of every person from whom the business entity received payments if the filer's pro rata share of gross receipts from such person was equal or greater to or greater than ten thousand dollars (\$10,000) during a calendar year. [Gov. Code, §§ 87302, subd. (b), 87207, subd. (b); 2 Cal. Code of Regs., §§ 18730, subd. (b)(7)(C)]

4. Contents of Reports of Business Position Disclosure.

When business positions are required to be reported, a Designated Employee shall list the name and address of each business entity in which he or she is a director, officer, partner, trustee, employee, or in which he or she holds any position of management, a description of the business activity in which the business entity is engaged, and the Designated Employee's position with the business entity. [Gov. Code § 87302, subd. (b); 2 Cal. Code of Regs., § 18730, subd. (b)(7)(D)]

5. Acquisition or Disposal During Reporting Period.

In the case of an annual statement or a leaving office statement, the statement shall include any investments or interests in real property that was partially or wholly acquired or disposed of at any time during the period covered by the statement, whether or not they are still held at the time of filing, and shall contain the date of acquisition or disposal. [Gov. Code §§ 87302, subd. (b), 87206; 2 Cal. Code of Regs., § 18730, subd. (b)(7)(E)]

SECTION E. HONORARIA AND GIFTS:

1. Prohibition on Receipt of Honoraria.

No Designated Employee shall accept any honorarium from any source if he or she would be required to report the receipt of income or gifts from that source on his or her statement of economic interest.

This Section does not limit or prohibit payments, advances, or reimbursements for travel, including actual transportation and related lodging and subsistence which is reasonably related to a governmental purpose as specified in Government Code section 89506. [Gov. Code, §§ 89501, 89502; 2 Cal. Code of Regs. § 18730, subd. (b)(8)(A)]

2. Prohibition on Receipt of Gifts.

No Designated Employee shall accept gifts with a total value of more than four hundred and seventy dollars (\$470) in a calendar year from any single source, if he or she would be required to report the receipt of income or gifts from that source on his or her statement of economic interests.

This Section does not limit or prohibit payments, advances or reimbursements for travel and related lodging and subsistence permitted by Government Code section 89506; or wedding gifts and gifts exchanged between individuals on birthdays, holidays, and other similar occasions, provided that the gifts exchange are not substantially disproportionate in value. [Gov. Code § 89503, subd. (e); 2 Cal. Code of Regs., § 18730, subd. (b)(8.1)(A)]

SECTION F. LOANS:

1. Loans to Public Officials.

(a) Except as set for in Subsection (c), below, no Commissioner of the Authority shall, from the date of his or her appointment to the Commission, while he or she holds the position, receive a personal loan from any officer, employee, member or consultant of the Authority or any agency over which the Authority has direction and control.

(b) No Commissioner of the Authority shall, from the date of his or her appointment to the Commission, while he or she holds the position, receive a personal loan from any person who has a contract with the Authority or any agency over which the Authority has a direction and control.

This Section shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the public official's status. [2 Cal. Code of Regs., § 18730, subd. (b)(8.2)]

- (c) This Section shall not apply to the following:
- (1) Loans made to the campaign committee of an elected officer or candidate for elective office.
 - (2) Loans made to the public official by his or her spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such persons, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this Section.
 - (3) Loans from a person which, in the aggregate, do not exceed five hundred dollars (\$500) at any given time.
 - (4) Loans made, or offered in writing before January 1, 1998. [2 Cal. Code of Regs., § 18730, subd. (b)(8.2)]

2. Loan Terms.

- (a) Except as set forth in Subsection (b), below, no Commissioner shall, from the date of his or her appointment to the Commission, while he or she holds a seat on the Commission, receive a personal loan of five hundred dollars (\$500) or more, except when the loan is in writing and clearly states the terms of the loan, including parties to the loan agreement, date of the loan, amount of the loan, term of the loan, date or dates when payments shall be due on the loan and the amount of payments, and the rate of interest paid on the loan.
- (b) This Section shall not apply to the following types of loans:
- (1) Loans made to the campaign committee of an elected officer.
 - (2) Loans made to the elected officer by his or her spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such persons, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempt under this Section.
 - (3) Loans made, or offered in writing, before January 1, 1998.
 - (4) Nothing in this Section shall exempt any person from any other provision of this Conflict of Interest Code or the Political Reform Act. [2 Cal. Code of Regs., § 18730, subd. (b)(8.3)]

3. Personal Loans.

Except as set forth in Subsection (c) below, a personal loan received by any Designated Employee shall become a gift to the Designated Employee for the purposes of this Conflict of Interest Code in the following circumstances:

- (a) If the loan has a defined date or dates for repayment, when the statute of limitations for filing an action for default has expired.
- (b) If the loan has no defined date or dates for repayment, when one year has elapsed from the later of the following:
 - (1) The date the loan was made.
 - (2) The date the last payment of one hundred dollars (\$100) or more was made on the loan.
 - (3) The date upon which the debtor has made payments on the loan aggregating to less than two hundred fifty dollars (\$250) during the previous 12 months.
- (c) This Section shall not apply in the following types of loans:
 - (1) A loan to the campaign committee of an elected officer or a candidate for elective office.
 - (2) A loan that would otherwise not be a gift under the Political Reform Act.
 - (3) A loan that would otherwise be a gift as set forth in this Section, but on which the creditor has taken reasonable action collect the balance due.
 - (4) A loan that would otherwise be a gift as set forth in this Section, but on which the creditor, based on reasonable business considerations, has not undertaken collection action. Except in a criminal action, a creditor who claims that a loan is not a gift on the basis of this subsection has the burden of proving that the decision for not taking collection action was based on reasonable business considerations.
 - (5) A loan made to a debtor who has filed for bankruptcy and the loan is ultimately discharged in bankruptcy.
 - (6) Nothing in this Section shall exempt any person from any other provision of this Conflict of Interest Code or the Political Reform Act. [Gov. Code, § 83112; 2 Cal. Code of Regs., § 18730, subd. (b)(8.2-8.4)]

SECTION G. DISQUALIFICATION:

1. Disqualification Requirements.

- (1) No Designated Employee shall make, participate in the making, or in any way attempt to use his or her official position to influence the making of any governmental decision which he or she knows or has reason to know will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on the official or a member of his or her immediate family, or on:

- (a) Any business entity in which the Designated Employee has a direct or indirect investment worth two thousand dollars (\$2,000) or more;
- (b) Any real property in which the Designated Employee has a direct or indirect interest worth two thousand dollars (\$2,000) or more;
- (c) Any source of income, other than gifts and other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating five hundred dollars (\$500) or more in value provided to, received by, or promised to the Designated Employee within 12 months prior to the time the decision is made;
- (d) Any business entity in which the Designated Employee is a director, officer, partner, trustee, employee, or holds, any position of management; or Any donor of, or any intermediary or agent for donor of, a gift, gifts, aggregating four hundred seventy dollars (\$470) or more in value provided to, received by, or promised to the Designated Employee within 12 months prior to the time when the decision is made. [Gov. Code, §§ 87103, 87302(c); 2 Cal. Code of Regs., § 18730, subd. (b)(9)]

2. Disclosure of Disqualifying Interest.

When a Designated Employee determines that he or she has a disqualifying interest in a decision, the determination not to act may be accompanied by disclosure of the disqualifying interest. [Gov. Code, § 87302, subd. (c); 2 Cal. Code of Regs., § 18730, subd. (b)(10)]

Officials specified in Government Code Section 87200, including officials who manage the investment of public funds, must identify conflicts of interests pursuant to 2 Cal. Code of Regs. section 18702.5.

3. Legally Required Participation.

This Conflict of Interest Code does not prevent a Designated Employee from making or participating in the making of any governmental decision to the extent that his or her participation is legally required for the decision to be made. The fact that the vote of a Designated Employee who is on a voting body is needed to break a tie does not make his or her participation legally required for the purposes of this Section. The Attorney for the Authority shall advise any Designated Employee on a case-by-case basis whether or not the “Rule of Necessity” is applicable. [Gov. Code, §§ 87101, 87302, subd. (c); 2 Cal. Code of Regs., § 18730, subd. (b)(9.3)]

SECTION H. OPTIONS OF THE COMMISSION AND COUNSEL

1. Request for Opinion and Reliance.

Any Designated Employee who is unsure of any duty, right, or privilege of participation in any matter under this Conflict of Interest Code or under the provisions of the Political Reform Act of 1974 may request assistance from the Fair Political Practices Commission or an opinion from the Attorney for the Authority. Nothing in this Section shall require the Attorney for the Authority to issue any formal or informal opinion. [Gov. Code, § 87114; 2 Cal. Code of Regs. § 18730, subd. (b)(11)]

SECTION I. LEGISLATIVE OR JUDICIAL AMENDMENTS:

1. Automatic Amendment of Conflict of Interest Code.

All amendments or changes to the provision of the Political Reform Act of 1974, occurring as the result of legislative amendment or judicial decision only, shall automatically and immediately be incorporated into this Conflict of Interest Code and this Conflict of Interest Code shall, without further action, thereupon be deemed amended and changed to reflect such legislative or judicial amendment or decision.

SECTION J. FORCE AND EFFECT OF CONFLICT OF INTEREST CODE:

1. Violations.

This Conflict of Interest Code has the force and effect of law. Designated Employees violating any provisions of this Conflict of Interest Code are subject to the administrative, criminal and civil sanctions provided by the Political Reform Act of 1974, Government Code Section 81000, *et seq.*

Additionally, a decision in relation to which a violation of the disqualification provisions of this Conflict of Interest Code or Government Code Section 91003. [Gov. Code, § 87300; 2 Cal. Code of Regs., § 18730, subd. (b)(12)]

SECTION K. STATUTE OF LIMITATIONS:

1. Civil Actions.

No civil action alleging a violation of any provision of this Conflict of Interest Code shall be filed more than four (4) years after the date the violation occurred.

2. Criminal Actions.

Prosecution of violation of this Conflict of Interest Code must be commenced within four (4) years after the date on which the violation occurred.

3. Administration Proceedings.

No administration action alleging a violation of any of the provisions of this Conflict of Interest Code shall be commenced more than five (5) years after the date on which the violation occurred. [Gov. Code, §§ 91000, 91000.5, 91011]

SECTION L. SEVERABILITY:

In case any provision in or obligation under this Conflict of Interest Code shall be invalid, illegal, or unenforceable under any law of the State of California, the validity, legality and enforceability of the remaining provisions or obligations shall not in any way be affected or impaired.

EXHIBIT A
Designated Employee Positions

Chief Development Officer	
Chief Executive Officer	
Chief Financial Officer	
Chief Marketing Officer	
Chief Operations Officer	
Clerk of the Board	
Director of Air Services Development	
Director of Business Development	
Director of Commercial Real Estate	
Director of Finance	
Director of Human Resources	
Director of Operations Chief III	
Director of Public Safety	
Director of Stakeholder Engagement	
General Counsel	
Government Relations	
Internal Auditor	
Manager, Airside Chief	
Manager, Airside Chief I	
Manager, Engineering	
Manager, Environmental Affairs (Environment)	
Manager, Field	
Manager, Landside Chief I	
Manager, Maintenance Contracts	
Manager, Marketing Service	
Procurement Specialist	
Project Manager	
Senior Accountant	
Manager, Airside Chief	
Manager, Airside Chief I	
Consultants	

EXHIBIT B
Disclosure Categories

Full disclosure, through filing the Fair Political Practices Commission Form 700, is required for designated employees and consultants. This requires disclosure of all interests in real property located within San Bernardino County, as well investments, business positions, and sources of income, including gifts, loans and travel payments.

EXHIBIT C

Conflict of Interest Disclosure Form

SECTION 1: INSTRUCTIONS

All persons or firms seeking contracts and purchase orders with the OIAA must complete and submit this OIAA Conflict of Interest Disclosure Form along with the proposal. This requirement also applies to any proposed sub-consultant(s). Failure to comply with this requirement may cause your proposal to be declared non-responsive.

Any questions regarding the information required to be disclosed in this form should be directed to OIAA’s General Legal Counsel, especially if you answer “yes” to any questions in this form, as doing so may also disqualify your firm from submitting an offer on this proposal.

Name of Firm _____

Name of Preparer _____

Job Title: _____

Project Title: _____

RFP/RFQ # _____

SECTION 2: QUESTIONS

1. Does any employee, officer, or consultant of OIAA or any member of the OIAA Commission have any direct or indirect financial interest in your proposal? [Govt. Code, § 1090]

Yes _____ No _____

If yes, please list the names of those who have a financial interest and the nature of the interest:

Name	Nature of Interest
_____	_____
_____	_____
_____	_____
_____	_____

2. Does any employee, officer, or consultant of OIAA or any member of the OIAA Commission have any direct or indirect investment in your firm worth at least \$2,000? [Govt. Code, § 87103(a); 2 CCR § 18700(c)(3)(6)(A)]

Yes _____ No _____

If yes, please list the names of those involved and the nature of the investment interest:

Name	Nature of Interest
_____	_____
_____	_____
_____	_____

3. Does any employee, officer, or consultant of OIAA or any member of the OIAA Commission have any direct or indirect interest in any real estate involving your firm worth at least \$2,000? [Govt. Code, § 87103(b); 2 CCR § 18700(c)(3)(6)(B)]

Yes _____ No _____

If yes, please list the names of those involved and the nature of the real estate interest:

Name	Nature of Interest
_____	_____
_____	_____
_____	_____

4. During the last twelve (12) months, has your firm provided or promised a source of income to any employee, officer, or consultant of OIAA or any member of the OIAA Commission, aggregating greater than \$500? [Govt. Code, § 87103(c); 2 CCR §18700(c)(3)(6)(C)]

Yes _____ No _____

If yes, please list the names of those involved and the nature of the source of income:

Name	Nature of Income
_____	_____
_____	_____
_____	_____

5. Is any employee, officer, or consultant of OIAA or any member of the OIAA Commission a director, officer, partner, trustee, employee, or hold any position of management in your firm, including any parent, subsidiary or other related business entity? [Govt. Code, § 87103(d); 2 CCR §18700(c)(3)(6)(D)]

Yes_____ No_____

If yes, please list the names of those involved and the nature of the position:

Name	Nature of Position
_____	_____
_____	_____
_____	_____
_____	_____

6. Within the last twelve (12) months, have you or anyone at your firm (either directly, or through an intermediary or agent) given or promised any gift valued at least \$470 to any employee, officer, or consultant of OIAA or any member of OIAA Commission, including their spouses or dependent children[Govt. Code, §87103(e), §89503; Reg. §18940.2; 2 CCR §18700(c) (3)(6)(E)]

Yes_____ No_____

If yes, please list the names of those involved and the nature of the gift:

Name	Nature of Interest
_____	_____
_____	_____
_____	_____
_____	_____

7. Have you or any member of your firm ever been an employee, officer, or consultant of OIAA or ever served as a member of the OIAA Commission within the last twelve (12) months?

Yes_____ No_____

If yes, please list the name, position, and dates of services:

Name	Position	Dates of Service
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

8. Are you or any managers, partners, or officers of your firm related by blood or marriage/domestic partnership to any employee, officer, or consultant of OIAA or member of the OIAA Commission that is considering your proposal?

Yes_____ No_____

If yes, please list the names and nature of the relationship:

Name	Relationship
_____	_____
_____	_____
_____	_____
_____	_____

9. In the last twelve (12) months, have you or any employee of your firm (including, managers, partners, directors and/or officers), either directly or indirectly through an intermediary or agent, ever given or promised a campaign contribution, aggregating greater than \$470 to any employee, officer, or consultant of OIAA or any member of the OIAA Commission (including contributions to a political committee created by or on behalf of a member/candidate)? [Govt. Code, § 84308(b)]

Yes___ No_____

If “yes,” please list the name of the contributor, position held by the contributor, the date(s) of the contribution(s), and to whom the contribution was made:

Name(s)/Position(s)	Date(s)	Dollar Value
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Further, if the answer to Question No. 8 above is “yes,” please answer each of the following, below [Govt. Code, § 84308; 2 Cal. Code. Regs., §§ 18438.3, 18438.4]

- (A) Is the contributor a party to the proposal being made to OIAA for decision?

Yes___ No_____

(B) Is the contributor a participant in the proposal being made to OIAA for decision, by doing any of the following:

- Communicating with any member of OIAA Commission for the purpose of influencing their decision on the proposal?

Yes_____ No_____

- Testifying or making any oral statements before the OIAA Commission for the purpose of influencing the decision on the proposal?

Yes_____ No_____

- Communicating with any employee, officer, or consultant of OIAA, or is the contributor's agent lobbying, testifying, or communicating with anyone at OIAA or any member of OIAA Commission, for the purpose of influencing the decision on the proposal?

Yes_____ No_____

(C) Is the contributor an agent of a party or a participant in the proposal to be decided by OIAA for decision (a person is an agent if they represent you in connection with the proposal before OIAA).

Yes_____ No_____

SECTION 3: VALIDATION STATEMENT

This Validation Statement must be completed and signed by at least one General Partner, Owner, Principal, or Officer authorized to legally commit the proposer.

DECLARATION

I (print full name) _____, hereby declare that I am the (position or title) _____ of (firm name) _____, and that I am duly authorized to execute this Validation Statement on behalf of this entity. I hereby state that this OIAA Conflict of Interest Disclosure Form dated _____ is correct and current as submitted. I acknowledge that any false, deceptive, or fraudulent statements on this Validation Statement will result in rejection of my contract proposal.

Signature of Person Certifying for Proposer

Date

NOTICE

A material false statement, omission, or fraudulent inducement made in connection with this OIAA Conflict of Interest Form is sufficient cause for rejection of the contract proposal or revocation of a prior contract award.

SECTION 3: Severability. If any section, sentence, clause or phrase of this Ordinance or the application thereof to any entity, person or circumstance is held for any reason to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provision of this Ordinance are severable. The Commission of Ontario International Airport Authority hereby declares that it would have adopted this Ordinance and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

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

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

PASSED, APPROVED, AND ADOPTED this _____.

ALAN D. WAPNER, PRESIDENT
ONTARIO INTERNATIONAL AIRPORT AUTHORITY

ATTEST:

CLAUDIA Y. ISBELL, ASSISTANT SECRETARY

APPROVED AS TO LEGAL FORM:

LORI D. BALLANCE
GENERAL COUNSEL

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO)
CITY OF ONTARIO)

I, CLAUDIA Y. ISBELL, Assistant Secretary of the Ontario International Airport Authority, DO HEREBY CERTIFY that foregoing Ordinance No. _____ was duly introduced at a regular meeting of the Commission of Ontario International Airport Authority held _____ and adopted at the regular meeting held _____ by the following roll call vote, to wit:

AYES: COMMISSION MEMBERS: _____

NOES: COMMISSION MEMBERS: _____

ABSENT: COMMISSION MEMBERS: _____

CLAUDIA Y. ISBELL, ASSISTANT SECRETARY

(SEAL)

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

CLAUDIA Y. ISBELL, ASSISTANT SECRETARY

(SEAL)