



## **SPECIAL AND URGENT NOTICE ELIMINATING IN-PERSON PUBLIC PARTICIPATION AT ONTARIO INTERNATIONAL AIRPORT AUTHORITY MEETINGS**

In accordance with the Governor's Declarations of Emergency for the State of California (Executive Orders N-25-20 and N-29-20) and the Governor's Stay at Home Order (Executive Order N-33-20), the Ontario International Airport Authority (OIAA) board meetings are being conducted via live stream and teleconference. Members of the public may utilize alternative measures established by OIAA to view the board meetings and/or to address the President and Commissioners. Please see instructions listed below.

**Link to watch the July 23, 2020 Board Meeting\*:** <https://us02web.zoom.us/j/85711144764>

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

**WEBINAR ID:** 857 1114 4764

\*Zoom requires you to enter a response for name and email. To remain anonymous, you may use Attendee and attendee@flyontario.com to bypass this Zoom feature.

ANY MEMBERS OF THE PUBLIC WISHING TO PROVIDE PUBLIC COMMENT MAY DO SO AS FOLLOWS:

**EMAIL:** You can email public comments to clerk@flyontario.com no later than 12:00 p.m. the day of the meeting. Please identify the Agenda item you wish to address in your comments. All written comments will be included in the record.

**TELEPHONE:** You can record public comments at (909) 544-5442 no later than 12:00 p.m. the day of the meeting. Please identify the Agenda item you wish to address in your comments. Recorded comments must be no more than 3 minutes long. Your comments will be read into the record.

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

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

# ONTARIO INTERNATIONAL AIRPORT AUTHORITY

## COMMISSION AGENDA – REGULAR MEETING



**JULY 23, 2020 AT 2:00 P.M.**

Ontario International Airport Regular Meeting

**MEETING WILL BE HELD VIA LIVE STREAM AND TELECONFERENCE**

**ALAN D. WAPNER**  
President

**RONALD O. LOVERIDGE**  
Vice President

**JIM W. BOWMAN**  
Secretary

**CURT HAGMAN**  
Commissioner

**JULIA GOUW**  
Commissioner

**MARK A. THORPE**  
Chief Executive Officer

**LORI D. BALLANCE**  
General Counsel

**JOHN M. SCHUBERT**  
Treasurer

### WELCOME TO THE MEETING OF THE ONTARIO INTERNATIONAL AIRPORT AUTHORITY

In accordance with the Governor's Declarations of Emergency for the State of California (Executive Orders N-25-20 and N-29-20) and the Governor's Stay at Home Order (Executive Order N-33-20), the Ontario International Airport Authority (OIAA) board meetings are being conducted via live stream and teleconference. Members of the public may utilize alternative measures established by OIAA to view the board meetings and/or to address the President and Commissioners. Please see instructions listed below.

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

## ORDER OF BUSINESS

The Authority meeting begins at 2:00 p.m. with Public Comment and the Regular Meeting.

(Sign Language Interpreters, Communication Access Real-Time Transcription, Assistive Listening Devices, or other auxiliary aids and/or services may be provided upon request. To ensure availability, you are advised to make your request at least 72 hours prior to the meeting you wish to attend. Due to difficulties in securing Sign Language Interpreters, five or more business days notice is strongly recommended.)

## CALL TO ORDER (OPEN SESSION) - 2:00 P.M.

### ROLL CALL

Loveridge, Bowman, Hagman, Gouw, President Wapner

### PLEDGE OF ALLEGIANCE

## PUBLIC COMMENT

Public Comment: The open meeting Public Comment portion of the Commission meeting is limited to a maximum of 3 minutes for each Public Comment. Under provisions of the Brown Act, the Commission is prohibited from taking action on oral requests.

## AGENDA REVIEW/ANNOUNCEMENTS

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

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

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

## CONSENT CALENDAR

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

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

### 2. APPROVAL OF MINUTES

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

### 3. BILLS/PAYROLL

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

### 4. APPROVAL OF MEETING STIPENDS

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

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

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

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

A RESOLUTION OF THE ONTARIO INTERNATIONAL AIRPORT  
AUTHORITY, APPROVING AND ADOPTING AMENDED  
EXHIBITS OF THE CONFLICT OF INTEREST CODE PURSUANT  
TO THE POLITICAL REFORM ACT OF 1974

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

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

**ADMINISTRATIVE DISCUSSION/ACTION/REPORT**

**7. A RESOLUTION DECLARING THE CONTINUED EXISTENCE OF A LOCAL EMERGENCY IN CONNECTION WITH PREPARATIONS THE ONTARIO INTERNATIONAL AIRPORT AUTHORITY IS MAKING, AND ACTIONS IT IS TAKING, IN RESPONSE TO NOVEL CORONAVIRUS (COVID-19), AND COMPLIANCE WITH HEALTH AUTHORITIES' APPLICABLE GUIDANCE REGARDING RESPONDING TO COVID-19**

That the Ontario International Airport Authority approve a resolution declaring the continued existence of a local emergency in connection with preparations the Authority is making, and actions it is taking, in response to the outbreak of the novel coronavirus (COVID-19), and compliance with health authorities' applicable guidance regarding responding to COVID-19.

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

A RESOLUTION OF THE ONTARIO INTERNATIONAL AIRPORT AUTHORITY DECLARING THE CONTINUED EXISTENCE OF A LOCAL EMERGENCY IN CONNECTION WITH PREPARATIONS THE ONTARIO INTERNATIONAL AIRPORT AUTHORITY IS MAKING, AND ACTIONS IT IS TAKING, IN RESPONSE TO NOVEL CORONAVIRUS (COVID-19), AND COMPLIANCE WITH HEALTH AUTHORITIES' APPLICABLE GUIDANCE REGARDING RESPONDING TO COVID-19

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

That the Ontario International Airport Authority approve the following: (1) That the Ontario International Airport Authority Commission approve a resolution adopting and authorizing the continued use of the Authority's current approved Fiscal Year 2019-20 budget for the Airport's and Authority's financial and other operations for an additional period of up to one (1) month beginning August 1, 2020. (2) That the Ontario International Airport Authority

Commission authorize the Chief Executive Officer (CEO) and the Chief Financial Officer/Treasurer (CFO) of the Authority to use the Authority and Airport accounts, account balances, revenues, income, receipts and funds existing and available on and after August 1, 2020 for the financial and other operations of the Authority and Airport in a manner consistent with the current approved budget for Fiscal Year 2019-20 for a period of up to one (1) month beginning on August 1, 2020.

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

RESOLUTION OF THE ONTARIO INTERNATIONAL AIRPORT AUTHORITY APPROVING THE CONTINUED USE OF THE AUTHORITY'S CURRENT ANNUAL BUDGET FOR FISCAL YEAR 2019-20 FOR AN ADDITIONAL PERIOD OF ONE (1) MONTH BEGINNING AUGUST 1, 2020

**MANAGEMENT REPORT**

Chief Executive Officer Thorpe

**COMMISSION MATTERS**

President Wapner

Vice President Loveridge

Secretary Bowman

Commissioner Hagman

Commissioner Gouw

**ADJOURNMENT**



**DATE:** JULY 23, 2020  
**SECTION:** MINUTE ACTION  
**SUBJECT:** RELATIVE TO POSSIBLE CONFLICT OF INTEREST

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

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

Item No	Principals & Agents	Subcontractors
Item No. 06	Envirosuite (formally EMS Bruel & Kjaer)	<ul style="list-style-type: none"><li>HMMH</li></ul>

**STAFF MEMBER PRESENTING:** Board Clerk, Claudia Y. Isbell

Department: Clerk's Office Submitted to OIAA: July 23, 2020

**ONTARIO INTERNATIONAL AIRPORT AUTHORITY  
REGULAR COMMISSION MEETING  
MINUTES  
JUNE 25, 2020  
(Not official until approved)**

In accordance with the Governor's Declarations of Emergency for the State of California (Executive Orders N-25-20 and N-29-20) and the Governor's Stay at Home Order (Executive Order N-33-20), the Ontario International Airport Authority (OIAA) board meetings were conducted via live stream and teleconference. Members of the public utilized alternative measures established by OIAA to view the board meeting and/or to address the President and Commissioners for the regular meeting held on Thursday, June 25, 2020.

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

**CALL TO ORDER**

President Wapner called the Ontario International Airport Authority Commission meeting to order at 2:07 p.m.

**ROLL CALL**

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

ABSENT: Commissioners: Ronald O. Loveridge (excused)

Also present via Zoom conference were: Chief Executive Officer Mark A. Thorpe, General Counsel Lori Ballance and Assistant Secretary Claudia Y. Isbell.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by President Wapner.

**PUBLIC COMMENT**

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

**AGENDA REVIEW/ANNOUNCEMENT**

There were no announcements made.



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

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

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

No conflicts were announced.

## **CONSENT CALENDAR**

**MOTION:** Moved by Commissioner Hagman, seconded by Secretary Bowman, and carried by a roll call vote of 4-0-1, with Vice President Loveridge absent, to approve the consent calendar as presented, including adoption of Resolution 2020-08 and Resolution 2020-09.

## **2. APPROVAL OF MINUTES**

Approved minutes for the meeting of the Ontario International Airport Authority regular meeting on May 28, 2020 and the special meeting on June 12, 2020 and approving the same as on file with the Secretary/Assistant Secretary.

## **3. BILLS/PAYROLL**

Approved bills for May 1, 2020 through May 31, 2020 and Payroll May 1, 2020 through May 31, 2020.

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

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

## **5. APPROVED A CONTRACT AMENDMENT WITH FRUITION GROWTH, LLC DBA FRUITION FOR A MONTH-TO-MONTH EXTENSION NOT TO EXCEED NINE (9) MONTHS, FOR DIGITAL WEB SERVICES**

The Ontario International Airport Authority (OIAA) authorized the Chief Executive Officer (CEO) to execute a month-to-month contract extension for nine (9) months with Fruition Growth LLC dba Fruition for digital web services for an overall not-to-exceed amount of \$120,000 over the term of the of the nine month contract. Funds for this contract were included in the Fiscal Year 2020/21 budget.

## **6. AUTHORIZED THE CHIEF EXECUTIVE OFFICER TO EXECUTE A FUNDING AGREEMENT WITH THE COUNTY OF SAN BERNARDINO TOWARDS THE ACCESS CONTROL AND ALARM MANAGEMENT SYSTEM (ACAMS) PROJECT**

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

The Ontario International Airport Authority (OIAA) approved funding agreement 2020-01 between the OIAA and the County of San Bernardino for \$250,000 for upgrade of the current Access Control and Alarm Management System (ACAMS). The Ontario International Airport Authority received \$250,000 from the San Bernardino County to be used towards upgrade of the current ACAMS.

**7. RATIFICATION AND RE-APPROVAL OF A CONTRACT WITH VELLUTINI CORPORATION DBA ROYAL ELECTRIC COMPANY FOR THE RUNWAY 26R TOUCHDOWN ZONE LIGHTS PROJECT AT THE ONTARIO INTERNATIONAL AIRPORT**

The Ontario International Airport Authority ratified and re-authorized the Chief Executive Officer (CEO) to execute a contract with Royal Electric Company, in the amount of \$2,811,110.50 for the Runway 26R Touchdown Zone Lights Project at Ontario International Airport (ONT). The cost to construct this project was accounted for in the OIAA Fiscal Year 2019-2020 budget. Total construction cost of \$2,555,555.00, plus a 10% contingency in the amount of \$255,555.50. Funds for this project are to be paid with a combination of FAA Airport Improvement Program (AIP) entitlement grant funds in the amount of \$2,059,521.77 and OIAA appropriations in the amount of \$496,033.23.

**RESOLUTION NO. 2020-08** A RESOLUTION OF THE ONTARIO INTERNATIONAL AIRPORT AUTHORITY RATIFYING AND RE-APPROVING A CONTRACT WITH VELLUTINI CORPORATION DBA ROYAL ELECTRIC COMPANY FOR THE RUNWAY 26R TOUCHDOWN ZONE LIGHTS PROJECT AT THE ONTARIO INTERNATIONAL AIRPORT, AND APPROVING AN EMERGENCY EXEMPTION UNDER CEQA GUIDELINES SECTION 15269(c), AND CATEGORICAL EXEMPTIONS UNDER CEQA GUIDELINES SECTIONS 15301 AND 15302, FOR THE PROJECT

**ADMINISTRATIVE DISCUSSION/ACTION/REPORT**

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

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

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

**RESOLUTION NO. 2020-09** A RESOLUTION OF THE ONTARIO INTERNATIONAL AIRPORT AUTHORITY APPROVING THE CONTINUED USE OF THE AUTHORITY'S CURRENT ANNUAL BUDGET FOR FISCAL YEAR 2019-20 FOR A PERIOD OF ONE (1) MONTH BEGINNING JULY 1, 2020

**MOTION:** Moved by Commissioner Hagman, seconded by Commissioner Gouw, and carried by a roll call vote of 4-0-1, with Vice President Loveridge absent, to adopt Resolution 2020-09 adopting and authorizing the continued use of the OIAA's current approved Fiscal Year 2019-20 budget for a one (1) month period through July 31, 2020.

**9. A RESOLUTION DECLARING THE CONTINUED EXISTENCE OF A LOCAL EMERGENCY IN CONNECTION WITH PREPARATIONS THE ONTARIO INTERNATIONAL AIRPORT AUTHORITY IS MAKING, AND ACTIONS IT IS TAKING, IN RESPONSE TO THE SERIOUS AND IMMINENT THREAT OF AN OUTBREAK OF THE NOVEL CORONAVIRUS (COVID-19), AND COMPLIANCE WITH HEALTH AUTHORITIES' APPLICABLE GUIDANCE REGARDING RESPONDING TO COVID-19**

The Ontario International Airport Authority approved a resolution declaring the continued existence of a local emergency in connection with preparations the Authority is making, and actions it is taking, in response to the serious and imminent threat of an outbreak of the novel coronavirus (COVID-19), and compliance with health authorities' applicable guidance regarding responding to COVID-19.

**RESOLUTION NO. 2020-10** A RESOLUTION OF THE ONTARIO INTERNATIONAL AIRPORT AUTHORITY DECLARING THE CONTINUED EXISTENCE OF A LOCAL EMERGENCY IN CONNECTION WITH PREPARATIONS THE ONTARIO INTERNATIONAL AIRPORT AUTHORITY IS MAKING, AND ACTIONS IT IS TAKING, IN RESPONSE TO THE SERIOUS AND IMMINENT THREAT OF AN OUTBREAK OF THE NOVEL CORONAVIRUS (COVID-19), AND COMPLIANCE WITH HEALTH AUTHORITIES' APPLICABLE GUIDANCE REGARDING RESPONDING TO COVID-19

**MOTION:** Moved by Commissioner Hagman, seconded by Secretary Bowman, and carried by a roll call vote of 4-0-1, with Vice President Loveridge absent, to adopt Resolution 2020-10 declaring the continued existence of a local emergency.

**MANAGEMENT REPORT**

Chief Executive Officer Thorpe provided an update of passenger activity at ONT. Commissioners asked questions regarding updates of COVID-19 at ONT.

**COMMISSIONER MATTERS**

President Wapner thanked Commissioner Hagman for the County of San Bernardino agreement for \$250,000 for security related projects.

Ontario International Airport Authority Commission

Regular Meeting Minutes

Thursday, June 25, 2020

Page 5 of 5

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

Vice President Loveridge had no comments.

Secretary Bowman had no comments.

Commissioner Hagman had no comments.

Commissioner Gouw had no comments.

**ADJOURNMENT**

President Wapner adjourned the Ontario International Airport Authority Commission meeting at 2:31 p.m.

RESPECTFULLY SUBMITTED:

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CLAUDIA Y. ISBELL, CLERK OF THE BOARD

APPROVED:

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ALAN D. WAPNER, PRESIDENT  
ONTARIO INTERNATIONAL AIRPORT AUTHORITY



**DATE:** JULY 23, 2020

**SECTION:** CONSENT CALENDAR

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

**RELEVANT STRATEGIC OBJECTIVE:** Development of Airport-Related Business.

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

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

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

During the month of June 2020, President Wapner attended thirteen (13) additional Authority-related business functions. Full Commission approval is needed to approve payment of these additional stipends.

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

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

Department: Clerk’s Office

Submitted to OIAA: July 23, 2020

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

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

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

Chief Executive Officer Approval: Mark A. Thorpe

ITEM NO. 04

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

**FISCAL IMPACT AND SOURCE OF FUNDS:** OIAA operating revenue.

**PRIOR COMMISSION ACTION:** On December 8, 2016, the OIAA Commission adopted Resolution No. 2016-14 approving and adopting the OIAA Bylaws.

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

**IMPACT ON OPERATIONS:** N/A

**ATTACHMENTS:** N/A

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

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



DATE: JULY 23, 2020

SECTION: CONSENT CALENDAR

SUBJECT: A RESOLUTION AMENDING THE EXHIBITS TO THE ONTARIO INTERNATIONAL AIRPORT AUTHORITY CONFLICT OF INTEREST CODE

RELEVANT STRATEGIC OBJECTIVES: Develop Airport Related Business.

RECOMMENDED ACTION(S): That the Ontario International Airport Authority (OIAA) Commission adopt a Resolution amending the Exhibits to the OIAA’s Conflict of Interest Code to update position classification titles, disclosure categories, conflict of interest disclosure form and filing requirements for OIAA employees.

FISCAL IMPACT SUMMARY: The proposed action has no direct fiscal impact.

BACKGROUND AND PROPOSED PROJECT: The Ontario International Airport Authority adopted its Conflict of Interest Code on July 26, 2017 and last reviewed and amended on July 24, 2018. The Political Reform Act requires every local agency to review its conflict of interest code biennially to determine if amendments or modifications are needed.

The Exhibit to the Ontario International Airport Authority Conflict of Interest Code designates those employees, officers and consultants who make or participate in the making of decisions which may affect the Airport’s financial interests and therefore must disclose those interests in financial disclosure statements. Those officials and employees must also disqualify themselves from making or participating in the making of governmental decisions affecting those interests.

STAFF MEMBER PRESENTING: Clerk of the Board, Claudia Y. Isbell

Department: Clerk’s Office

Submitted to OIAA: July 23, 2020

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

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

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

Chief Executive Officer Approval: *Mark A. Hoopes*

ITEM NO. 05

Staff has reviewed the Airport's Conflict of Interest Code and is recommending that the Exhibits of the Code be amended to reflect new, changed, or obsolete position classification titles, provide updated disclosure categories, and an updated conflict of interest disclosure form since its revision in July 2018. No other amendments to the Code are recommended at this time.

### **Conflict of Interest Code Filer Changes**

#### **Titles to Add:**

Board Member  
Chief Innovation Officer  
Commercial Manager  
Deputy Chief Executive Director  
Director of Customer Experience  
Director of Financial Reporting and Accounting  
Director of Digital Media  
Digital Content Manager

#### **Proposed for Deletion:**

Deputy Executive Director  
Director of Customer Services  
Director of Finance  
Social Media Manager  
Director of Commercial Real Estate  
Director, Air Service Development

#### **Conflict of Interest Code Disclosure Categories Additions:**

The disclosure categories listed below identify the types of investments, business entities, sources of income, or real property, which the Ontario International Airport Authority ("OIAA" or "Authority") Designated Employee must disclose for each disclosure category they are assigned.

Category 1: All investments and business positions in, and sources of income from, business entities that do business or own real property within San Bernardino County, plan to do business or own real property within San Bernardino County within the next year, or have done business or owned real property within San Bernardino County within the past two (2) years.

All interests in real property which is located in whole or in part within, or not more than two (2) miles outside of San Bernardino County.

Category 2: All investments and business positions in, and sources of income from, business entities that are engaged in land development, construction, or the acquisition or sale of real property within San Bernardino County, plan to engage in such activities within San Bernardino County within the next year, or have engaged in such activities within San Bernardino County within the past two (2) years.



All investments and business positions in, and sources of income from, business entities that are banking, savings and loan, or other financial institutions.

Category 3: All investments and business positions in, and sources of income from, business entities subject to the regulatory, permit, or licensing authority of OIAA, will be subject to such authority within the next year, or have been subject to such authority within the past two (2) years.

Category 4: All investments and business positions in, and sources of income from, business entities that provide services, supplies, materials, machinery, vehicles or equipment of a type purchased or leased by OIAA or the Designated Employee's individual department.

**Proposed Disclosure Category for Deletion:**

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.

**PROCUREMENT:** N/A

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

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

**IMPACT ON OPERATIONS:** N/A

**ATTACHMENTS:**

- A. A Resolution to amend the Ontario International Airport Authority's Conflict of Interest Code.
- B. Proposed Exhibit A, B and C of the OIAA Conflict of Interest Code

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This Agenda Report has been reviewed by OIAA General Counsel.

## RESOLUTION NO. 2020-\_\_\_\_

A RESOLUTION OF THE ONTARIO INTERNATIONAL AIRPORT AUTHORITY, APPROVING AND ADOPTING AMENDED EXHIBITS OF THE CONFLICT OF INTEREST CODE PURSUANT TO THE POLITICAL REFORM ACT OF 1974

**WHEREAS**, the Legislature of the State of California enacted the Political Reform Act of 1974, Government Code Section 81000 et seq. (the "Act"), which contains provisions relating to conflicts of interest which potentially affect all officers, employees, and consultants of the Ontario International Airport Authority (the "Authority") and requires all public agencies to adopt and promulgate a Conflict of Interest; and

**WHEREAS**, the Authority adopted Ordinance 0001 Conflict of Interest Code on July 26, 2017, and amended Exhibit A of the code on July 24, 2018, by Resolution 2018-14; and

**WHEREAS**, the potential penalties for violation of the provisions of the Act are substantial and may include criminal and civil liability, as well as equitable relief which could result in the Authority being restrained or prevented from acting in cases where the provisions of the Act may have been violated; and

**WHEREAS**, a public meeting was held upon the proposed amended Exhibits of the Conflict of Interest Code at a regular meeting of the Authority on July 23, 2020, at which all present were given an opportunity to be heard on the proposed amended Exhibits.

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

**SECTION 1** : The Authority does hereby adopt the proposed amended Exhibits of the Conflict of Interest Code, a copy of which is attached hereto and shall be on file with the Clerk's Office along with the Conflict of Interest Code and available to the public for inspection and copying.

**SECTION 2**: That said amended Exhibits of the Conflict of Interest Code shall become effective 30 days after adoption and approval.

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

PASSED, APPROVED, AND ADOPTED this 23 day of July 2020.

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

ATTEST:

\_\_\_\_\_  
CLAUDIA Y. ISBELL,  
ASSISTANT SECRETARY

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
LORI D. BALLANCE  
GENERAL COUNSEL

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

I, Claudia Y. Isbell, Commission Clerk of the Ontario International Airport Authority, DO HEREBY CERTIFY that foregoing Resolution No. 2020-\_\_ was duly passed and adopted by the Commission of the Ontario International Airport Authority at their regular meeting held \_\_\_\_\_ by the following roll call vote, to wit:

AYES:            COMMISSIONERS:

NOES:            COMMISSIONERS:

ABSENT:         COMMISSIONERS:

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

(SEAL)

The foregoing is the original of Resolution No. 2020-\_\_ duly passed and adopted by the Commission of the Ontario International Airport Authority at their regular meeting held \_\_\_\_\_.

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

(SEAL)

**EXHIBIT A: Designated Employee Positions**

<b>List of Designated Positions</b>	<b>Assigned Disclosure Category</b>
Airport Security Manager	3,4
Board Member	1
Chief Commercial Officer	1
Chief Executive Officer	1
Chief Financial Officer	1
Chief Innovation Officer	1
Chief Operations Officer	1
Clerk of the Board	1
Commercial Manager	4
Community Engagement Manager	4
Consultants	1
Deputy Chief Executive Director	1
Digital Content Manager	4
Director of Customer Experience	1
Director of Digital Media	1
Director of Financial Reporting and Accounting	1
Director of Government Relations	1
Director of Marketing and Communications	1
Director of Planning	1
Director of Program Management	1
Emergency Manager	3,4
Environmental Manager	2,4
Field Manager	2,4
Film Services Manager	4
General Counsel	1
Internal Auditor and Special Projects Manger	1
Procurement Manager	4
Program Manager	4
Risk Manager	2,4
Terminal Manager	4

## **EXHIBIT B: Disclosure Categories**

The disclosure categories listed below identify the types of investments, business entities, sources of income, or real property, which the Ontario International Airport Authority (“OIAA” or “Authority”) Designated Employee must disclose for each disclosure category they are assigned.

Category 1: All investments and business positions in, and sources of income from, business entities that do business or own real property within San Bernardino County, plan to do business or own real property within San Bernardino County within the next year, or have done business or owned real property within San Bernardino County within the past two (2) years.

All interests in real property which is located in whole or in part within, or not more than two (2) miles outside of San Bernardino County.

Category 2: All investments and business positions in, and sources of income from, business entities that are engaged in land development, construction, or the acquisition or sale of real property within San Bernardino County, plan to engage in such activities within San Bernardino County within the next year, or have engaged in such activities within San Bernardino County within the past two (2) years.

All investments and business positions in, and sources of income from, business entities that are banking, savings and loan, or other financial institutions.

Category 3: All investments and business positions in, and sources of income from, business entities subject to the regulatory, permit, or licensing authority of OIAA, will be subject to such authority within the next year, or have been subject to such authority within the past two (2) years.

Category 4: All investments and business positions in, and sources of income from, business entities that provide services, supplies, materials, machinery, vehicles or equipment of a type purchased or leased by OIAA or the Designated Employee’s individual department.

## CONFLICT OF INTEREST DISCLOSURE

### SECTION 1: INSTRUCTIONS

All persons or firms seeking contracts must complete and submit this OIAA Conflict of Interest Disclosure Form along with the bid/proposal. Failure to comply with this requirement may cause your proposal to be declared nonresponsive.

Any questions regarding the information required to be disclosed in this form should be directed to OIAA's General Legal Counsel, especially for any "yes" responses to questions in this form, which may also disqualify your firm from submitting an offer on the bid/proposal.

\_\_\_\_\_  
Firm's Name

\_\_\_\_\_  
Preparer's Name

\_\_\_\_\_  
Position/Title

\_\_\_\_\_  
RFP/RFQ/RFP/NIB #

\_\_\_\_\_  
Project Title

### 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 bid/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 an 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 \$500 to any employee, officer, or consultant of OIAA or any member of OIAA Commission, including their spouses or dependent children? [2 CCR § 18940.2(a); 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 Gift

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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 service:

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, position, and dates of service:

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



Further, if the answer to Question No. 9 above is "Yes" please answer each of the following below [Govt. Code, § 84308; 2 Cal. Code Regs., §§ 18438.3, 18438.4]

Yes No

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

Yes No

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

10. Does this agreement include work performed by subcontractors?

Yes No

If yes, please list the subcontractors/company below:

Name

Name


**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.**



DATE: JULY 23, 2020

SECTION: CONSENT CALENDAR

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

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

RECOMMENDED ACTION(S): That the Ontario International Airport Authority (OIAA) authorize the Chief Executive Officer to execute a second amendment between the Ontario International Airport Authority (OIAA) and Envirosuite (formerly EMS Bruel & Kjaer, Inc.) for an amount not to exceed \$339,298 for two years.

FISCAL IMPACT SUMMARY: Funds for this contract extension will be requested in the FY 2020-2021 OIAA operating budget and funding for subsequent years will be requested as part of the annual budget process.

BACKGROUND: Bruel and Kjaer provides ongoing maintenance and support services for the Ontario International Airport Noise and Operations Monitoring System (ANOMS), the key tool staff uses to comply with state airport noise standards (California Code of Regulations, Title 21, Section 5000, et seq.). ANOMS capture noise data using permanently installed noise monitors in communities surrounding the airport, and correlates aircraft noise events with aircraft operations data obtained by ANOMS from the Federal Aviation Administration (FAA) radar system and/or from PASSUR (Passive Surveillance Radar) data. Staff uses ANOMS to measure the aircraft noise levels and reports the Noise Impact Area for the airport on a quarterly basis.

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

Department: Operations

Submitted to OIAA: July 23, 2020

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

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

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

Chief Executive Officer Approval: *Mark A. Thorpe*

ITEM NO. 06

The Bruel & Kjaer contract was entered into on November 1, 2016 between OIAA and Bruel & Kjaer. It was originally procured under Los Angeles World Airport's procurement procedures covering ONT and as part of the LAWA-wide contract list as outlined in the Settlement Agreement with LAWA. The Commission approved two one-year extensions on June 26, 2018 to allow for uninterrupted service through June 30, 2020. This allowed OIAA to achieve full-service life of the hardware and software components it invested in the system, to continue complying with state airport noise standards and related variance conditions both in the near and longer-term and receive more favorable pricing by exercising two one-year options.

Staff is recommending a second amendment with Envirosuite (formerly EMS Bruel & Kjaer, Inc.) for two years and an amount not to exceed \$339,298 for continued services.

**PROCUREMENT:** N/A

**CEQA COMPLIANCE AND LAND USE APPROVALS:** Issuance of permits, leases, agreements, and renewals, amendments or extensions thereof, or other entitlements granting use of an existing airport facility involving negligible or no expansion of use and/or alteration or modification of the facilities or its operations beyond that previously existing or permitted is exempt from the requirements of the California Environmental Quality Act (CEQA).

**EXHIBITS & ATTACHMENTS:** Attachment A – Second Amendment Agreement between Envirosuite (formerly EMS Bruel & Kjaer, Inc.)

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

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



DATE: JULY 23, 2020

SECTION: ADMINISTRATIVE DISCUSSION/ACTION/REPORT

SUBJECT: A RESOLUTION DECLARING THE CONTINUED EXISTENCE OF A LOCAL EMERGENCY IN CONNECTION WITH PREPARATIONS THE ONTARIO INTERNATIONAL AIRPORT AUTHORITY IS MAKING, AND ACTIONS IT IS TAKING, IN RESPONSE TO NOVEL CORONAVIRUS (COVID-19), AND COMPLIANCE WITH HEALTH AUTHORITIES' APPLICABLE GUIDANCE REGARDING RESPONDING TO COVID-19

RELEVANT STRATEGIC OBJECTIVES: Safety and Security: Provide Customer Friendly Facilities and Services.

RECOMMENDED ACTION(S): That the Ontario International Airport Authority (OIAA or Authority) approve a resolution declaring the continued existence of a local emergency in connection with preparations the Authority is making, and actions it is taking, in response to the outbreak of COVID-19, and compliance with health authorities' applicable guidance regarding responding to COVID-19.

FISCAL IMPACT SUMMARY: Possible appropriations and corresponding expenditures for equipment, materials, supplies, labor services and other items needed to address or respond to a declared local emergency will be accounted for and reported to and by the Authority.

BACKGROUND: Ontario International Airport (ONT) provides essential services and infrastructure for public commercial travel and general commerce. As part of the Aviation segment of the Transportation Systems Sector, ONT is an element of national critical infrastructure recognized by the Department of Homeland Security. The nation's transportation system is required to quickly, safely, and securely move people and goods through the country and overseas.

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

Department: Administration

Submitted to OIAA: July 23, 2020

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

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

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

Chief Executive Officer Approval: Mark A. Thorpe

ITEM NO. 07

## **Local Emergency**

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

California and the nation are responding to the spread of a respiratory illness caused by a novel coronavirus and which has now been detected in more than 200 locations internationally, including in the United States. The virus has been named “SARS-CoV-2” and the disease it causes has been named “coronavirus disease 2019” (COVID-19).

On January 30, 2020, the International Health Regulations Emergency Committee of the World Health Organization (WHO) declared the COVID-19 outbreak a “public health emergency of international concern.” On January 31, U.S. Health and Human Services Secretary Alex M. Azar II declared a public health emergency for the United States to aid the nation’s healthcare community in responding to COVID-19. On March 4, 2020, Governor Newsom declared a statewide emergency related to COVID-19. On March 11, WHO publicly characterized COVID-19 as a pandemic. On March 13, the President of the United States declared the COVID-19 outbreak a national emergency.

On March 14, 2020, the City of Ontario proclaimed a local emergency, and most recently on June 16, 2020, continued the local state of emergency declaration in response to regional COVID-19 diagnoses and to mobilize the City to best serve the Ontario community. Given that ONT is a destination for passengers from across the nation and from some international locations, the potential effects of the spread of COVID-19 is a local emergency at ONT.

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

## **Available Actions by OIAA Responding to the Local Emergency**

Declaration of a local emergency relating to COVID-19 enables the Authority, including its CEO under delegated power, to issue written orders and regulations necessary to provide for the protection of passengers, employees and operators at ONT, and related property, as affected by such emergency. The orders and/or regulations include those to (1) obtain vital supplies, equipment, and such other properties found lacking and needed for the protection of life and property at ONT and to bind the Authority for the fair value thereof, (2) require emergency services of any OIAA officer or employee, (3) requisition necessary personnel or material of any OIAA departments, and (4) modify or approve contracts as necessary to ensure and protect the life and property of the public, operators, and employees at ONT.

Exercise of local emergency powers by the OIAA CEO or his designees will be timely reported to the Authority, and the Authority must periodically review the need for continuing the local emergency until it terminates the local emergency.

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

**EXHIBITS & ATTACHMENTS:**

Attachment A - Resolution approving and declaring the continued existence of a local emergency in connection with preparations the Authority is making, and actions it is taking, in response to novel coronavirus (COVID-19), and compliance with health authorities' applicable guidance regarding responding to COVID-19.

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

This Agenda Report has been reviewed by OIAA General Counsel.

## RESOLUTION NO. 2020-\_\_\_\_\_

A RESOLUTION OF THE ONTARIO INTERNATIONAL AIRPORT AUTHORITY DECLARING THE CONTINUED EXISTENCE OF A LOCAL EMERGENCY IN CONNECTION WITH PREPARATIONS THE ONTARIO INTERNATIONAL AIRPORT AUTHORITY IS MAKING, AND ACTIONS IT IS TAKING, IN RESPONSE TO NOVEL CORONAVIRUS (COVID-19), AND COMPLIANCE WITH HEALTH AUTHORITIES' APPLICABLE GUIDANCE REGARDING RESPONDING TO COVID-19

**WHEREAS**, Ontario International Airport (ONT) provides essential services and infrastructure for public commercial travel and general commerce. As part of the Aviation segment of the Transportation Systems Sector, ONT is an element of national critical infrastructure recognized by the Department of Homeland Security. The nation's transportation system is required to quickly, safely, and securely move people and goods through the country and overseas;

**WHEREAS**, Pursuant to Government Code sections 8550 *et seq.* and 8630 *et seq.*, the Ontario International Airport Authority (OIAA or Authority) can determine to declare the existence of a local emergency under certain circumstances;

**WHEREAS**, California and the nation are responding to the spread of a respiratory illness caused by a novel coronavirus and which has now been detected in more than 200 locations internationally, including in the United States. The virus has been named "SARS-CoV-2" and the disease it causes has been named "coronavirus disease 2019" (COVID-19);

**WHEREAS**, On January 30, 2020, the International Health Regulations Emergency Committee of the World Health Organization (WHO) declared the COVID-19 outbreak a "public health emergency of international concern." On January 31, U.S. Health and Human Services Secretary Alex M. Azar II declared a public health emergency for the United States to aid the nation's healthcare community in responding to COVID-19. On March 4, 2020, Governor Newsom declared a statewide emergency related to COVID-19. On March 11, WHO publicly characterized COVID-19 as a pandemic. On March 13, the President of the United States declared the COVID-19 outbreak a national emergency;

**WHEREAS**, On March 14, 2020, the City of Ontario proclaimed a local emergency, and most recently on June 16, 2020, continued the local state of emergency declaration in response to regional COVID-19 diagnoses and to mobilize the City to best serve the Ontario community. Given that ONT is a destination for passengers from across the nation and from some international locations, the potential effects of the spread of COVID-19 is a local emergency at ONT;

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

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

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

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

**WHEREAS**, on June 25, 2020 the OIAA approved Resolution No. 2020-010, declaring the continued existence of a local emergency.

**NOW, THEREFORE BE IT RESOLVED** by the Ontario International Airport Authority does hereby declare a continued local state of emergency at ONT regarding the COVID-19 outbreak, and the need to prevent and address the effects of the spread of COVID-19 at ONT; and

**BE IT FURTHER RESOLVED**, under this continued declaration of a local emergency at ONT by the Authority, the OIAA Chief Executive Officer (CEO) is empowered to:

- (1) Promulgate written orders and regulations necessary to provide for the protection of passengers, employees and operators at ONT, and related



- property, as affected by such emergency, including orders or regulations imposing hours of operation within the boundaries of ONT where necessary to preserve the public order and safety; provided, however, such rules and regulations shall be widely publicized and noticed and shall be confirmed at the earliest practicable time by the Authority Commission; and
- (2) Promulgate written orders and regulations relating to the requirements, recommendations and guidelines issued by the CDC, CDPH and SBCDPH that are applicable to essential services and infrastructure such as ONT, or to operations related to air travel in general, regarding preventing and addressing the spread of COVID-19;
  - (3) Make any expenditure in connection with emergency activities, including mutual aid activities, which shall be deemed conclusively to be for the direct protection and benefit of the passengers, airlines, and business partners and property of the OIAA. When necessary to address the effects of the declared emergency, the CEO or his designee may enact conditional changes in procurement processes, spending and signature authority limits, approval authorities, and allocation of Airport resources during the time of the declared emergency in order to support the OIAA required response activities; and
  - (4) Require emergency services of any OIAA officer or employee; and
  - (5) requisition necessary personnel or material of any OIAA departments; and
  - (6) Execute all ordinary powers; all special powers conferred by this Resolution; and all other powers conferred by statute, agreement approved by the Authority Commission, or by any other lawful authority; and
  - (7) Approve and modify contracts as necessary to provide for the protection of passengers, employees and operators at ONT, related property, and OIAA finances as affected by such emergency, including ad-hoc revenue agreements with a one (1) year term or less; and
  - (8) Represent the Authority in all dealings with public or private agencies on matters pertaining to this declared local emergency; and

**BE IT FURTHER RESOLVED**, In the absence of the OIAA CEO, the OIAA Deputy Chief Executive Officer is empowered to take on the emergency powers of the OIAA CEO authorized and described in this Resolution. The OIAA CEO shall be deemed absent where he is unavailable to participate in meetings or otherwise is unable to perform his duties during an emergency.

**BE IT FURTHER RESOLVED**, The Authority Commission shall review the need for continuing this declaration of a continued local emergency at least once every 30 days until the Commission terminates this local emergency declaration.

PASSED, APPROVED, AND ADOPTED at a Regular Meeting this 23<sup>rd</sup> day of July 2020.

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

ATTEST:

\_\_\_\_\_  
CLAUDIA Y. ISBELL  
SECRETARY/ASSISTANT SECRETARY

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
LORI D. BALLANCE  
GENERAL COUNSEL

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

I, Claudia Y. Isbell, Assistant Secretary of the Ontario International Airport Authority, DO HEREBY CERTIFY that foregoing Resolution No. 2020-\_\_\_\_\_ was duly passed and adopted by the Commission of the Ontario International Airport Authority at their regular meeting held on July 23, 2020 by the following roll call vote, to wit:

AYES:            COMMISSIONERS:  
NOES:            COMMISSIONERS:  
ABSENT:         COMMISSIONERS:

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

(SEAL)

The foregoing is the original of Resolution No. 2020-\_\_\_\_\_ duly passed and adopted by the Commission of the Ontario International Airport Authority at their regular meeting held July 23, 2020.

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

(SEAL)



DATE: JULY 23, 2020

SECTION: ADMINISTRATIVE DISCUSSION/ACTION/REPORT

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

RELEVANT STRATEGIC OBJECTIVE: Develop Airport Related Business: Maintain Financial Accountability and Stability to Support Airport Operations.

RECOMMENDED ACTION(S):

(1) That the Ontario International Airport Authority Commission approve a resolution adopting and authorizing the continued use of the Authority's current approved Fiscal Year 2019-20 budget for the Airport's and Authority's financial and other operations for a period of up to one (1) month beginning August 1, 2020.

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

FISCAL IMPACT AND SOURCE OF FUNDS: The fiscal impact to the Authority and Airport, and the source of funds, will be those identified and described in the approved Fiscal Year 2019-20 approved budget of the Authority and Airport.

STAFF MEMBER PRESENTING: John M. Schubert, Chief Financial Officer

Department: Finance

Submitted to OIAA: July 23, 2020

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

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

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

Chief Executive Officer Approval: *Mark A. Thope*

**BACKGROUND:** The Commission of the Authority adopted and approved the budget for Fiscal Year 2019-20 for the Airport and Authority on June 24, 2019. Pursuant to the Joint Powers Agreement, section 10, the Treasurer of the Authority shall assume the duties described in California Government Code Section 6505.5. Authority Staff, including the CEO and the CFO of the Authority, determined that additional time after July 1, 2020 is required to develop and determine the Authority's budget for Fiscal Year 2020-21, based on the financial impacts due to the COVID-19 global pandemic. On June 25, 2020, the Commission approved the continued use of the FY 2019-20 through July 31, 2020. It has since been determined that an additional extension of one (1) month is necessary to complete the FY 2020-21 budget.

The CEO and the CFO of the Authority have reviewed the finances of the Airport and Authority and have determined that the current Airport and Authority approved budget for Fiscal Year 2019-20 may appropriately be continued, extended and utilized for an additional period of up to one (1) month after August 1, 2020 relating to the financial and other operations of the Airport and Authority. The CEO and CFO have also determined that the Authority shall continue to be able to timely and fully meet and fulfill all its financial obligations relating to the Airport on and after August 1, 2020.

**CEQA COMPLIANCE:** N/A

**IMPACT ON OPERATIONS:** N/A

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

**EXHIBITS & ATTACHMENTS:** Attachment A: A Resolution Approving the Continued Use of the Authority's Current Annual Budget for Fiscal Year 2019-20 for an additional period of one (1) month beginning August 1, 2020.

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

This Agenda Report has been reviewed by OIAA General Counsel.

## RESOLUTION NO. 2020-\_\_\_\_

## RESOLUTION OF THE ONTARIO INTERNATIONAL AIRPORT AUTHORITY APPROVING THE CONTINUED USE OF THE AUTHORITY'S CURRENT ANNUAL BUDGET FOR FISCAL YEAR 2019-20 FOR AN ADDITIONAL PERIOD OF ONE (1) MONTH BEGINNING AUGUST 1, 2020

**WHEREAS**, the Ontario International Airport Authority (the Authority or OIAA) was established under a Joint Exercise of Powers Agreement between the City of Ontario and the County of San Bernardino (the Joint Powers Agreement) pursuant to the Joint Exercise of Powers Act of the State of California (the Joint Powers Act), for the purpose of operating, maintaining, developing, and marketing the Ontario International Airport (the Airport); and

**WHEREAS**, under the Joint Powers Agreement, Section 10, Funds, the Treasurer of the Authority shall assume the duties described in California Government Code Section 6505.5; and

**WHEREAS**, the Authority adopted and approved a budget for Fiscal Year 2019-20 for the Airport and Authority on June 24, 2019; and

**WHEREAS**, the Authority approved a budget extension for one (1) month after July 1, 2020 for Fiscal Year 2019-20 for the Airport and Authority on June 25, 2020; and

**WHEREAS**, the Authority Staff, including the Chief Executive Officer (CEO) and the Chief Financial Officer/Treasurer (CFO) of the Authority, have determined that an additional time of up to one (1) month after August 1, 2020 is required to develop and determine the Authority's budget for Fiscal Year 2020-21, based on the financial impacts due to the COVID-19 global pandemic; and

**WHEREAS**, the Authority shall continue to timely and fully meet and fulfill all of its financial obligations relating to the Airport after August 1, 2020; and

**WHEREAS**, the CEO and the CFO of the Authority have reviewed the finances of the Airport and Authority and have determined that the current Airport and Authority approved budget for Fiscal Year 2019-20 may appropriately be continued, extended and utilized for a period of up to one (1) month after August 1, 2020 relating to the financial and other operations of the Airport and Authority; and

**WHEREAS**, the Commission of the Authority has reviewed the proposed continuation of the Authority's and Airport's current approved budget for Fiscal Year 2019-20 for a period of one (1) month after August 1, 2020, and has held a public meeting relative to its adoption; and

**WHEREAS**, on or before August 31, 2020 the Authority will consider and approve a new Authority and Airport budget for the remaining portion of Fiscal Year 2020-21.

**NOW, THEREFORE**, be it resolved as follows:

SECTION 1. The Commission of the Authority hereby approves and authorizes the continued use of the Airport's and Authority's current and existing approved budget for Fiscal Year 2019-20 to guide the financial and other operations of the Authority and Airport for an additional period of up to one (1) months beginning on August 1, 2020.

SECTION 2. The Commission of the Authority authorizes the CEO and CFO to use the Authority and Airport accounts, account balances, revenues, income, receipts and funds existing and available after August 1, 2020 for the financial and other operations of the Authority and Airport in a manner consistent with the current approved budget for Fiscal Year 2019-20 for a period of up to one (1) month beginning on August 1, 2020.

SECTION 3. The Authority shall continue to timely and fully meet and fulfill all of its financial obligations relating to the Airport on and after August 1, 2020.

SECTION 4. On or before August 31, 2020, the Authority will consider and approve a new Airport budget for the remaining portion of Fiscal Year 2020-21.

SECTION 5. The Commission Clerk shall certify to the adoption of this Resolution and the same shall be in full force and effect immediately.

PASSED, APPROVED, AND ADOPTED at a Regular Meeting of the Authority this 23rd day of July, 2020.

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

ATTEST:

\_\_\_\_\_  
COMMISSION CLERK/ASSISTANT SECRETARY

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
LORI D. BALLANCE  
GENERAL COUNSEL

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

I, Claudia Y. Isbell, Commission Clerk/Assistant Secretary of the Ontario International Airport Authority, DO HEREBY CERTIFY that foregoing Resolution No. \_\_\_\_ was duly passed and adopted by the Commission of the Ontario International Airport Authority at their Regular Meeting held July 23, 2020 by the following roll call vote, to wit:

AYES:            COMMISSIONERS:

NOES:            COMMISSIONERS:

ABSENT:         COMMISSIONERS:

\_\_\_\_\_  
COMMISSION CLERK/ ASSISTANT SECRETARY

(SEAL)

The foregoing is the original of Resolution No. \_\_\_\_ duly passed and adopted by the Commission of the Ontario International Airport Authority at their Regular Meeting held July 23, 2020.

\_\_\_\_\_  
COMMISSION CLERK/ ASSISTANT SECRETARY

(SEAL)