

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

MAY 6, 2017 AT 8:30 A.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

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



Kelly J. Fredericks
Chief Executive Officer

Lori D. Ballance
General Counsel

Jeff P. Reynolds
Treasurer

Welcome to the Special 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 at 8:30 a.m.

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

CALL TO ORDER (*OPEN SESSION*)

8:30 a.m.

ROLL CALL

Loveridge, Dunn, Bowman, Hagman, President Wapner

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS

8:30 a.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.

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

That the Ontario International Airport Authority Commission approve and authorize 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 authorize the expenditure of revenues in support of the Cooperative Agreements.

COMMISSION MATTERS

President Wapner
Vice President Loveridge
Secretary Dunn
Commissioner Bowman
Commissioner Hagman

ADJOURNMENT

**ONTARIO INTERNATIONAL
AIRPORT AUTHORITY**

Agenda Report
May 6, 2017

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

SUBJECT: 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

RECOMMENDED ACTION(S): That the Ontario International Airport Authority Commission approve and authorize 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 authorize the expenditure of revenues in support of the Cooperative Agreements.

BACKGROUND

The Ontario International Airport Authority (OIAA or Authority) was established through a Joint Exercise of Powers Agreement (JPA), dated August 21, 2012, between the City of Ontario (City), and the County of San Bernardino for the purpose of administering airport operations at Ontario International Airport (ONT or Airport). On November 1, 2016, the OIAA took ownership of the Airport. The transfer of ownership includes a twenty-one (21) month transition period from the City of Los Angeles, acting through its Los Angeles World Airports (LAWA) division, to the Authority. In addition, a staff augmentation agreement allows for existing LAWA staff to continue to provide operational support while the Authority hires employees and contracts for certain services at ONT.

On November 1, 2016, the OIAA entered into an agreement with the City to provide policing, public safety, and security consultation, oversight, management and support services to the Airport consistent with California Government Code Sections 6502, 54981, and 55632. On November 7, 2016, the Commission directed the Chief Executive Officer to work with the City to prepare cooperative agreements wherein the City will provide the Authority with police protection, fire protection, and dispatch services at ONT.

STAFF MEMBER PRESENTING: Kelly Fredericks, Chief Executive Officer

Prepared by: Kelly Fredericks
Department: OIAA

Submitted to OIAA: May 6, 2017
General Counsel
Review: May 1, 2017
Approved: _____
Continued to: _____
Denied: _____

Chief Executive Officer Approval: 

Item No. 01

City and Authority staff, have agreed to the terms and provisions for these services and have memorialized their agreements as follows: (i) Cooperative Agreement to provide police services for the ONT between the City and OIAA; (ii) Cooperative Agreement to provide fire services for the ONT between the City and OIAA; and (iii) Cooperative Agreement to provide dispatch services for the ONT between the City and OIAA (collectively, Cooperative Agreements). A copy of each of these Cooperative Agreements is provided as an Attachment to this Agenda Report.

The purpose of these Cooperative Agreements is for the City to provide the Authority with police, fire and dispatch services and for the Authority to compensate the City for these services in a manner consistent with the Authority's obligations as a federally-certificated airport subject to the requirements of 14 C.F.R. Part 139 and the grant assurances provided by the Authority to the Federal Aviation Administration (FAA). These Cooperative Agreements provide a unified, cooperative, integrated, and effective police, fire, and dispatch system to ONT.

Authority is required under the Agreements to appropriate a budget each fiscal year to support the fire, police and dispatch services based on amounts agreed to by the City and Authority that are cost-based and reasonable and comply with the substantiation and record-keeping requirements in compliance with the FAA "Policy and Procedures Concerning the Use of Airport Revenue," 64 Fed.Reg. 7696 (Feb. 16, 1999), as it may be amended from time to time. In addition, the City is required to maintain documentation that meets the "Standard of Documentation for the Reimbursement to Government Entities of Costs of Service and Contributions to Airports" specified in the FAA Policy.

The term of each of the Cooperative Agreements is ten (10) years, beginning July 1, 2017, and will, on each day succeeding July 1, 2017, while the Agreements are in effect, be automatically extended for one additional day, unless terminated. Either party may terminate the Cooperative Agreements at any time for any reason upon notice in writing to the other party of not less than five (5) years prior to the proposed termination date. However, if FAA, the Department of Transportation (DOT) or a court with jurisdiction formally determines that there is a conflict between (a) the length of the prior notice that must be afforded to the City before termination of the Agreement and (b) the federal grant assurances to which the Authority is bound, the grant assurances will take precedent and govern. In such event, the length of the prior notice that must be afforded to the City before termination will be the longest period permitted by applicable law.

The Cooperative Agreements also require the City, to the fullest extent permitted by applicable law, to indemnify and hold harmless the Authority. The Agreements, among other provisions, also specify insurance and audit requirements and require dispute resolution.

The City Council approved the Cooperative Agreements between the City and OIAA to provide fire protection, law enforcement, and dispatch services for the Airport on May 2, 2017. Staff recommends that the Commission approve and authorize execution of the Cooperative Agreements and authorize the expenditure of revenues in support of the Cooperative Agreements.

FISCAL IMPACT AND SOURCE OF FUNDS

The OIAA projected costs for fire, police and dispatch services for the 2017-18 fiscal year are as follows: (i) \$5,521,701 for fire protection services; (ii) \$9,449,877 for police protection services; and (iii) \$761,529 for dispatch services. **Total projected cost for FY2017-18 is \$15,733,107.**

Funding revenue for this Agreement will be provided and derived from Airport revenues and/or Federal Aviation Administration grant funds.

PRIOR COMMISSION ACTION

April 28, 2017: CEO Fredericks and COO Atlas briefed the Public Safety Ad Hoc Committee members and both agreed with the Agreements being presented to the OIAA Commission.

November 7, 2016: Authorized the Chief Executive Officer to approve a Professional Services Agreement for the City of Ontario to provide law enforcement services to ONT.

November 1, 2016: Entered into the City of Ontario Professional Services Agreement for the provision of police, fire and related services for the Airport.

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: Cooperative Agreement to provide fire protection services for the Ontario International Airport between the City of Ontario and the Ontario International Airport Authority.

Attachment B: Cooperative Agreement to provide police services for the Ontario International Airport between the City of Ontario and the Ontario International Airport Authority.

Attachment C: Cooperative Agreement to provide dispatch services for Ontario International Airport between the City of Ontario and the Ontario International Airport Authority.

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. |