

SAN BERNARDINO INTERNATIONAL AIRPORT AUTHORITY
REGULAR MEETING COMMISSION ACTIONS
WEDNESDAY, JULY 24, 2019

3:00 P.M. (Closed Session, immediately followed by Open Session)

MAIN AUDITORIUM – Norton Regional Event Center
 1601 East Third Street, San Bernardino, CA



A regional joint powers authority dedicated to the reuse of Norton Air Force Base
 for the economic benefit of the East Valley

Commission Members

City of Colton

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|-----------------------------------|--|
| Mayor Frank J. Navarro | Present |
| Councilmember Jack R. Woods (alt) | Present (In audience and closed session) |

City of Loma Linda

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| Councilmember Ovidiu Popescu, Vice-President | Present |
| Councilmember Phillip Dupper (alt) | Absent |

County of San Bernardino

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|------------------------------|---------|
| Supervisor Dawn Rowe | Present |
| Supervisor Curt Hagman (alt) | Absent |

City of San Bernardino

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| Mayor John Valdivia, President | Absent |
| Councilmember Theodore Sanchez | Present |
| Councilmember Henry Nickel (alt) | Present |

City of Highland

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| Mayor Penny Lilburn, Secretary | Present |
| Mayor Pro Tempore Larry McCallon (alt) | Absent |

Staff Members and Others Present

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| Mark Gibbs, Director of Aviation | Scott Huber, Legal Counsel, Cole Huber, LLP |
| William Garay, Director of Finance | Catherine Pritchett, Director of Administrative Services |
| Jim Harris, Manager of Capital Projects | Jack Davidson, Security Manager |
| Nikolas Persson, Airport Manager | Jennifer Farris, Assistant Secretary of the Commission |

The Regular Meeting of the San Bernardino International Airport Authority was called to order by Vice President Ovidiu Popescu at approximately 3:01 p.m. on Wednesday, July 24, 2019 in the Main Auditorium of the Norton Regional Event Center, 1601 East Third Street, San Bernardino, California.

A. CALL TO ORDER / ROLL CALL

Roll call was duly noted and recorded.

Members of the Commission and the public joined Councilmember Henry Nickel in the Pledge of Allegiance.

B. CLOSED SESSION PUBLIC COMMENT

There was no closed session public comment.

C. CLOSED SESSION

Vice President Ovidiu Popescu recessed to closed session at 3:02 p.m. Mr. Scott Huber, Legal Counsel, Cole Huber, LLP, read the closed session items as posted on the Agenda.

Let the record reflect that Secretary Penny Lilburn recused herself from discussion on Closed Session Item C.a.

- a. Conference with Legal Counsel pursuant to Government Code Section 54956.9(d)(1) – *Inland Valley Development Agency, the Successor Agency to the Inland Valley Development Agency, a joint powers authority/federal base reuse authority; San Bernardino International Airport Authority, a joint powers authority, v. Michael Cohen, in his official capacity as the Director of the State of California Department of Finance; DOES 1 through 50, inclusive, Sacramento County Superior Court Case No: 34-2016-80002374.*

Let the record reflect that Secretary Penny Lilburn recused herself from discussion on Closed Session Item C.b.

- b. Conference with Legal Counsel pursuant to Government Code Section 54956.9(d)(1) – *Inland Valley Development Agency, a joint powers authority/federal base reuse authority, and Inland Valley Development Agency as a Successor Agency, v. Oscar Valdez, in his official capacity as the County of San Bernardino Auditor – Controller/Treasurer/Tax Collector; Michael Cohen, in his official capacity as the Director of State of California Department of Finance; and DOES 1 through 50, inclusive, Sacramento County Superior Court Case No. 34-2016-80002502.*

Let the record reflect that Secretary Penny Lilburn recused herself from discussion on Closed Session Item C.c.

- c. Conference with Legal Counsel pursuant to Government Code Section 54956.9(d)(1) – *Inland Valley Development Agency, the Successor Agency to the Inland Valley Development Agency, a joint powers authority/federal base reuse authority; San Bernardino International Airport Authority, a joint powers authority, v. Michael Cohen,*

in his official capacity as the Director of the State of California Department of Finance; DOES 1 through 50, inclusive, Sacramento County Superior Court Case No. 34-2016-80002615.

Let the record reflect that Supervisor Dawn Rowe recused herself from discussion on Closed Session Item C.d.

- d. *Conference with Legal Counsel pursuant to Government Code Section 54956.9(d)(1) – Inland Valley Development Agency, the successor agency to the Inland Valley Development Agency, a joint powers authority/federal base reuse authority; San Bernardino International Airport Authority, a joint powers authority v. Keely Bosler, in her official capacity as the Director of the State of California Department of Finance; Oscar Valdez, in his official capacity as the County of San Bernardino Auditor – Controller/Treasurer/Tax Collector; and DOES 1 through 50, inclusive, Sacramento County Superior Court Case No. 34-2018-80003028.*
- e. Conference with Legal Counsel pursuant to Government Code section 54956.9(d)(2), regarding significant exposure to litigation – one case

D. REPORT ON CLOSED SESSION

Vice President Ovidiu Popescu reconvened the meeting at 3:31 p.m. Vice President Popescu asked Mr. Scott Huber, Legal Counsel, Cole Huber, LLP, if there were any reportable items. Mr. Huber, stated that there were no reportable items and noted that Secretary Penny Lilburn recused herself from discussion on items C.a., C.b., and C.c., and Supervisor Dawn Rowe recused herself from discussion on item C.d.

E. **ITEMS TO BE ADDED OR DELETED**

There were no items to be added or deleted.

F. **CONFLICT OF INTEREST DISCLOSURE**

1. Vice President Ovidiu Popescu stated Commission members should note the item(s) listed which might require member abstentions.

Secretary Penny Lilburn recused herself from discussion on items C.a., C.b., and C.c., and Supervisor Dawn Rowe recused herself from discussion on item C.d.

G. **INFORMATIONAL ITEMS**

Mr. Mark Gibbs, Director of Aviation, presented the following informational items:

2. Informational Items
 - a. Executive Director's Report [PAGE#: 029]
 - b. Personnel Update [PAGE#: 030]
 - c. Insurance Claim Update [PAGE#: 031]
 - d. Website Updates for ADA Compliance [PAGE#: 032]
 - e. Grant offer for Airport Improvement Program [PAGE#: 033]
 - f. Officer Elections [PAGE#: 034]
- 2a. Mr. Mark Gibbs, Director of Aviation, informed Commission members that a Federal Environmental Assessment Public Workshop and Public Hearing will be hosted by the Agency on August 8, 2019, at 5:30 P.M.
- 2b. Mr. Gibbs then introduced Ms. Catherine Pritchett, Director of Administrative Services. Ms. Pritchett informed the Commission that Aviation Career Services have received twenty-one qualified applicants for the position of the Director of Business Development. Ms. Pritchett then welcomed new Property Manager, Darrell Hale. Further, Ms. Pritchett informed the Commission that Mr. William Garay, Director of Finance, has announced his retirement, effective August 16, 2019.
- 2c. Ms. Pritchett informed the Commission that Staff is currently working with insurance claims and adjusters.
- 2d. Mr. Gibbs introduced Ms. Jennifer Farris, Clerk of the Board. Ms. Farris provided a brief report on the Agency's website ADA compliance upgrades; available at <http://www.sbiaa.org/>.
- 2e. Mr. Gibbs informed the Commission that the Federal Aviation Administration (FAA) has awarded the SBD a grant in the amount of \$600,000 for reimbursement of infrastructure improvements.

- 2f. Mr. Gibbs, reported that the Agency will defer officer elections to the next regularly scheduled meeting.

H. COMMISSION CONSENT ITEMS

3. Register of Demands – July 24, 2019
4. Receive and file Treasurer's Report for May 31, 2019, for the San Bernardino International Airport Authority (SBIAA)
5. Approve closeout of a construction contract with AEC/Moreno Corporation for the Roof Replacement of Building 610 project; release construction retention and submit the Notice of Completion
6. Approve Change Order No. 5 for an additional amount of \$1,182.20 and closeout of the Luxivair SBD HVAC System Project with Allison Mechanical Incorporated; authorizing release of retention and Notice of Completion
7. Continue this item to the August SBIAA Commission Meeting: Approve Amendment No. 5 to the professional services agreement with Cordoba Corporation in an amount not to exceed \$45,000.00 for the 3rd Street Roadway and Infrastructure Improvements Project
8. Approve the form of the SBD Fest 2019 Performer and Sponsor Agreements; the 2019 Air Show Entertainment Contract with the Patriots Jet Team and the 2019 Marketing Contract with Jackhammer Movement
9. Approve Meeting Minutes: June 26, 2019

ACTION: Approve Agenda Item Nos. 3-9

RESULT: **ADOPTED [UNANIMOUSLY]**
MOTION/SECOND: Navarro / Rowe
AYES: Lilburn, Navarro, Nickel, Popescu, Rowe, and Sanchez.
NAYS: None.
ABSTENTIONS: None.
ABSENT: None.

I. COMMISSION ACTION ITEMS

10. Consider and discuss a report on the Commission Policy

Mr. Scott Huber, Legal Counsel, Cole Huber, LLP, provided a brief update on the changes to the Commission Policy, noting the additional time allotted for non-English public speakers during Commission meetings.

Secretary Penny Lilburn presented various comments regarding the Commission Policy. Secretary Lilburn inquired if Commissioners take a trip and use public funds, do they have to disclose in comments where that Commissioner traveled. Mr. Huber confirmed that Commissioners do have to provide a report. Secretary Lilburn further commented that under Commission roles and functions, it states that direction to Staff shall be coordinated by the Executive Director on behalf of the Commission. Secretary Lilburn added that she feels that as a Commission, they are putting the Executive Director in an uncomfortable position and that Commissioners must keep in mind that the Executive Director serves at the pleasure of the Commission.

Secretary Lilburn next stated that it is concerning that the Commission is comprised of six (6) members because of the possibility of a tie when voting and believes the Commission needs to be comprised of an odd number. Mr. Huber responded that though it is unusual, it does date back to the original formation of the Commission. Secretary Lilburn added that this needs to be revisited.

Secretary Lilburn next stated that in the meetings held at the beginning of the fiscal year, conferences and meetings are stated, but there is no mention of who is going and where they are going.

Secretary Lilburn also commented that the Commission Ad Hoc Committee should be comprised of no more than two (2) Commission members and asked why the Agency currently has three (3) members on its Marketing Ad Hoc Committee. She also added that the Finance and Budget Committee has three (3) members. Mr. Huber commented that the Finance and Budget Committee is a standing committee and can have anything less than a quorum. Secretary Lilburn asked Mr. Huber to define a quorum. Mr. Huber stated that for SBIAA, it is four (4) members from (3) three agencies.

Next, Secretary Lilburn questioned if Commission members receive monthly financial updates. Mr. William Garay, Director of Finance, confirmed that yes, through the Register of Demands (ROD) and the Treasurer's Report that is placed on the Agenda monthly. Secretary Lilburn expressed that there are many things in the policy that the Commission needs to look at and that a workshop is needed to remind everyone that they cannot use their positions or decisions to gain financial interests.

Councilmember Theodore Sanchez, inquired to when the next scheduled policy review will take place. Mr. Gibbs reported that it is done annually, but if the Commission requests, it can be done sooner.

Secretary Penny Lilburn then commented that it is only fair and courteous that when one Commissioner knows of something, that all Commissioners are informed. Also, Secretary Lilburn recommended that Commissioners names are to be added to the meetings and conferences lists.

Secretary Lilburn also requested that Staff make a note of the date in which the last Commission Policy update took place.

Supervisor Dawn Rowe, commented if it is possible to move to a quarterly approval of trips instead of annual. Supervisor Rowe also suggested that the Commission Policy clarify if a verbal or written report of trips taken by Commissioners on behalf of the Airport is required. Supervisor Rowe further requested clarification of who determines the urgency of last minute trips. Next, Supervisor Rowe requested that Commission members be notified of last minute trips, even if no input is sought out from members not attending. Supervisor Rowe further suggested the possibility of quantifying the benefit to the Airport of the trips taken.

Councilmember Theodore Sanchez, asked Mr. Huber when would be the best time to submit comments for change. Mr. Huber responded that it is at the discretion of the Commission, but it would be appropriate to provide any comments to him in writing.

Councilmember Henry Nickel, motioned, with the consensus of the Commission, to approve the redline changes of the Agenda as presented with the addition of any modifications that are subject and

consistent with State law, and that additional comments and recommendations be submitted by Commissioners in writing for consideration which are to be brought back to the Commission for approval.

Mr. Scott Huber requested comments and recommendations be emailed to him.

ACTION: Consider and discuss a report on the Commission Policy; and take appropriate action as to an updated Commission Policy.

RESULT: **ADOPTED [UNANIMOUSLY]**
MOTION/SECOND: Nickel / Navarro
AYES: Lilburn, Navarro, Nickel, Popescu, Rowe, and Sanchez.
NAYS: None.
ABSTENTIONS: None.
ABSENT: None.

11. Consider and discuss a report on status of the 2020 Strategic Plan Update for the San Bernardino International Airport Authority (SBIAA)

Mr. Mark Gibbs, Director of Aviation, referenced a PowerPoint presentation entitled, "San Bernardino International Airport Authority (SBIAA) – Market Overview" (also included on pages 101-104 in the Agenda Packet) and provided a brief update on Agenda Item No. 11.

This item was for discussion purposes only, no formal action was taken.

ACTION: Consider and Discuss a Report on the Status of the 2020 Strategic Plan Update for the San Bernardino International Airport Authority (SBIAA).

12. Consider and discuss the updated action plan for the San Bernardino International Airport Authority (SBIAA) through December 31, 2019

Mr. Mark Gibbs, Director of Aviation, referenced a PowerPoint presentation entitled, "July, 2019 – Proposed Airport Focal Areas" (also included on pages 107-109 in the Agenda Packet) and provided a brief update on Agenda Item No. 12.

This item was for discussion purposes only, no formal action was taken.

ACTION: Consider and Discuss the updated Action Plan for the San Bernardino International Airport Authority (SBIAA) through December 31, 2019.

J. ADDED AND DEFERRED ITEMS

There were no added or deferred items.

K. OPEN SESSION PUBLIC COMMENT

There was no open session public comment.

L. **COMMISSION MEMBER COMMENT**


Secretary Penny Lilburn thanked Staff for their participation in organizing the July 7, 2019 Evel Live 2 event at the Airport.

Vice-President Ovidiu Popescu commented that President John Valdivia and the Executive Director recently met with the Consulate of China. Vice President Popescu also noted that the Chinese Consulate is expected to host a symposium at the Airport in the coming months.

M. **ADJOURNMENT**

There being no further business before the Commission, Vice President Ovidiu Popescu declared the meeting adjourned at 4:29 p.m.

Approved at a Regular Meeting of the San Bernardino International Airport Authority on Wednesday, August 28, 2019.



Jennifer Farris
Assistant Secretary of the Commission

