

RESOLUTION NO. 24  
SERIES 2018

INTRODUCED BY: KATY BROWN  
SECONDED BY: RANDY WEIL

**A RESOLUTION  
OF THE CITY COUNCIL  
OF THE CITY OF CHERRY HILLS VILLAGE  
APPROVING A MEMORANDUM OF UNDERSTANDING AND FUNDING STRUCTURE  
BETWEEN THE CITY OF CHERRY HILLS VILLAGE,  
ARAPAHOE COUNTY, DOUGLAS COUNTY,  
ASSOCIATED CITIES IN ARAPAHOE AND DOUGLAS COUNTIES,  
AND THE ARAPAHOE COUNTY PUBLIC AIRPORT AUTHORITY  
FOR THE FORMAL CREATION OF THE  
CENTENNIAL AIRPORT COMMUNITY NOISE ROUNDTABLE**

**WHEREAS**, C.R.S. Section 29-1-203 authorizes governments to cooperate or contract with one another to provide any function, service, or facility; and

**WHEREAS**, Section 13.6 of the Cherry Hills Village Home Rule Charter authorizes the City Council, by resolution or by ordinance, to enter into contracts or agreements with other governmental units or special districts for receiving services; and

**WHEREAS**, Centennial Airport is one of more than 70 public-use, general aviation airports in the state of Colorado. The facility was opened in 1967 and has been owned and operated by the Arapahoe County Public Airport Authority ("ACPAA") since 1975. Centennial Airport ranks among the busiest general aviation airports in the United States; and

**WHEREAS**, in 1998, ACPAA began to analyze and examine community noise impacts from Centennial Airport aircraft operations; and

**WHEREAS**, the Centennial Airport Community Noise Roundtable ("CACNR") was formed in May 2009 to make recommendations to ACPAA to reduce and mitigate the noise impacts that users of the airport create on surrounding communities; and

**WHEREAS**, through its membership of locally appointed community representatives, the ACPAA, airport users, and key staff from the Federal Aviation Administration and the Colorado Department of Transportation Division of Aeronautics, CACNR acts as a forum that attempts to achieve cooperation between all of these groups in accomplishing airport noise reduction; and

**WHEREAS**, the CACNR Memorandum of Understanding ("MOU") formalizes the agreement among members to officially create CACNR, specifies the purpose and objectives of CACNR, provides guidance on membership criteria, operation and support, and the procedure to amend the MOU; and

**WHEREAS**, CACNR has historically received funding solely from ACPAA which limits CACNR's ability to address the aircraft noise issues of concern to its members; and

**WHEREAS**, to address the need to dedicate sufficient resources for pursuing implementation of effective aircraft noise mitigation actions, including retaining potential staff or consultant support to assist CACNR regarding operations, coordination with advisory agencies, and input on key issues, the current CACNR funding structure is proposed to be revised; and

**WHEREAS**, the CACNR Funding Structure would require the City of Cherry Hills Village to contribute \$1,000 annually.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Cherry Hills Village, Colorado that:

**Section 1.** The City Council hereby approves the attached Centennial Airport Community Noise Roundtable Memorandum of Understanding (**Attachment A**) in substantially the same forms as attached hereto.

**Section 2.** The City Council hereby approves the attached Centennial Airport Community Noise Roundtable Funding Structure (**Attachment B**) in substantially the same forms as attached hereto, subject to annual appropriations.

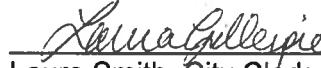
**Section 3.** This Resolution shall be effective immediately.

Introduced, passed and adopted at the regular meeting of City Council this 2<sup>nd</sup> day of October, 2018, by a vote of 6 yes and 0 no.

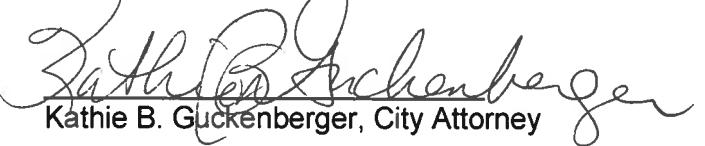
(SEAL)

  
Laura Christman, Mayor

ATTEST:

  
Laura Smith, City Clerk  
Gillespie

APPROVED AS TO FORM:

  
Kathie B. Guckenberger, City Attorney

**Attachment A**  
**Centennial Airport Community Noise Roundtable Memorandum of Understanding**

# **CENTENNIAL AIRPORT COMMUNITY NOISE ROUNDTABLE**

## **A MEMORANDUM OF UNDERSTANDING FOR THE FORMAL CREATION OF THE CENTENNIAL AIRPORT COMMUNITY NOISE ROUNDTABLE**

(08 08 18 Updated Clean Version for Reps)

Approved by Centennial Airport Community Noise Roundtable on \_\_\_\_\_

Memorandum of Understanding effective date: \_\_\_\_\_

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## **Preamble**

Centennial Airport is one of more than 70 public-use, general aviation airports in the state of Colorado. The facility was opened in 1967 and has been owned and operated by the Arapahoe County Public Airport Authority (ACPAA) since 1975. The Airport's location along Interstate 25 next to the Denver Tech Center and a few miles south of downtown Denver makes it a key element of the economic vitality of the Denver metropolitan area. Numerous companies have chosen to locate their corporate headquarters near the Airport to take advantage of the convenience, facilities, and services that the Airport has to offer.

Centennial Airport is home to more than 800 fixed-based aircraft. This ever-increasing number includes a mix of single-engine, multi-engine, turboprops, jets, and helicopters. Four fixed-base operators (FBOs) provide a full spectrum of services for both the locally based and transient pilot communities. With approximately 320,000 annual take-offs and landings on three runways, Centennial Airport ranks among the busiest general aviation airports in the United States. The Airport's mission is safety, security and service for the general aviation community.

In 1998, ACPAA initiated a voluntary FAA 14 Code of Federal Regulation (CFR) Part 150 Noise Compatibility Program (NCP) to analyze and examine community noise impacts from Centennial Airport aircraft operations. The need for a plan was due in part to the rapid commercial and residential growth in the airport environs and the on-going increase in airport operations. The outcome of the five-year study to develop a plan produced a list of 12 recommendations. Those recommendations included several key actions, such as establishing a Fly Quiet Program, installing an aircraft noise monitoring system, and creating an advisory committee to address aircraft noise issues impacting the communities surrounding Centennial Airport and to monitor programs implemented as a result of the adoption of the ACPAA Noise Compatibility Program, including the Fly Quiet Program guidelines and the Noise Monitoring Program. That committee became known as the Centennial Airport Community Noise Roundtable (CACNR).

CACNR was formed in May 2009 to make recommendations to ACPAA to reduce and mitigate the noise impacts that users of the airport create on surrounding communities. Through its membership of locally appointed community representatives, the ACPAA, airport users, and key staff from the Federal Aviation Administration (FAA) and the Colorado Department of Transportation (CDOT) Division of Aeronautics, CACNR acts as a forum that attempts to achieve cooperation between all of these groups in accomplishing airport noise reduction. CACNR held its first formal meeting on July 15, 2009, and at that time, its purpose was further delineated as shown below, with the adoption of a statement of purpose developed by an ACPAA-retained consultant.

This Memorandum of Understanding (MOU) formalizes an agreement among the Members to officially create CACNR. The document specifies the purpose and objectives of CACNR and provides guidance on membership criteria, operations and support, and the procedure to amend the MOU.

This document shall be considered the foundation document for the creation of CACNR, replaces all previous creating documents, and is intended to act as the instrument that provides focus and guidance for the on-going activities of the organization.

## **Article I. Creation of the CACNR Organization/Purpose/Objectives**

### **1. Creation of the Organization**

This MOU formally creates an advisory committee to be known as the Centennial Airport Community Noise Roundtable (CACNR) for the purpose and objectives stated below via the Agreement and Membership criteria stated herein.

## 2. Purpose

CACNR is a voluntary association of ACPAA, neighboring communities, federal and state agencies, and airport users, created to monitor programs implemented as a result of the adoption of the ACPAA Noise Compatibility Program, including the Fly Quiet Program guidelines and the noise monitoring program, and to address aircraft noise issues impacting the communities surrounding Centennial Airport. In an interactive, and collaborative open forum, CACNR will seek to identify the dimension of the noise issues, discover possible mitigation actions, find opportunities for implementation, and evaluate the effectiveness of the mitigations. While CACNR's initial efforts in the development and implementation of a Work Program will be directed to noise issues associated with current aircraft operations, consideration of future noise issues also will be addressed, including interaction with noise roundtable activities at other airports.

## 3. Objectives

- A. Continue to organize, administer, and operate CACNR to develop, evaluate, and pursue recommendations for implementation of reasonable and feasible policies, programs, procedures, and other relevant actions by the appropriate agencies to reduce the noise impacts from aircraft operations at Centennial Airport.
- B. Maintain CACNR as a focal point of information and discussion between local, state, and federal legislators and policy makers regarding noise impacts in local neighborhoods and communities from airport/aircraft operations.
- C. Develop and implement a CACNR Work Program to further its purpose, including but not limited to:
  - 1) analyzing and evaluating the impacts of aircraft noise on affected communities, and
  - 2) making recommendations to appropriate agencies, including ACPAA, regarding implementation of effective aircraft noise mitigation actions.
- D. Maintain communication and cooperation between CACNR, ACPAA, airport staff, and local governments (cities, towns, and counties) regarding:
  - 1) local agency land use and zoning decisions within noise-sensitive and/or overflight areas, while recognizing local government autonomy to make those decisions, and
  - 2) decisions/actions that affect current and future on-airport development, while recognizing ACPAA's autonomy to make those decisions.

## ARTICLE II. Terms of Agreement

The signatories to this MOU agree to:

- A. Accept in concept and spirit the formal creation of and continuing operation of CACNR as described in Article I herein.
- B. Continue to work cooperatively with all stakeholders to reduce noise impacts on affected neighborhoods and communities from aircraft operations at Centennial Airport.
- C. Provide the funding as determined by CACNR, to enable CACNR to carry out its on-going efforts to achieve effective aircraft noise reduction and mitigation as addressed in this Agreement.
- D. Inform their respective constituencies of CACNR'S activities and actions to reduce aircraft noise impacts.

E. Not support actions that shift noise related to aircraft operations at Centennial Airport from one community to another.

### **ARTICLE III. Membership**

#### **1. Membership Categories**

A. Regular (Voting) Members of CACNR, as of the effective date of this MOU are:

Counties:	Arapahoe	Douglas
Cities/Towns:	Aurora	Foxfield
	Castle Pines	Greenwood Village
	Castle Rock	Lone Tree
	Centennial	Parker
	Cherry Hills Village	
	Arapahoe County Public Airport Authority	

B. Advisory (Non-Voting) Members of CACNR as of the effective date of this MOU are:

Aircraft Owners and Pilots Association (AOPA)  
Colorado Aviation Business Association (CABA)  
Colorado Department of Transportation Division of Aeronautics (CDOT)  
FAA Centennial Airport Air Traffic Control Tower (APA)  
FAA Denver District Office (ADO)  
FAA Terminal Radar Approach Control (TRACON)

#### **2. Members' Representatives**

A. Each city or town, and ACPAA, shall appoint one Regular Representative and one Alternate. Each county shall appoint two Regular Representatives and two Alternates: at least one private citizen Representative and one private citizen Alternate shall be from its unincorporated area, and one County Official and one County Alternate shall represent the county as a whole.

B. All Regular Members' Representatives who serve on CACNR must have the authority to act and vote on CACNR matters on behalf of their appointing Member. On issues and recommendations referred to the ACPAA Board, the ACPAA Representative's vote shall be nonbinding on ACPAA.

C. Each Advisory Member shall appoint one Representative and one Alternate.

D. All Representatives and Alternates shall serve on CACNR at the pleasure of their appointing Members.

#### **3. Addition of Members**

A. Adding Regular Members:

- 1) A jurisdiction requesting Regular Membership on CACNR must submit a formal request in writing to the CACNR Chair which explains why the jurisdiction wants to join CACNR, and demonstrate noise impacts from Centennial Airport.
- 2) The governing body of a jurisdiction requesting Regular Membership must sign a copy of this MOU, agreeing to the terms set forth herein, and provide the signed copy to the CACNR Chair.
- 3) Following submission of the formal request to join CACNR and the signed MOU, Regular Members may be added by a majority vote of the current Regular Members' Representatives at a regularly scheduled meeting.

- B. Adding Advisory Members:
  - 1) The participation and advice of local, state and/or federal aviation agencies and other organizations are essential to the success of CACNR.
  - 2) Such agencies or organizations wishing Advisory Member status in CACNR shall submit a request in writing and a signed copy of this MOU to the Chair of CACNR.
  - 3) Regular Members which have opted to withdraw from Regular Membership may apply for Advisory Membership status.
  - 4) Advisory members may be added by a majority vote of Regular Members' Representatives at a regularly scheduled CACNR meeting.
  - 5) Such action will not require an amendment to the MOU.
- 4. Withdrawal/Reinstatement of a Member
  - A. Any Regular Member of CACNR may withdraw its membership by submitting a written *Notice of Intent to Withdraw Membership from CACNR*, to the CACNR Chairperson. A withdrawing member will forfeit any funding already paid for that year.
  - B. Any Advisory Member of CACNR may withdraw its membership by submitting a written *Notice of Intent to Withdraw Membership from CACNR* to the CACNR Chairperson.
  - C. Should a Regular Member which has withdrawn its Regular Membership wish to rejoin CACNR, the rejoining Regular Member's governing body must sign this MOU and agree to the terms. Following submission of the signed MOU to the Chair of CACNR, the rejoining Regular Member may do so the following fiscal year by a majority vote of the current Regular membership, at a regularly scheduled meeting. Such action shall not require an amendment to the MOU.
  - D. An Advisory Member which has withdrawn its Advisory Membership status may apply to rejoin CACNR utilizing Article III.3.B. of this MOU.

## **ARTICLE IV. Operations and Support**

### **1. Operations**

CACNR operations shall be governed by:

- A. all relevant state laws applicable to Colorado governmental advisory bodies' or agencies' meetings, including but not limited to the Colorado Open Meetings Law (C.R.S. § 24-6-402 et seq.) and the Colorado Open Records Act (C.R.S. § 24-72-204 et seq.) and
- B. a comprehensive set of adopted bylaws that guide and govern the operation, administration, funding, and management of CACNR and its activities.

### **2. Technical and Administrative Support**

- A. Technical and administrative support will continue to be provided by ACPAA.
- B. Additional technical and administrative support may be obtained by CACNR as it deems necessary.

### **3. Funding Support**

- A. Funding shall come from the Regular Members of CACNR in accordance with the accompanying Funding Structure document.
- B. CACNR funds shall be held in a designated/restricted fund established by ACPAA.

- C. Funds shall be expended from the designated/restricted fund only as authorized by two members of CACNR's Executive Committee, one of whom must be either the Chair or Treasurer and shall be made upon such authorization.
- D. Any unspent funds in a fiscal year shall be carried over to the next fiscal year.

## **ARTICLE V. Adoption and Effective Date**

### **1. Adoption of MOU**

This MOU shall be deemed adopted and effective upon approval and execution by at least two-thirds of the Regular Members listed in Article III herein. No party shall become a Member until the MOU is approved and executed by that party.

### **2. Term of MOU**

This MOU and any subsequent amendments to the document shall remain in effect indefinitely:

- A. until it is superseded by another MOU; or
- B. until there are fewer than four Regular Members.

## **ARTICLE VI. Amending the MOU**

- 1. This MOU may be amended by approval of at least two-thirds of the Regular Members' Representatives at any regularly scheduled meeting.
- 2. Proposed amendment (s) shall be drafted by at least 25% of the Regular Members' Representatives and submitted in writing to the Secretary no later than sixty (60) days before the meeting at which it/they will be considered. Written notification of the proposed amendments shall then be provided, via email, to all Representatives at least thirty (30) days in advance of that meeting.
- 3. If amended, the MOU must be readopted by each Regular Member's governing body.
- 4. Notwithstanding the foregoing, the Funding Structure Document accompanying this MOU may be amended by CACNR without being readopted by each Regular Member's governing body.

A Memorandum of Understanding  
For the Formal Creation of the  
Centennial Airport Community Noise Roundtable

IN WITNESS WHEREOF, the CACNR Regular Members have executed the Memorandum of Understanding in counterparts as of the date set forth below.

Dated this 2<sup>nd</sup> day of October, 2018.

ON BEHALF OF CACNR REGULAR MEMBER THE CITY OF CHERRY HILLS VILLAGE

NAME: Wendy D. R.

TITLE: Mayor

**Attachment B****Centennial Airport Community Noise Roundtable Funding Structure**

## **Centennial Airport Community Noise Roundtable**

### **Funding Structure for the Operation and Activities of the Centennial Airport Community Noise Roundtable**

(08 08 18 Clean for Representatives)

#### **A. Background**

With approximately 320,000 annual take-offs and landings on three runways, Centennial Airport ranks among the busiest general aviation airports in the United States. Those aircraft operations affect residents in nearly a dozen cities and towns and in the unincorporated areas of two counties.

In 1998, ACPAA initiated a voluntary FAA 14 Code of Federal Regulation (CFR) Part 150 Noise Compatibility Program (NCP) to analyze and examine community noise impacts from Centennial Airport aircraft operations. The need for a plan was due in part to the rapid commercial and residential growth in the airport environs, the on-going increase in airport operations, and a need to reduce and mitigate the noise impacts that users of the airport create on surrounding communities. The outcome of the five-year study to develop a plan produced a list of 12 recommendations. Those recommendations included several key actions, such as establishing a Fly Quiet Program, installing an aircraft noise monitoring system, and creating an on-going committee body to address aircraft noise issues impacting the communities surrounding Centennial Airport and to monitor programs implemented as a result of the adoption of the ACPAA Noise Compatibility Program, including the Fly Quiet Program guidelines and the Noise Monitoring Program. That body became known as the Centennial Airport Community Noise Roundtable (CACNR).

CACNR's purpose, subsequently developed by an ACPAA-retained consultant and adopted in 2009, stated CACNR "is a voluntary association of the Airport Authority (ACPAA), neighboring communities, federal and state agencies, and airport users. It is created to address aircraft noise issues impacting the communities surrounding Centennial Airport. In a non-adversarial, interactive and collaborative open forum, CACNR will seek to identify the dimension of noise issues, discover possible mitigation actions, find opportunities for implementation, and evaluate the effectiveness of the mitigations. While CACNR's initial efforts in the development and implementation of a Work Program will be directed to noise issues associated with current aircraft operations, consideration of future noise issues also will be addressed, including interaction with roundtable activities at other airports."

Through its membership of locally appointed community representatives, the ACPAA, airport users, and key staff from the Federal Aviation Administration (FAA) and the Colorado Department of Transportation (CDOT) Division of Aeronautics, CACNR acts as a forum that attempts to achieve cooperation between all of these groups in achieving airport noise reduction.

#### **B. Existing Annual Funding**

CACNR has historically and is currently funded solely by the Arapahoe County Public Airport Authority (ACPAA), as part of its annual budget. CACNR Regular Members (nine cities/towns and two counties) have not financially contributed annual funding to CACNR. CACNR receives an annual amount of \$10,000 from the ACPAA budget, and per ACPAA current fiscal policy, any funds remaining at the end of the fiscal year must be returned to ACPAA and cannot be carried over to the next fiscal year. This structure limits CACNR's ability to address the aircraft noise issues of concern to its Members.

#### **C. Existing CACNR Support**

Some technical staff support is provided to CACNR by ACPAA, via its staff, and through consultants retained by ACPAA or from CACNR's allotted funds. ACPAA staff also provide some administrative and operational support. However, most of the oversight of CACNR administration, operations, and activities is provided through the voluntary efforts of the CACNR officers (Chair, Vice-Chair, Secretary, and Treasurer) and others who are all appointed Representatives from CACNR's Members. CACNR does not have any dedicated staff to assist with the implementation and oversight of its operations and activities, nor to provide research or recommendations to it on key airport noise issues.

## **CACNR FUNDING STRUCTURE**

To address the need to dedicate sufficient resources for pursuing implementation of effective aircraft noise mitigation actions, including retaining potential staff or consultant support to assist CACNR regarding operations, coordination with advisory agencies, and input on key issues, the current CACNR funding structure will be revised as follows:

### **A. Annual Funding from Regular Members**

#### **1. Arapahoe County Public Airport Authority (ACPAA)**

The current annual funding in the amount of \$10,000 from ACPAA would remain in place for the next two fiscal years, although CACNR acknowledges the actual appropriation of funds is subject to annual appropriation. Once appropriated, unused ACPAA funds may be used by CACNR in subsequent years.

#### **2. Cities/Towns/Counties**

This will generate funding that is comparable to the amount currently provided by ACPAA, thereby creating more of a “partnership” between ACPAA and the communities in support of CACNR, and to improve CACNR’s ability to address the aircraft noise issues of concern to its Members.

#### **3. The amount of annual funding from Regular Members would be structured as follows: (the proposed funding from the two Counties is higher because they each have two Representatives):**

The initial specific amounts will be as follows:

Arapahoe County	\$2,000	City of Cherry Hills Village	\$1,000
Douglas County	\$2,000	Town of Foxfield	\$ 250
City of Aurora	\$1,000	City of Greenwood Village	\$1,000
City of Castle Pines	\$1,000	City of Lone Tree	\$1,000
Town of Castle Rock	\$1,000	Town of Parker	\$1,000
City of Centennial	\$1,000	<b>TOTAL</b>	<b>\$12,250</b>

### **B. Total Annual Funding**

Under this structure, annual funding would initially generate a total of \$22,250 as follows:

ACPAA	\$10,000
CACNR Regular Members	\$12,250
<b>TOTAL</b>	<b>\$22,250</b>

This funding structure would be in place for the next two years, subject to annual appropriations. Thereafter, CACNR will provide ACPAA and each Regular Member with a report on the previous year's expenditures, and an annual invoice accompanied by a proposed budget indicating how the requested funds would be utilized, so that funds could be appropriated for the coming year.

Pursuant to C.R.S. 29-1-110, as amended, the financial obligations of the Regular Members and the ACPAA as set forth herein after the current fiscal year are contingent upon funds for that purpose being appropriated, budgeted, and otherwise available.

### **C. Restricted/Designated Fund**

Funds received from the ACPAA and the other Regular Members shall be deposited in a restricted, designated CACNR fund maintained by the ACPAA. Expenditures from that fund shall be made only upon the authorization of two members of the CACNR Executive Committee, one of which shall be either the CACNR Chair or Treasurer and shall be made upon such authorization. Any unspent funds in a fiscal year shall be carried over to the next fiscal year.

### **D. Revision**

Annual funding from Regular Members may be revised by a majority vote of the CACNR Regular Members' Representatives.

## E. Sample CACNR Budget

The expenditure amounts in the right-hand columns below are examples to illustrate how the additional funds could be distributed to improve CACNR's operations and aircraft noise mitigation efforts. Note the funds assigned to Work Program items, to direct specific CACNR resources to effective aircraft noise mitigation actions. The contingency fund is a discretionary flexible fund for unforeseen expenses. The actual annual expenditure items and related amounts will be determined by CACNR as part of its annual Work Program planning and budgeting process.

### CACNR Budget Example

#### Income:

ACPAA	\$10,000
Regular Members	<u>\$12,250</u>
	\$22,250

#### Expenditures:

	Estimated Amounts
A. Work Program	\$ 6,750
1. Community Outreach	\$2,250
2. Fly Quiet Program Development	\$2,250
3. Use of Noise Monitor Data	\$2,250
B. Overall Operations Support Activities	\$ 9,500
1. Travel/Training/Education	\$ 4,000
2. Membership Dues	\$ 1,000
3. Consultation/Staff Support	\$ 4,500
C. Administration/Operations	\$ 5,000
1. Part-time staff support	\$ 1,000
2. CACNR web site support	\$ 3,000
3. Printing/copying	\$ 250
4. Other (newsletter, annual report, etc.)	\$ 750
D. Contingency fund	<u>\$1,000</u>
Total	\$22,250

**Funding Structure for the Operation and Activities of the  
Centennial Airport Community Noise Roundtable**

IN WITNESS WHEREOF, the CACNR Regular Members have executed the Funding Structure for the Operation and Activities of the Centennial Airport Community Noise Roundtable in counterparts as of the date set forth below.

Dated this 2<sup>nd</sup> day of October, 2018.

ON BEHALF OF CACNR REGULAR MEMBER THE CITY OF CHERRY HILLS VILLAGE

NAME: helen ore

TITLE: Mayor