

RESOLUTION NO. 18-35

**A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF CASTLE PINES, COLORADO APPROVING A MEMORANDUM OF
UNDERSTANDING REGARDING THE FORMATION OF AND PARTICIPATION IN
THE CENTENNIAL AIRPORT COMMUNITY NOISE ROUNDTABLE**

WHEREAS, the City of Castle Pines (“City”) is a participant in the Centennial Airport Community Noise Roundtable (“CACNR”) which was formed in 2009 to make recommendations to the Arapahoe County Public Airport Authority (“ACPPA”) to reduce and mitigate noise impacts on surrounding communities; and

WHEREAS, the City is one of nine municipalities and two counties (Douglas and Arapahoe) that participate in CACNR; and

WHEREAS, CACNR has historically been funded solely by the ACPAA, in the amount of Ten Thousand Dollars (\$10,000) as part of its annual budget; and

WHEREAS, through the approval of a memorandum of understanding for the formal creation of the Centennial Airport Community Noise Roundtable, the participating members of CACNR desire to formalize their participation in CACNR and create a voluntary funding structure whereby the participating members contribute a proportionate share of the annual funding of CACNR.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO, THAT:

Section 1. The City Council of the City of Castle Pines approves: (1) the Memorandum of Understanding for the Formal Creation of the Centennial Airport Community Noise Roundtable and associated Funding Structure for the Operation and Activities of the Centennial Airport Community Noise Roundtable, in substantially the same forms as attached hereto as Exhibit A, subject to minor modifications approved by the City Attorney that do not increase the City’s financial obligations; and (2) authorizes the Mayor and City Clerk to execute the same.

Section 2. **Effective Date.** This Resolution shall take effect upon its approval by the City Council.

INTRODUCED, READ AND ADOPTED AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES by a vote of 7 in favor, 0 against and 0 absent this 13th day of November, 2018.

DocuSigned by:
Tera Stave Radloff
0E008E82788C478...
Tera Stave Radloff, Mayor

ATTEST:

Approved as to form:

DocuSigned by:
Tobi Basile
AD03A3802032488...
Tobi Basile, City Clerk

DocuSigned by:
Linda C. Michow
5241DE9988FF44...
Linda C. Michow, City Attorney



EXHIBIT A

**MEMORANDUM OF UNDERSTANDING REGARDING THE FORMATION OF AND
PARTICIPATION IN THE CENTENNIAL AIRPORT COMMUNITY NOISE
ROUNDTABLE**

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 _____ day of _____, 20__.

ON BEHALF OF CACNR REGULAR MEMBER ARAPAHOE COUNTY

NAME: _____

TITLE: _____

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 _____ day of _____, 20__.

ON BEHALF OF CACNR REGULAR MEMBER DOUGLAS COUNTY

NAME: _____

TITLE: _____

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 _____ day of _____, 20__.

ON BEHALF OF CACNR REGULAR MEMBER THE CITY OF AURORA

NAME: _____

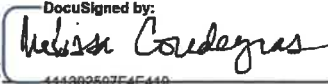
TITLE: _____

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 15th day of November, 2018.

ON BEHALF OF CACNR REGULAR MEMBER THE CITY OF CASTLE PINES

DocuSigned by:

NAME: _____
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TITLE: Mayor Pro Tem

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 _____ day of _____, 20__.

ON BEHALF OF CACNR REGULAR MEMBER THE TOWN OF CASTLE ROCK

NAME: _____

TITLE: _____

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 _____ day of _____, 20__.

ON BEHALF OF CACNR REGULAR MEMBER THE CITY OF CENTENNIAL

NAME: _____

TITLE: _____

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 _____ day of _____, 20__.

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

NAME: _____

TITLE: _____

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 _____ day of _____, 20__.

ON BEHALF OF CACNR REGULAR MEMBER THE TOWN OF FOXFIELD

NAME: _____

TITLE: _____

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 _____ day of _____, 20__.

ON BEHALF OF CACNR REGULAR MEMBER THE CITY OF GREENWOOD VILLAGE

NAME: _____

TITLE: _____

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 _____ day of _____, 20__.

ON BEHALF OF CACNR REGULAR MEMBER THE CITY OF LONE TREE

NAME: _____

TITLE: _____

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 _____ day of _____, 20__.

ON BEHALF OF CACNR REGULAR MEMBER THE TOWN OF PARKER

NAME: _____

TITLE: _____

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 _____ day of _____, 20__.

ON BEHALF OF CACNR REGULAR MEMBER THE ARAPAHOE COUNTY PUBLIC AIRPORT
AUTHORITY

NAME: _____

TITLE: _____

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

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

Dated this _____ day of _____, 20__.

ON BEHALF OF CACNR ADVISORY MEMBER THE AIRCRAFT OWNERS AND PILOTS
ASSOCIATION

NAME: _____

TITLE: _____

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

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

Dated this _____ day of _____, 20__.

ON BEHALF OF CACNR ADVISORY MEMBER THE COLORADO AVIATION BUSINESS
ASSOCIATION

NAME: _____

TITLE: _____

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

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

Dated this _____ day of _____, 20__.

ON BEHALF OF CACNR ADVISORY MEMBER THE COLORADO DEPARTMENT OF
TRANSPORTATION – AERONAUTICS DIVISION

NAME: _____

TITLE: _____

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

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

Dated this _____ day of _____, 20__.

ON BEHALF OF CACNR ADVISORY MEMBER THE FAA CENTENNIAL AIRPORT CONTROL
TOWER

NAME: _____

TITLE: _____

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

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

Dated this _____ day of _____, 20__.

ON BEHALF OF CACNR ADVISORY MEMBER THE FAA DISTRICT OFFICE

NAME: _____

TITLE: _____

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

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

Dated this _____ day of _____, 20__.

ON BEHALF OF CACNR ADVISORY MEMBER THE FAA TRACON

NAME: _____

TITLE: _____