

# MEMORANDUM OF UNDERSTANDING

PROVIDING FOR THE CONTINUING OPERATION OF THE SANTA  
CLARA/SANTA CRUZ COUNTIES AIRPORT/COMMUNITY ROUNDTABLE

### MEMORANDUM OF UNDERSTANDING (MOU)

#### PROVIDING FOR THE CONTINUING OPERATION OF THE SANTA CLARA/SANTA CRUZ COUNTIES AIRPORT/COMMUNITY ROUNDTABLE

##### *Preamble*

A critical need exists in Santa Clara and Santa Cruz Counties for a permanent venue to address aircraft noise concerns and it is essential to include all unrepresented cities in these counties.

In July 2017, the Cities Association of Santa Clara County received a Congressional request by Representatives Eshoo, Khanna, Panetta to take a leadership role in developing an intergovernmental partnership between the cities and counties of Santa Clara and Santa Cruz Counties, Norman Y. Minéta San Jose International Airport (SJC), and San Francisco International Airport (SFO) that will serve as a permanent aircraft noise mitigation entity representing all affected communities in the South Bay and Santa Cruz County

Between May and November 2016, the Select Committee on South Bay Arrivals, a temporary committee of 12 local elected officials (Select Committee) appointed by Congresswoman Anna G. Eshoo, Congressman Sam Farr, and Congresswoman Jackie Speier, convened meetings to receive public input and develop regional consensus on recommendations to reduce aircraft noise caused by SFO flights and airspace, and procedural changes related to the Federal Aviation Administration's Next Generation Air Transportation System.

Among the many recommendations that received unanimous approval by the Select Committee was the need for a permanent venue to represent currently disenfranchised communities in addressing aircraft noise concerns including, but not limited to SFO. This recommendation stems from the fact that our mutual constituents in Santa Clara and Santa Cruz Counties, do not currently belong to a permanent aircraft noise mitigation entity such as the SFO Airport/Community Roundtable.

On October 3, 2017, the San José City Council authorized the Ad Hoc Advisory Committee on South Flow Arrivals to explore possible solutions to address the noise impacts on residents when weather conditions over the airfield require the Airport to operate in a “south flow” configuration (when aircraft land from the north of the Airport instead of the usual landing from the south).

Both the Select Committee and the South Flow Ad Hoc Roundtable have disbanded, the Santa Clara/Santa Cruz Roundtable envisioned by the Cities Association would likely be viewed as an appropriate surrogate for this function in partnership with the SFO Roundtable, SFO and San Jose Minéta Airports.

A significant demand exists for an aircraft noise mitigation entity to represent constituents in the South Bay, it is imperative that any potential body not be confined to SJC or SFO related issues and also include representation of all affected and currently unrepresented communities in Santa Clara and Santa Cruz Counties. While participation by elected officials

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in each affected city is essential, it is critical that the establishment of such a body should not be unilaterally implemented by one city, but instead be led collectively by the entire affected region.

The [FAA's November 2017 Phase Two Report](#), the FAA reiterates it will not support solutions that result in shifting the problem of noise from one community to another. It also repeatedly identifies increased flying distance as an unacceptable outcome of many community-proposed solutions that conflict with the economic, environmental, and operational efficiency benefits gained from shorter flying distances.

The FAA repeatedly points to the anticipated inevitability of increases in congestion as airports increase their number of flight operations. The report explicitly states it will not move forward on certain feasible recommendations "until issues of congestion, noise shifting and flying distance have been addressed with the airline stakeholders and the affected communities by the Select Committee and/or SFO Roundtable."

Each jurisdiction is just one of over 100 municipalities in the Bay Area. The ability of any single community, whether 30,000 or 60,000, to influence the complex operations of a federal agency serving a region of 8 million people is limited.

The impacts of airplane noise must be considered amid the competing interests of the flying public, airline industry priorities, airport operational requirements, broader economic and environmental impacts and, above all else, safety. The successful navigation of these public interest challenges requires effective collaboration.

To ensure equitable regional representation, each city and county should have the opportunity to appoint one Member and one Alternate who are local elected officials to serve on the body, elect their own leadership, and participate in helping to fund the effort just as the SFO Airport/Community Roundtable does. Once it is conceived, the newly formed South Bay Airport Roundtable could also work with the SFO Airport/Community Roundtable to establish a joint subcommittee to address complex overlapping issues.

The Cities Association of Santa Clara County is seeking each jurisdiction of Santa Clara County and Santa Cruz County to collaborate with neighboring jurisdictions through the formation of a community roundtable to most effectively address the community impacts of aircraft operations and work with the Federal Aviation Association (FAA).

The Board of Directors of the Cities Association of Santa Clara County supports and will initiate formation of an intergovernmental partnership between the cities and counties of Santa Clara and Santa Cruz Counties, Norman Y. Minéta San Jose International Airport (SJC), San Francisco International Airport (SFO), and the FAA, that will serve as a permanent aircraft noise mitigation entity representing all affected communities in the Santa Clara and Santa Cruz Counties, and invite the jurisdictions, cities and counties within Santa Clara County and Santa Cruz County, to partner in the formation of the Santa Clara/Santa Cruz Roundtable.

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### *ARTICLE I: Statement of Purpose and Objectives*

#### Purpose

The overall purpose of the Santa Clara/Santa Cruz Counties Community Roundtable (Roundtable) is to continue to foster and enhance this cooperative relationship to develop, evaluate, and implement reasonable and feasible policies, procedures, and mitigation actions that will further reduce the impacts of aircraft noise in neighborhoods and communities in Santa Clara and Santa Cruz Counties.

#### Objectives

*Objective 1:* Continue to organize, administer, and operate the Roundtable as a public forum for discussion, study, analysis, and evaluation of policies, procedures and mitigation actions that will minimize aircraft noise impacts to help improve the quality of life of residents in Santa Clara and Santa Cruz Counties.

*Objective 2:* Provide a framework of understanding as to the history and operation of the Roundtable.

*Objective 3:* Maintain the Roundtable as a focal point of information and discussion between local, state, and federal legislators and policy makers, as it applies to noise impacts from airport/aircraft operations in local communities.

*Objective 4:* Develop and implement an annual Roundtable Work Program to analyze and evaluate the impacts of aircraft noise in affected communities and to make recommendations to appropriate agencies, regarding implementation of effective noise mitigation actions.

*Objective 5:* Maintain communication and cooperation between Airport management and local governments, 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 the Airport's autonomy to make those decisions.

### *ARTICLE II: Agreement*

Signatory agencies/bodies to this Memorandum of Understanding (MOU) agree as follows:

Accept the operation of the Roundtable as described in the "Statement of Purpose and Objectives," as stated in Article I.

Work cooperatively to reduce noise and environmental impacts, from aircraft operations at, but not limited to, SFO and SJC, in affected neighborhoods and communities.

Provide the necessary means (i.e., funding, staff support, supplies, etc.) to enable the Roundtable to achieve a reduction and mitigation of aircraft noise impacts, as addressed in this agreement.

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Represent and inform the respective constituencies of the Roundtable members of the Roundtable's activities and actions to reduce aircraft impacts, as addressed in this agreement. Initial funding will be shared by jurisdictions, and thereafter it is expected the airport will contribute.

The Roundtable shall establish a budget for each fiscal year. Each Roundtable voting member jurisdiction shall contribute to the budget based on a per capita formula: the population of each jurisdiction (most recent available census numbers) times the following per capita fee structure. This formula is the maximum contribution a jurisdiction will make:

Per Capita Fee Structure	
Large City	\$ 0.50
Small City	\$ 0.50
Medium City	\$ 0.50
XL City	\$ 0.10
County	\$ 0.50

### *ARTICLE III: Roundtable Membership*

Voting membership – The Roundtable voting membership consists of one designated Representative and one designated Alternate. The founding jurisdictions include:

City of Capitola  
City of Cupertino  
City of Los Altos  
Town of Los Altos Hills  
City of Monte Sereno  
City of Mountain View  
City of Palo Alto  
City of Santa Clara  
City of Santa Cruz  
City of Saratoga  
City of Sunnyvale  
County of Santa Clara  
County of Santa Cruz

### *ARTICLE III: Roundtable Membership - continued*

**Non-Voting Membership** - Roundtable non-voting membership shall consist of Advisory Members who represent the following:

- Relevant subject matter experts from airlines operating at SFO or SJC
- Federal Aviation Administration (FAA) staff
- Other representatives as deemed necessary

**Additional Voting Membership** - Other incorporated towns and/or cities located within Santa Clara or Santa Cruz Counties may request voting membership on the Roundtable by adopting a resolution:

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- Authorizing two members of the city/town council (a Representative and Alternate) to represent the city/town on the Roundtable.
- Agreeing to comply with this Memorandum of Understanding (MOU) and all related amendments and any bylaws approved in accordance with this MOU.
- Agreeing to contribute annual funding to the Roundtable in the same amount as current city/town members contribute, at the time of the membership request, or such annual funding as approved by the Roundtable for new members.

*Withdrawal of a Voting Member* - Any voting member may withdraw from the Roundtable by filing a written Notice of Intent to Withdraw from the Roundtable, with the Roundtable Chairperson, at least thirty (30) days in advance of the effective date of the withdrawal.

### *ARTICLE IV: Roundtable Operations and Support*

Roundtable operations shall be guided by a set of comprehensive bylaws that govern the operation, administration, funding, and management of the Roundtable and its activities.

Initial Roundtable staff support shall be provided by the Cities Association of Santa Clara County. The Roundtable is expected to hire additional technical staff support as needed.

### *ARTICLE V: Amending This Memorandum of Understanding (MOU)*

This Memorandum of Understanding (MOU) may be amended as follows:

Step 1: Roundtable consideration of a proposed MOU amendment

Any voting member of the Roundtable may propose an amendment to this MOU. The proposal shall be made at a Roundtable Regular Meeting. Once proposed and seconded by another voting member, at least two-thirds of the voting membership must approve the proposed amendment. If the proposed amendment receives at least the necessary two-thirds votes for approval, the amendment shall then be forwarded to the respective councils/boards of the Roundtable membership agencies/bodies for consideration/action.

Step 2: Roundtable member agency/body consideration of a proposed MOU amendment

The proposed MOU amendment must be approved by at least two-thirds of the respective councils/boards of the Roundtable member agencies/bodies by a majority vote of each of those bodies. If at least two-thirds of the member agencies/bodies approve the proposed amendment, the amendment becomes effective. If less than two-thirds of the member agencies/bodies approve the proposed MOU amendment, the proposal fails.

This MOU may not be amended more than once in a calendar year.

### *ARTICLE VI: Status of Prior Memorandums of Understanding (MOU) and Related Amendments*

Adoption of this Memorandum of Understanding (MOU) shall supersede and replace all prior MOU agreements and related amendments.

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### *ARTICLE VII: Memorandum of Understanding (MOU) Adoption and Effective Date*

This Memorandum of Understanding (MOU) shall be deemed adopted and effective upon adoption by at least two thirds of the jurisdictions listed in Article III.

The effective date of this Memorandum of Understanding (MOU) shall be the date of approval by at least two-thirds of the member agencies/bodies.

### *ARTICLE VIII: Memorandum of Understanding (MOU) Adoption and Effective Date*

This MOU shall remain in effect so long as all of the voting following membership conditions are met:

This Memorandum of Understanding (MOU) and any subsequent amendments to this document shall remain in effect indefinitely,

1. as long as the membership conditions of Item No. 3 of this Article are met,
2. until it is replaced or superseded by another Memorandum of Understanding (MOU), or
3. until the Roundtable is disbanded.

\_\_\_\_\_  
City/County Representative

\_\_\_\_\_  
Jurisdiction

\_\_\_\_\_  
Date

\_\_\_\_\_  
President, Cities Association of Santa Clara County

\_\_\_\_\_  
Date