CITY OF EL PASO, TEXAS
REQUEST FOR COUNCIL ACTION (RCA)

DEPARTMENT: **Community and Human Development**

AGENDA DATE: **Introduction 11/14/06; Public Hearing 11/28/06**

CONTACT PERSON/PHONE: Bill Lilly, Deputy Director (541-4500)

DISTRICT (S) AFFECTED: Citywide

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SUBJECT:

An Ordinance amending Title 2 (Administration and Personnel) of the El Paso City Code by amending Chapter 2.102 (Neighborhood Association Recognition) in its entirety.

BACKGROUND / DISCUSSION:

In December 2003, the El Paso City Council adopted the Neighborhood Recognition Ordinance. Several amendments are proposed that will address overlapping neighborhood association boundaries, ease the qualifying criteria to become a Recognized Neighborhood Association, provide for neighborhood notification on El Paso Utilities-PSB inventoried property sales within the respective neighborhood association boundaries, and provide for additional staff support to Recognized Neighborhood Associations.

PRIOR COUNCIL ACTION:

The existing Neighborhood Recognition Ordinance was adopted by the El Paso City Council in December 2003 and no subsequent changes have been made.

AMOUNT AND SOURCE OF FUNDING:
N/A

BOARD / COMMISSION ACTION:

The Planning and Development Services Legislative Review Committee (LRC) met and reviewed the proposed Ordinance amendment on September 11, 2006.

**********REQUIRED AUTHORIZATION**********

LEGAL: (if required) _____ **FINANCE:** (if required) _____

DEPARTMENT HEAD: Nathaniel Price

cc: Deborah G. Hamlyn, Deputy City Manager, Quality of Life

APPROVED FOR AGENDA:

CITY MANAGER: _____ **DATE:** _____

AN ORDINANCE AMENDING TITLE 2 (ADMINISTRATION AND PERSONNEL) OF THE EL PASO CITY CODE BY AMENDING CHAPTER 2.102 (NEIGHBORHOOD ASSOCIATION RECOGNITION) IN ITS ENTIRETY.

WHEREAS, the municipal regulations of the City of El Paso have been established for the purpose of promoting the health, safety, morals and general welfare of its citizens;

WHEREAS, the Plan for El Paso (City of El Paso Comprehensive Plan) recommends that the City address neighborhood concerns about protection of neighborhood character by guiding its changes and preventing incompatible construction;

WHEREAS, communication should be fostered between neighborhood associations and city government on plans, proposals, and activities affecting neighborhood association area;

WHEREAS, the El Paso City Council finds that the amendments as herein provided will have no negative impact upon the public health, safety, morals, and general welfare of the City,

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That Title Two (Administration and Personnel) Chapter 2.102 of (Neighborhood Association Recognition) be amended in its entirety to read as follows:

2.102.010 Purpose

The El Paso City Council has found that early identification and resolution of potential conflicts involving neighborhoods, their residents, and the private sector can be of utmost value to all concerned. The purpose of the neighborhood association recognition program is to provide a standardized recognition policy for El Paso neighborhood associations that will improve communications between the associations and city government. Due to the potential impact of new development and redevelopment, it can be useful for land use and development applicants to provide information on submitted application proposals to neighborhood associations.

2.102.020 Definitions

A. Applications means requests for zoning changes, requests for a release of a zoning contract condition, or requests for special permits.

B. Civic Associations means any organized group of 100 or more individuals or entities that own, reside, or have a place of business in one of the five planning areas designated as such in *The Plan for El Paso*. The geographic boundary of a civic association shall be the planning area where a majority of members are located except that civic associations with at least 250 members located in more than one planning area may request that their geographic boundary be comprised of two planning areas.

C. Member means individuals that coordinate pursuant to this ordinance to form and sustain a Recognized Neighborhood Association or Civic Association. Members shall consist of occupants of dwelling units or business entities that own or occupy real property within a specified neighborhood(s) or planning area(s) of the City. Members of a neighborhood association should be evenly distributed throughout the geographical boundaries of the neighborhood. No member shall be an officer of more than one Recognized Neighborhood Association. An officer of a Recognized Neighborhood Association may serve as an officer of a Civic Association. Any person can be a member of a Recognized Neighborhood Association, if allowed pursuant to the association's governing rules.

D. Neighborhood means a geographically localized area within a community with characteristics that distinguish it from other areas. It generally has defined boundaries, natural or man-made. Residents generally share similar economic and social characteristics. The City of El Paso's Neighborhood Boundary Map should be used as a guide.

E. Neighborhood Association means an organized group of individuals who work together to make their neighborhood a better place to live.

F. Neighborhood Association Boundaries means the land area provided by the Recognized Neighborhood Association, which shall be reasonable and representative of the physical and social characteristics of the

neighborhood. The geographic area of the neighborhood association is recommended to be no larger than one (1) square mile and no smaller than four (4) square blocks. Geographic boundaries and geographic area is synonymous with neighborhood association boundaries. Neighborhood Association Boundaries must be clearly stated in its bylaws or other acceptable rules and regulations governing the Recognized Neighborhood Association. No Recognized Neighborhood Association shall enlarge or otherwise retain certain boundaries if to do so would create an overlap with another Recognized Neighborhood Association unless both has agreed to the overlap in writing, such agreement to be final unless otherwise later agreed to by both Recognized Neighborhood Associations.

G. Recognized Neighborhood Association, means a neighborhood association that has been recognized by the City and maintains compliance status, both pursuant to this ordinance. Fifteen (15) members, within the proposed boundaries, are required for the formation and continuation of a Recognized Neighborhood Association.

2.102.030 Criteria For Acknowledgment as a Recognized Neighborhood Association. A neighborhood association shall be designated a Recognized Neighborhood Association by the City of El Paso upon a finding of compliance with all 2.102.030 requirements set forth below and shall continue as an Recognized Neighborhood Association as long such requirements and those provided pursuant to 2.102.040 are maintained.

A. The Recognized Neighborhood Association shall create bylaws or other acceptable rules and regulations governing the Recognized Neighborhood Association and shall file a current approved and executed copy of the bylaws or rules and regulations with the City of El Paso. The bylaws or rules and regulations shall include the following provisions:

1. Statement of organizational purpose(s).
2. Method for election of officers and description of their terms.
3. State duties and responsibilities for officers.

4. Definition of membership

Bylaws or other acceptable rules and regulations governing the Recognized Neighborhood Association shall not discriminate on the basis of race, color, religion, sex, familial status, or national origin. Bylaws or other acceptable rules and regulations governing the Recognized Neighborhood Association shall additionally and otherwise conform to the Constitution and laws of the United States and State of Texas.

B. Membership in the Neighborhood Association shall be open to all individuals or entities owning, residing or with a permanent business location within the neighborhood boundaries. A minimum verifiable membership of 15 members shall be required for creation and continuation. Such members shall be evenly distributed, except as otherwise permitted upon appeal to the Neighborhood Coalition Council.

C. The Recognized Neighborhood Association shall hold at least one meeting per year for which it makes a reasonable attempt to give written notice to every household and place of business within the Recognized Neighborhood Association's boundaries regardless of membership status. Written notice may be provided by U.S. regular mail, electronic mail, delivered handbills, or the posting of a number of prominent signs within the boundaries of the Recognized Neighborhood Association.

D. The Recognized Neighborhood Association shall submit an annual report to the City of El Paso detailing membership numbers, contact information for all board members, and other information the Recognized Neighborhood Association deems appropriate. An annual report shall be due no later than June 30 of each year. This provision does not pertain to Recognized Neighborhood Associations in existence less than six (6) months.

E. A City of El Paso Neighborhood Association registration form shall be completed. A list of the names and addresses of 15 members of the Neighborhood Association shall accompany the registration form.

2.102.040 Responsibilities of Recognized Neighborhood Associations.

Recognized Neighborhood Associations shall:

A. Provide notice to members and other eligible participants within their boundaries notice of planning and land use issues that will affect their area that Recognized Neighborhood Associations receive from the City of El Paso. Written notice may be provided by U.S. regular mail, electronic mail, delivered handbills, or the posting of a number of prominent signs within the boundaries of the Recognized Neighborhood Association.

B. Establish and utilize an orderly process for making decisions.

C. Establish and follow a defined method for reporting to the City actions that reflect the Recognized Neighborhood Associations position. When the Recognized Neighborhood Association presents its official position to the City, it shall concurrently state whether the decision was reached by its board, a poll of the general membership, or by a vote at a general membership meeting, and the vote for and against the position.

D. Comply with the Recognized Neighborhood Association bylaws or other rules and regulations governing the Recognized Neighborhood Association and this Ordinance.

E. Notify the City and the applicable City Council Representative of their general membership meeting at least four weeks in advance, or immediately if notification of such meeting was provided to members less than four weeks prior to the meeting.

F. Provide contact information for two Recognized Neighborhood Association members for purposes of notice. The Recognized Neighborhood Association shall update contact information immediately when a change in representation requires such change.

2.102.050 Responsibilities of the City of El Paso.

The City Manager or his designee shall:

A. Provide notice to one or more designated Recognized Neighborhood Association contact person(s) regarding applications received by the

Development Services Department that covers an area within the Recognized Neighborhood Association's boundary. Notification to a Recognized Neighborhood Association shall be sent at the time a date for the first public hearing is set. Additional notification shall be sent via telephone, mail, electronic mail, or facsimile concerning all subsequent public hearings concerning such applications except public hearings that have been postponed to a specific time announced at the prior hearing.

B. Respond within ten (10) working days to a Recognized Neighborhood Associations request for information regarding any City project within or abutting the Recognized Neighborhood Associations boundaries.

C. Review applications for prospective Recognized Neighborhood Associations to determine whether compliance with the requirements for recognition are provided for;

D. Forward a notice of noncompliance to any Recognized Neighborhood Association failing to comply with any requirements set forth in this chapter. A Recognized Neighborhood Association shall have 60 days from the date notice is sent to come into compliance and provide satisfactory proof of such compliance to the City. Should a Recognized Neighborhood Association fail to provide such proof, the City Manager or designee shall be entitled to remove such association from the list of Recognized Neighborhood Associations immediately upon the expiration of the sixty-day period.

E. Provide each Recognized Neighborhood Association with a current list of City government departments, respective department heads, and corresponding telephone numbers or provide such information on the City official internet website.

F. Publish and distribute a Neighborhood Newsletter, at least quarterly, to each Recognized Neighborhood Association that provides pertinent information and increased communication between Recognized Neighborhood Associations and the City.

G. Advise neighborhood groups which have not achieved Recognized Neighborhood Association status that they may be placed on the mailing list of

the City to receive its newsletter and notices of neighborhood association workshops.

I. Create and maintain an updated Neighborhood Directory, which lists the contact information of the Recognized Neighborhood Association, its President and/or other Recognized Neighborhood Association designated officers.

J. Provide support services to Recognized Neighborhood Associations, which may include assistance with general communications, newsletters, grant writing, activity planning, public relations, outreach efforts, general information and referral, and other technical assistance.

K. Provide notice regarding City sales of land within the El Paso Water Utilities-Public Service Board inventory to a Recognized Neighborhood Association when all or a portion of the area proposed for sale is within the boundary of the Recognized Neighborhood Association.

2.102.060 Responsibilities of the Director of Development Services.

The Director of Development Services, or his designee shall:

1. Provide prospective applicants with the last known contact information for all Recognized Neighborhood Associations that are wholly or partially within the location of the application request.
2. Provide the Director of the Community and Human Development Department or his designee with a copy of any new applications, including verification of applicant notice to the required Recognized Neighborhood Associations, at the time of distribution at the Development Coordinating Committee, as well as any other pertinent information the Director of the Community and Human Development Department may request.
3. Update the Director of the Community and Human Development Department as necessary regarding each step of any application in process including but not limited to public

hearings, etc. New stages include review before the Development Coordinating Committee, City Plan Commission, and City Council, to the extent practical.

2.102.70 Responsibilities of individuals or entities submitting an application.

A. As part of an application, an applicant shall provide written notice via certified mail, facsimile transmission, or personal delivery to any Recognized Neighborhood Association and Civic Associations within the area subject to the application. Such notice shall contain the following information:

1. A detailed description of what is being applied for;
2. A method by which the applicant can be contacted;
3. A statement as to the application's projected impact on the land comprising the geographic boundary of the RNA.

B. Failure to provide proof of such mailing via certified mail, electronic mail, facsimile transmission report to the most recent Recognized Neighborhood Association fax number of record, or an affidavit attesting hand delivery shall result in the application not being accepted as complete.

2.102.80 Existing Recognized Neighborhood Associations

Any Recognized Neighborhood Association in compliance with the Neighborhood Recognition Ordinance at the time of the adoption of this ordinance may continue its status as a Recognized Neighborhood Association as long such requirements provided pursuant to 2.102.030 and 2.102.040 are maintained.

2.102.090 Validity

No zoning amendment otherwise properly enacted or land sale otherwise properly authorized shall be invalidated as a result of failure to comply with any provision or provisions of this Neighborhood Recognition Ordinance.

2.102.100 Boundary Dispute Resolution

Boundary disputes, to include but not limited to current overlapping boundaries without agreement between both neighborhood associations, should be resolved at the Neighborhood Association level when at all possible. If such resolution is not possible, the City Manager or that person's designee shall forward the matter to the Neighborhood Coalition Council for resolution. If two or more associations are unable to agree to a proposed boundary change the Neighborhood Coalition Council shall assist in resolving the dispute through the following process.

i.) The Neighborhood Coalition Council and the Neighborhood Association Boards shall meet together to review proposed boundary changes and attempt to reach a compromise solution.

ii.) If the affected Neighborhood Associations cannot reach a solution to the boundary dispute, they may select an alternate process, such as requesting a decision from the Neighborhood Coalition Council, or a survey or vote of the residents in all affected Neighborhood Associations. Before any such process is undertaken to resolve a boundary dispute, it shall be clearly described and agreed to in writing by all affected Neighborhood Associations. The results of any such process shall be final. All expenses to conduct a survey or vote shall be the responsibility of the Neighborhood Associations.

If the conflicting boundary dispute is not resolved within six months of the time it is formally brought to the attention of the Neighborhood Coalition Council, the City Manager shall make a determination of boundaries. The decision shall be final and is not appeal able.

PASSED AND APPROVED this _____ day of _____, 2006.

THE CITY OF EL PASO

_____
John F. Cook,
Mayor

ATTEST:

_____
Richarda Momsen,
City Clerk

APPROVED AS TO CONTENT:

Nathalie Prise

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Nathalie Prise, Director
Community and Human Development

_____
Bill Lilly, Deputy Director
Community and Human Development

APPROVED AS TO FORM:

_____
Matt Watson,
Assistant City Attorney

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