

**CITY OF EL PASO, TEXAS
AGENDA ITEM
DEPARTMENT HEAD'S SUMMARY FORM**

DEPARTMENT: Community and Human Development

AGENDA DATE: Introduction: February 28, 2012; Public Hearing: March 6, 2012

CONTACT PERSON NAME AND PHONE NUMBER: Mark Weber, 541-4918

DISTRICT(S) AFFECTED: All Districts

SUBJECT:

An ordinance amending Title 2 (Administration and Personnel), Chapter 2.102 (Neighborhood Association Recognition) of the El Paso City Code. To provide a standardized recognition policy; to provide definitions; to provide criteria for recognition and registration of a neighborhood association or civic association; to establish the responsibilities of a recognized neighborhood association; to clarify the process for suspension or revocation of recognition status; and to clarify the services available to recognized neighborhood associations.

BACKGROUND / DISCUSSION:

The Neighborhood Association Recognition Ordinance was adopted in December 2003 with the intent of fostering communication between neighborhood associations and the City on plans, proposals and activities affecting the neighborhoods of El Paso.

A rewrite of the Neighborhood Association Recognition Ordinance (NARO) was undertaken in order to:

1. Provide more concise definitions
2. Clarify roles and responsibilities of neighborhood associations
3. Remove outdated references (ex. Non-existent Depts or Divisions)
4. Establish a standard procedure for revocation of recognition status

PRIOR COUNCIL ACTION:

On December 16th, 2003 City Council approved the first iteration of the Neighborhood Association Recognition Ordinance and approved amendments to that ordinance on January 3rd, 2007.

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

On January 26, 2012 the Health, Safety and Community Services Legislative Review Committee voted (3-1) to send the draft Neighborhood Association Recognition Ordinance to the full Council for final consideration with two additional amendments. Those amendments were:

- 1) Raise the number of general membership meetings required per year to three; and
 - 2) Include language to define a "political action group" and prohibit the recognition of political action groups.
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*****REQUIRED AUTHORIZATION*****

DEPARTMENT HEAD:

A handwritten signature in black ink, consisting of several loops and a long vertical stroke extending downwards.

(If Department Head Summary Form is initiated by Purchasing, client department should sign also)

Information copy to appropriate Deputy City Manager

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 2 (ADMINISTRATION AND PERSONNEL), CHAPTER 2.102 (NEIGHBORHOOD ASSOCIATION RECOGNITION) OF THE EL PASO CITY CODE IN ITS ENTIRETY, TO PROVIDE A STANDARDIZED RECOGNITION POLICY; TO DEFINE TERMS; TO PROVIDE CRITERIA FOR RECOGNITION AND REGISTRATION OF A NEIGHBORHOOD ASSOCIATION OR CIVIC ASSOCIATION AS A RECOGNIZED NEIGHBORHOOD ASSOCIATION; TO ESTABLISH THE RESPONSIBILITIES OF A RECOGNIZED NEIGHBORHOOD ASSOCIATION; TO CLARIFY THE PROCESS FOR SUSPENSION OR REVOCATION OF RECOGNITION STATUS; TO CLARIFY THE SERVICES AVAILABLE TO RECOGNIZED NEIGHBORHOOD ASSOCIATIONS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

Section 1. That Title 2 (Administration and Personnel) of the El Paso City Code, Chapter 2.102, Neighborhood Association Recognition, be amended in its entirety to read as follows:

2.102.010 Purpose of Chapter

A. The purpose of this chapter is to establish a neighborhood association recognition program that provides a standardized City recognition policy for El Paso neighborhood associations and civic associations and sets forth the responsibilities and benefits accruing thereto.

B. The City Council finds, determines and declares that a standardized recognition policy will improve communication between neighborhoods, their residents, the private sector, and city government on civic matters affecting the livability and character of their neighborhoods. It is the finding of the City Council that the neighborhood association recognition program will establish a means whereby early identification and resolution of potential conflicts involving neighborhoods, their residents, and the private sector can be achieved.

2.102.020 Definitions

Unless otherwise expressly stated, the following terms shall for the purpose of this chapter, have the meanings indicated in this section.

A. “Civic Association” means any organized group of 100 or more persons 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* (hereinafter, “planning areas”).

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B. “Land use application” means an application to be filed or submitted to the City pursuant to Title 20 or Title 21 of the El Paso City Code that requests a property rezoning, amendments to zoning conditions, or a special permit.

C. “Neighborhood” means a geographically contiguous area within a designated boundary which is characterized by a substantial commonality of interest and identification as a neighborhood separate from others within the City of El Paso.

D. “Neighborhood Association” means an independent, autonomous organization or voluntary association formed by persons within a neighborhood for the purpose of considering and acting on issues affecting the livability and quality of their neighborhood and which is not a political action group.

E. “Neighborhood Associations Coalition” means an independent, autonomous organization or voluntary association comprised solely of representatives of ten or more recognized neighborhood associations and having elected officers from each of the planning areas.

F. “Political action group” means any organization or group of persons, which engages in any of the following political election activities: the endorsement of a candidate for municipal public office; the soliciting or receiving of contributions from any person, group, or entity for the purpose of expressly advocating the election or defeat of a candidate for a municipal public office; the production of publications or advertising for or against a candidate for municipal public office or political parties; or the support of or opposition to any initiative or referendum petition drive or for the adoption or defeat of any ballot proposition.

G. “Recognized Neighborhood Association” means a neighborhood association or a civic association that is registered pursuant to this chapter.

2.102.030 Criteria for Recognition of a Neighborhood Association or Civic Association

A. In order to obtain City designation as a recognized neighborhood association, a neighborhood association or civic association must satisfy the following criteria and standards:

1. Membership. The membership of the neighborhood association or the civic association shall be open to all residents, business owners or owners’ representatives, non-profit organizations’ representatives, property owners or tenants who reside, own, or occupy property or maintain a business within the boundary of the neighborhood association or the civic association. The membership of the neighborhood association must be comprised of at least 15 members. The membership of the neighborhood association or the civic association shall not be limited by race, creed, color, sex, age, heritage, national origin or income. The neighborhood association or the civic association shall use its best faith good efforts to have its membership evenly distributed throughout its boundary.

2. Boundary. The boundary of a neighborhood association shall be drawn by the association membership. The boundary shall be reasonable and representative of physical and social characteristics of the neighborhood; represent a geographic area that is no smaller than four square blocks; have parameters that correspond with street center lines and property parcel lines; and be substantially consistent with the City's Neighborhood Boundary Map, which is on file with the city clerk. The boundary of a civic association that is applying for status as a recognized neighborhood association must comprise the entire planning area where a majority of its members are located except that a civic association having 250 or more members located in more than one planning area may have a boundary that overlaps two planning areas. The boundaries of any recognized neighborhood association in existence prior to March 9, 2012 shall be deemed in conformance with the standards contained in this Section 2.102.030(A)(2) for all purposes of this chapter.

3. By-laws or rules and regulations. The neighborhood association or civic association must have adopted written by-laws or rules and regulations that contain provisions that address the following subject matters:

- a. Statement of organizational purpose(s);
- b. Method of election of officers on a regular schedule, at least biennially;
- c. Description of officer terms and term limits;
- d. Establishment of a quorum number for voting purposes;
- e. Stated duties and responsibilities of officers;
- f. Definition of membership; and
- g. Statement of Non-Discrimination.

B. Political action groups are ineligible for City designation as a recognized neighborhood association under this chapter.

2.102.040 Filing of Application for Recognition Status

A. A neighborhood association or civic association may apply for designation as a recognized neighborhood association by submitting an application to the permit official on forms provided by the City.

1. The recognition application shall include the following information supplied by the representative of the neighborhood association or civic association:

- a. Name of the neighborhood association or civic association;
- b. Description of the geographic area of concern and the proposed boundary to be recognized;
- c. Contact information for two members of the neighborhood association or civic association so designated for the purpose of receiving notices required by Sections 2.102.070 and 2.102.090 (hereinafter "official representative(s)"); and
- d. Statement confirming that the neighborhood association or civic association meets the criteria for recognition status identified in Section 2.102.030(A).

2. The following documentation must be submitted with the recognition application:
 - a. Copy of the current by-laws or rules and regulations adopted by the neighborhood association or civic association, which meet the requirements set forth in Section 2.102.030(A); and
 - b. List of the names and addresses of the minimum number of members required under Section 2.102.030(A).

Any list of minimum number of members provided by a neighborhood association or civic association for application purposes will be returned following inspection and verification.

B. If the permit official determines, upon initial review or inspection that the recognition application does not meet the requirements of this chapter, the permit official shall notify the neighborhood association or civic association applicant and allow 14 days for the revision of the recognition application. If no revisions are submitted, the original recognition application submitted will be deemed as the completed recognition application for purposes of review and approval or denial.

C. The permit official will, within 14 days of the filing of a completed recognition application, take one of the following actions:

1. Approve the recognition application if the permit official determines that the neighborhood association or civic association has complied with all requirements for designation of the neighborhood association or civic association as a recognized neighborhood association under this chapter; or

2. Deny the recognition application if the permit official determines that the requirements of Sections 2.102.030 and 2.102.040 have not been met. The permit official shall deny the recognition application by providing written notice of the denial and including in the notice the reason for denial. The determination of the permit official may be appealed by following the procedure provided in Section 2.102.040(D).

D. Appeal Process. The denial of a recognition application, process, or determination may be appealed to the city manager as provided herein.

1. Within 14 calendar days of the decision, the permit official shall prepare a report indicating the reasons for the decision, and shall provide a copy to the affected entity. The permit official's decision is final unless within 10 calendar days after the date of receiving the report, an official representative of the affected entity files with the city clerk a written appeal to the city manager specifying reasons for the appeal. Said appeal may include a written rebuttal to the report.

2. The city manager or designee shall review the report and the appellant's rebuttal. The city manager or designee may allow the appellant to make an oral presentation or submit additional rebuttal. The city manager or designee shall make a ruling on the appeal within a reasonable period of time after the appeal has been filed.

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3. The city manager or designee shall sustain, reverse or modify the action of the permit official and shall notify the appellant of the decision in writing. The decision of the city manager or designee is final.

E. Annual Report and Compliance Review.

1. Each recognized neighborhood association shall submit an annual report to the permit official containing the number of members for the previous year, the names and contact information for current officers or board members; the date, time, and location of the three required general membership meetings held; and the current by-laws or rules and regulations, if such by-laws or rules and regulations have been amended since the filing of the prior year's annual report. The annual report shall be filed with the permit official no later than June 30 of each year. This provision is not applicable to a recognized neighborhood association in existence less than six months.

2. Following receipt of the annual report, the permit official will conduct a review of the recognized neighborhood association's documentation and citizen complaints on file, if any, for purposes of determining compliance with the provisions set out in this chapter. Upon City request, the recognized neighborhood association will make available a list of the names and addresses of the minimum number of members required under Section 2.102.030(A), within 30 days of the permit official's request. Any list of minimum number of members provided by a recognized neighborhood association will be returned after inspection and verification.

3. If the permit official determines that the requirements of Sections 2.102.030 and 2.102.050 have not been met, the permit official will provide written notice of non-compliance with the requirements of this chapter, to include identification of the requirements the permit official has determined have not been met and provision of a 14-day opportunity to cure period.

4. If a recognized neighborhood association fails to cure the non-compliance within the stated period in the written notice, the permit official shall suspend the neighborhood association or civic association by written notice thereof. If the neighborhood association or civic association fails to correct the non-compliance finding(s) within 60 days of the notice of suspension, the city manager or designee shall revoke the entity's recognized neighborhood association status pursuant to Section 2.102.060.

2.102.050 Responsibilities of Recognized Neighborhood Associations

A Recognized Neighborhood Association shall:

A. Provide its membership with timely and effective written notice of notifications received pursuant to Sections 2.102.070(D) and 2.102.090.

B. Organize and undertake activities, projects or programs which foster a sense of community with the neighborhood.

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C. Hold at least three general membership meetings per year, for which it makes a reasonable attempt to give prior written notice to residents and places of business within the boundary regardless of membership status.

D. Abide by the conflict of interest provision provided herein. An officer of a recognized neighborhood association may not serve concurrently as an officer of another recognized neighborhood association. This provision, however, shall not prohibit an officer of any neighborhood association from serving as an officer of a civic association that for purposes of this chapter has registered as a recognized neighborhood association.

E. Comply with its by-laws or rules and regulations. The recognized neighborhood association will provide to the permit official a copy of any updates or amendments of the by-laws and rules and regulations.

F. Establish and utilize an orderly and democratic process for making representative decisions.

G. Establish and follow a clear method for reporting to the City actions which accurately reflect the recognized neighborhood association's position on a matter that is the subject of a pending City Council agenda item. When the recognized neighborhood association presents its official position on the issue to the City, it shall identify whether the decision was reached by the board, a survey of the general membership, or by a vote at a general membership meeting, and the vote for and against the position.

H. Provide notice to the permit official within thirty (30) days of updated or revised contact information for the officers, and for official representative(s) of the recognized neighborhood association for purposes of receiving notices pursuant to Sections 2.102.070(D) and 2.102.090.

I. Notify the permit official and the applicable City Council district representative of its next general membership meeting at least two weeks in advance, or promptly without delay if notification of the meeting was provided to its members less than two weeks prior to the meeting.

2.102.060 Revocation of Recognized Neighborhood Association Status

A. Following the notice and opportunity to cure period stated in Section 2.102.040(E)(3), the city manager or designee shall revoke recognized neighborhood association status if the city manager or designee determines that the recognized neighborhood association:

1. Has failed to comply with any requirements set forth in Sections 2.102.030 and 2.102.050 of this chapter;

2. Has failed to submit the annual report if such is required under Section 2.102.040(E); or

3. Has failed to correct any non-compliance finding(s) issued pursuant to Section 2.102.040(E) and the suspension period has expired.

B. The city manager or designee may revoke recognized neighborhood association status for one (1) year if the city manager or designee determines, upon receipt of a petition from the entity's general membership, that a representative of the recognized neighborhood association knowingly made a material misrepresentation in materials or testimony provided in writing or at a public hearing on an applicant's land use or development project.

C. Prior to making the determination to revoke recognized neighborhood association status, the city manager or designee shall forward written notice of non-compliance, to include identification of the chapter requirements the city manager or designee has determined have not been met and providing a 30-day opportunity to cure period. If the recognized neighborhood association fails to cure the non-compliance within the stated period, the city manager or designee shall revoke the entity's recognized neighborhood association status for one (1) year.

D. To be eligible for reinstatement following a status revocation, the neighborhood association or civic association shall file a new application for recognition status pursuant to Section 2.102.040 and meet all requirements of this chapter.

2.102.070 Services Available to Recognized Neighborhood Associations

The City will provide the following services and benefits to recognized neighborhood associations:

A. Upon request, supply a current listing of city departments, respective department heads, and corresponding telephone numbers, if such information is not already available on the City's official internet website.

B. A Neighborhood Newsletter to be created and disseminated on at least a quarterly basis, the purpose of which being to provide pertinent information related to local government and civic affairs and to increase communication between recognized neighborhood associations and the City. The department designated by the city manager will provide the Neighborhood Newsletter. The Neighborhood Newsletter will be made available to members of the general public through the City's official internet website.

C. To the extent practicable, provide the following support services to recognized neighborhood associations:

1. electronic distribution of general communications which promote civic engagement, serve a public purpose, and do not directly or indirectly involve fundraising or political activity; and

2. technical assistance on newsletter preparation, activity planning, public relations, outreach efforts, general information and referral, and other matters related to civic activities which improve quality of life within the neighborhoods.

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D. Written notice to the official representative(s) of a recognized neighborhood association regarding any land use application submitted to the City, which contains property lying partially or wholly within the boundary of the particular recognized neighborhood association. The department designated by the city manager will provide the written notice. The notice shall be sent within 10 business days of the land use application submission to the City and at a minimum will contain a general description of the location of property subject to the land use change, the date, time and place of the applicable public hearings, if known, and other opportunities for public input on the land use application. Notification by first class letter to the official representative(s) of the recognized neighborhood association shall be deemed to satisfy the provision of written notice required under this Section.

E. Written notice regarding City sales, bids, or leases 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. The department or agency designated by the city manager will provide the notice.

F. Written notice to the official representative(s) of the recognized neighborhood association by both electronic mail and regular U.S. mail, of each upcoming City Plan Commission agenda that contains land development applications. The department designated by the city manager will provide the required notice. The notice will include a map of El Paso identifying the location of each such application.

2.102.080 Services Available to a Neighborhood Associations Coalition

The City will provide the following services and benefits to a neighborhood associations coalition provided that the neighborhood associations coalition has filed with the permit official a copy of its current by-laws or rules and regulations, which meet the requirements of Section 2.102.030(A)(3), and has submitted a current membership list of its representative recognized neighborhood associations for verification purposes:

A. The services and benefits identified in Section 2.102.070(A)-(C);

B. Upon request, use of City facilities, as designated by the city manager, for the purpose of conducting a monthly meeting, which is open to the general public and for the public purposes of promoting civic engagement and communication among recognized neighborhood associations, City personnel, and the general public on civic matters affecting the livability and character of city neighborhoods; and

C. In-kind secretarial support services related to the public meetings described in Section 2.102.080(B) above, to the extent practicable, as determined by the city manager or designee.

2.102.090 Land Use Application Notice Requirements

A. Any application to be filed or submitted to the City, which constitutes a land use application, as the term is defined in this chapter, shall include proof of written notice to the

recognized neighborhood association(s) within the area subject to that application. The notice may be delivered by certified mail, electronic mail, or hand delivery to the designated official representative(s) addresses, to be furnished by the City, as available or permitted by law. The 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; and
3. A statement as to the application's projected impact on the land comprising the geographic boundary of the recognized neighborhood association.

2.102.100 Boundary Dispute Resolution

Neighborhood associations may have overlapping boundaries, provided that the affected neighborhood associations reach an agreement in writing concerning their respective boundaries. If the affected neighborhood associations cannot reach a solution to the boundary dispute, an affected neighborhood association may forward a request to the permit official, to make a determination of their respective boundaries for the purposes of this chapter. The determination of the permit official may be appealed by the procedure provided in Section 2.102.040(D).

Section 2. Except as expressly herein amended, Title 2 (Administration and Personnel) of the El Paso City Code shall remain in full force and effect.

ADOPTED this _____ day of _____, 2012.

CITY OF EL PASO

John F. Cook
Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

Marie A. Taylor
Assistant City Attorney

APPROVED AS TO CONTENT:

William L. Lilly, Director
Community and Human Development Department

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History of NARO & Purpose of Rewrite

- Ordinance originally approved in December 2003 with the intent of fostering communication between neighborhood associations and the City on plans, proposals and activities affecting the neighborhoods of El Paso.
- Neighborhood Services is recommending updating the ordinance to:
 1. Provide more concise definitions
 2. Clarify roles and responsibilities of neighborhood associations
 3. Remove outdated references (ex. Non-existent Depts or Divisions)
 4. Establish a standard procedure for revocation of recognition status



Additions & Changes

1. Adds definition of “Neighborhood Associations Coalition” and defines that relationship with the City
2. Adds requirement that bylaws must establish a quorum number for voting purposes
3. Establishes standards for the application form
4. Establishes a process for acceptance or denial of an application for recognition status



5. Adds the following requirements for annual reports:
 - a) Date, time and location of previous two general membership meetings
 - b) Copy of bylaws (if amended since prior annual report)
 - c) Upon request, an association will make available a list of members required under the ordinance. That list will be reviewed and returned to the association.
6. Opportunity to cure (14 days) followed by suspension (60 days) for incomplete annual report or failure to submit annual report
7. Minimum number of general neighborhood meetings required, increased from 1 to 3 (*3 meetings is the recommendation of the LRC*)



8. No person can concurrently serve as officer for two RNAs
9. RNAs reporting their official position on an issue to the City shall identify how the decision was made and the vote for and against the decision
10. RNAs shall provide notice to the City within 30 days of a change of officers or official contacts
11. Notification to the City of general neighborhood meetings at least 2 weeks in advance
12. Establishes a process for revocation of recognition status
13. One year revocation of recognition status for material misrepresentations regarding land use and development issues



14. Removes requirement that the City maintain a Neighborhood Directory (this inherently happens with the maintenance of the Neighborhood Association Contact List)
15. Land use application notice to RNAs may be via email (removed fax)
16. Defines a “Political Action Group” and adds that the City will not recognize a Political Action Group under this program
17. Removes redundant language already in the Municipal Code
18. Removes redundant language already in State Law