

CITY of ALBUQUERQUE

TWENTY FOURTH COUNCIL

COUNCIL BILL NO. O-21-71 ENACTMENT NO. _____

SPONSORED BY: Isaac Benton

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ORDINANCE

REPEALING “THE NEIGHBORHOOD ASSOCIATION RECOGNITION ORDINANCE” SECTION 14-18-2 AND REPLACING IT WITH A REVISED NEIGHBORHOOD ASSOCIATION RECOGNITION ORDINANCE; AND PRESCRIBING RESPONSIBILITIES AND SERVICES OFFERED BY THE OFFICE OF NEIGHBORHOOD COORDINATION; AND MAKING REVISIONS TO THE INTEGRATED DEVELOPMENT ORDINANCE RELATED TO NEIGHBORHOOD ASSOCIATION NOTICE.

WHEREAS, Neighborhood associations are a core unit both geographically and socially in implementing democratic processes and ensuring better representation when communicating with City government; and

WHEREAS, A sound Neighborhood Association Recognition Ordinance will help promote the longevity and continuity of established neighborhood associations in the City; and

WHEREAS, Effective communication with the City is critical to neighborhood association success when it comes to implementing neighborhood goals; and

WHEREAS, Neighborhood associations should work closely with the City Office of Neighborhood Coordination (the “ONC”) to help build their capacity for effective outreach and communication with their members; and

WHEREAS, The ONC should work to effectuate internal communication between residents and their representatives, and work to improve coordination with City government in implementing neighborhood-scale initiatives, events, and projects; and

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1 **WHEREAS, The ONC should continually assess and work to improve its**
2 **capacity to provide and maintain a level of equitable access to information,**
3 **resources, and technical assistance for all neighborhood associations**
4 **regardless of their size and operational capabilities; and**

5 **WHEREAS, the purpose of §14-8-2 et seq. is to promote the objectives and**
6 **observations specified by the above legislative findings, while not limiting**
7 **opportunities for any other person or non-recognized groups, to offer input**
8 **directly into the City’s decision-making processes; and**

9 **WHEREAS, the City conducted a two-year long public process known as**
10 **the Neighborhood Engagement Process to help inform the updates proposed**
11 **in this ordinance; and**

12 **WHEREAS, the Neighborhood Engagement Process was implemented to**
13 **garner meaningful input and ideas from neighborhood groups, individuals,**
14 **City Administration and City Council about how best to revise the existing**
15 **ordinance and ensure that inclusiveness, equality and democratic processes**
16 **are standardized in the updated ordinance; and**

17 **WHEREAS, the recommendations were outlined in a comprehensive**
18 **summary report at the conclusion of the Neighborhood Engagement Process,**
19 **and these recommendations guided provisions of the updated ordinance.**

20 **BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF**
21 **ALBUQUERQUE:**

22 **SECTION 1. REPEAL**

23 **§14-8-2 the Neighborhood Association Recognition Ordinance is hereby**
24 **repealed.**

25 **SECTION 2. New provisions for Neighborhood Association Recognition**
26 **and other provisions for organized groups in §14-8-2 are hereby enacted as**
27 **follows:**

28 **“[14-18-2-1 SHORT TITLE Sections §14-8-2-1 et seq. shall be cited as the**
29 **“Neighborhood Association Recognition Ordinance”**

30 **14-18-2-2 DEFINITIONS.**

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1 For the purpose of §§ 14-8-2-1 et seq., the following definitions shall apply
2 unless the context clearly indicates or requires a different meaning.

3 BUSINESS OR COMMUNITY GROUP. An organized group of residents or
4 businesses located within the City, but who may not necessarily reside within
5 an identifiable geographic boundary.

6 HOMEOWNER ASSOCIATION. An organization located within the City that
7 is subject to state statute §47-16-2 The Homeowner Association Act.

8 NEIGHBORHOOD ASSOCIATION. A voluntary organization or association
9 formed by persons within a specified geographic boundary within the City.

10 NEIGHBORHOOD COALITION. A group of two or more Neighborhood
11 Associations and/or Homeowner Associations, together with any community
12 or business groups and any individual members who are residents of the City.

13 RECOGNIZED NEIGHBORHOOD ASSOCIATION. A neighborhood
14 association that meets the criteria described in §14-8-2-3 et seq.

15 RECOGNIZED NEIGHBORHOOD COALITION. A neighborhood coalition that
16 meets the criteria described in §14-8-2-4 et seq.

17 §14-8-2-3 APPLICATION AND CRITERIA FOR RECOGNITION OF
18 NEIGHBORHOOD ASSOCIATIONS.

19 A. Any neighborhood association may request designation as a
20 recognized neighborhood association by submitting a request to the Office of
21 Neighborhood Coordination (the “ONC”) on forms provided by the ONC,
22 together with a copy of the neighborhood association’s most current bylaws.

23 B. The City shall recognize each neighborhood association requesting
24 status as a recognized neighborhood association under this ordinance where
25 the neighborhood association’s bylaws, at a minimum, demonstrate
26 conformance with all of the following criteria:

27 1. The geographic boundaries of a recognized neighborhood
28 association must be reasonable. Boundaries will be considered reasonable
29 when:

30 a. They are contiguous; and

- 1 b. They encompass an area of the city that is greater than 15
- 2 acres, but not more than one square mile; and
- 3 c. They do not overlap with the boundaries of any other
- 4 recognized neighborhood association; or
- 5 d. The boundaries were in existence and recognized by the City
- 6 as of October 20, 2017 and the neighborhood association is still in recognized
- 7 status as of the date this ordinance is enacted.
- 8 2. Membership must be open to all persons residing within the
- 9 boundaries, and to each place of business within the boundaries. Membership
- 10 shall not be limited by race, creed, religion, color, gender, gender identity,
- 11 sexual orientation, age, heritage, national origin, or income. The recognized
- 12 neighborhood association shall in good faith take all reasonable steps to have
- 13 its membership evenly distributed throughout its boundary, and all members
- 14 must be eligible to hold any officer position within the association.
- 15 3. The bylaws must expressly identify the process of succession when
- 16 an officer steps down voluntarily or is removed, and how vacant positions will
- 17 be filled.
- 18 4. Only those persons within the boundaries of the association who
- 19 have affirmatively joined the neighborhood association may be counted as
- 20 members. The bylaws must clearly identify how membership is established.
- 21 Payment of dues cannot be a prerequisite of membership or voting rights in
- 22 the association.
- 23 5. The association shall hold an annual meeting. It shall notify the ONC
- 24 of this meeting at least two weeks in advance, and make a reasonable attempt
- 25 to give written notice to all households and businesses within its boundaries
- 26 at least two weeks in advance through placement of one or more signs at
- 27 prominent locations within the neighborhood association boundaries and one
- 28 or more of the following:
- 29 a. U.S. mail; or
- 30 b. Delivered flyers; or
- 31 c. Website or social media posting; or

1 d. E-mail, text message, direct message through social media, or
2 other form of electronic messages delivered to the known address of each
3 member.

4 6. The association shall not hold a vote of the general membership on
5 any question or candidate(s) unless it is advertised through the methods
6 described in subsection 5 above, at least seven days in advance.

7 7. Bylaws should be reviewed regularly, but no less frequently than at
8 least once every ten (10) years, and revised and resubmitted to the ONC only
9 as may be necessary to reflect changes in election processes, organizational
10 structure, or communication processes. If none of these changes have taken
11 place, the association is not required to revise its bylaws.

12 8. The recognized neighborhood association shall identify an orderly
13 and democratic process for making representative determinations and
14 decisions on behalf of the association. For the purposes of this section, a
15 recognized neighborhood association’s process shall be deemed orderly and
16 democratic if decisions are made via a majority vote of the association’s
17 officers or members. If an election or vote of the membership is held, it will
18 satisfy the requirements of this paragraph where:

19 a. Members are given advance notice as prescribed by §14-8-2-
20 3(B)(6), above; and

21 b. Each member is afforded the ability to vote using one of the
22 following methods: in-person, mailed paper ballot, or electronic means (except
23 that elections held at the annual meeting must be voted on in person
24 consistent with subsection 9 below); and

25 c. When voting occurs by paper ballot, results are tallied by a
26 committee consisting of two or more members of the association and reported
27 to association members in writing either electronically or hard copy.
28 Electronic ballots must be canvassed in the same method, or through other
29 reasonable methods.

30 9. With the exception of elections held at the annual meeting, voting
31 may be done electronically or by mail-in or paper ballot.

- 1 **C. Officers of recognized neighborhood associations shall submit an**
2 **annual report to the ONC within sixty (60) days of their annual meeting. This**
3 **annual report shall be submitted via U.S. Mail or via an e-mail from the**
4 **neighborhood board. The annual report must at a minimum contain the**
5 **following information:**
- 6 **1. Number of members for the previous year; and**
 - 7 **2. Two designated points of contacts, who shall be responsible to**
8 **receive notices, including e-mail addresses, phone numbers, and mailing**
9 **addresses; and**
 - 10 **3. Names, addresses, e-mail addresses, and available phone numbers**
11 **of current neighborhood association officers and/or board members; and**
 - 12 **4. An updated copy of the bylaws only if they have been amended since**
13 **last submitted; and**
 - 14 **5. A statement of how the annual meeting was noticed pursuant to §14-**
15 **8-2-3(B)(6), above.**

16 **D. Failure to comply with any of the preceding criteria will result in a**
17 **notification of noncompliance being sent to the recognized neighborhood**
18 **association officers and/or board members from the ONC. Upon receipt of this**
19 **notice, a recognized neighborhood association must offer evidence of**
20 **compliance within 60 days; if it does not comply, the association will be**
21 **removed from the list of recognized neighborhood associations.**

22 **§14-8-2-4 APPLICATION AND CRITERIA FOR RECOGNITION OF**
23 **NEIGHBORHOOD COALITIONS**

- 24 **A. Any neighborhood coalition may request designation as a**
25 **recognized neighborhood coalition by submitting a request to the ONC on**
26 **forms provided, together with a copy of the neighborhood coalition’s most**
27 **current bylaws.**
- 28 **B. The City shall recognize each neighborhood coalition requesting**
29 **status as a recognized neighborhood coalition under this ordinance where the**
30 **neighborhood coalition’s bylaws, at a minimum, demonstrate conformance**
31 **with all of the following criteria:**

- 1 1. The geographic boundaries of the coalition must be reasonable.
2 Boundaries will be considered reasonable when:
3 a. They are contiguous; and
4 b. They do not include areas within more than two Council
5 Districts; and
6 c. They do not overlap with the boundaries of any other
7 recognized neighborhood coalitions; or
8 d. The boundaries were in existence and recognized by the City
9 as of October 20, 2017 and the coalition remains in recognized status as of the
10 date this ordinance is enacted.
11 2. Membership must be open to all recognized neighborhood
12 associations, neighborhood associations, homeowner associations, business
13 groups, community groups, individual residents, and property owners within
14 its boundaries. No coalition shall limit membership based on race, creed,
15 religion, color, gender, gender identity, sexual orientation, age, heritage,
16 national origin, or income. The recognized neighborhood coalition shall in
17 good faith take all reasonable steps to notify all recognized neighborhood
18 associations within its boundaries of the recognized coalition’s existence and
19 to have its membership evenly distributed throughout its boundary. Each
20 member must be eligible to hold any officer position within the association.
21 3. The bylaws must expressly identify the process of succession when
22 an officer steps down voluntarily or is removed, and how vacant positions will
23 be filled.
24 4. Only those associations, groups, and persons within the boundaries
25 of the recognized neighborhood coalition who have affirmatively joined the
26 coalition may be counted as members. The bylaws must clearly identify how
27 membership is established. Payment of dues cannot be a prerequisite of
28 membership or voting rights in the coalition.
29 5. The coalition shall hold an annual meeting. It shall notify the ONC of
30 this meeting at least two weeks in advance, and make a reasonable attempt to
31 give notice to all member associations and groups, and to individual and

1 business members residing within its boundaries at least two weeks advance
2 notice through two or more of the following:

- 3 a. Website or social media posting;
- 4 b. One or more signs placed in prominent locations; or
- 5 c. E-mail, text message, direct message through social media, or
6 other form of electronic messages delivered to the known address of each
7 member.

8 6. The coalition shall not hold an election or a vote of the general
9 membership on any question or candidate(s) unless it is advertised through
10 the methods described in subsection 5 above, at least seven days in advance.

11 7. Bylaws should be reviewed regularly, but no less frequent than at
12 least once every ten (10) years, and revised and resubmitted to the ONC only
13 as may be necessary to reflect changes in election processes, organizational
14 structure, communication processes, and financial processes. If none of these
15 changes have taken place, the coalition is not required to revise its bylaws.

16 8. The coalition shall identify an orderly and democratic process for
17 making representative determinations and decisions on behalf of the coalition.
18 For the purposes of this section, a recognized neighborhood coalition's
19 process will be deemed orderly and democratic if decisions are made via a
20 majority vote of the coalition's officers or members. If an election or vote by
21 the membership is held it will satisfy the requirements of this paragraph
22 where:

- 23 a. Members are given advance notice as prescribed by §14-8-2-
24 4(B)(6), above; and
- 25 b. Each member is afforded the ability to vote using one of the
26 following methods: in-person, mailed paper ballot, or electronic means (except
27 that elections held at the annual meeting must be voted on in person
28 consistent with subsection 9 below); and
- 29 c. When voting occurs by paper ballot, results are tallied by a
30 committee consisting of two or more members of the coalition and reported to
31 coalition members in writing either electronically or hard copy. Electronic

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1 Ballots must be canvassed in the same method, or through other reasonable
2 methods.

3 9. With the exception of elections held at the annual meeting, voting
4 may be done electronically or by mail-in or paper ballot.

5 C. Each recognized neighborhood coalition shall submit an annual
6 report to the ONC within sixty days of its annual meeting. This annual report is
7 to be submitted via U.S. Mail or via e-mail. The annual report must at a
8 minimum contain the following information:

9 1. The names of all members who are associations or groups, and the
10 number of individual members of during the previous year; and

11 2. Two designated points of contact who shall be responsible to
12 receive notices, including e-mail addresses, phone numbers, and mailing
13 addresses and

14 3. Names, addresses, e-mail addresses, and available phone numbers
15 of current recognized neighborhood coalition officers and/or board members;
16 and

17 4. An updated copy of the bylaws only if they have been amended since
18 last submitted; and

19 5. A statement of how the annual meeting was noticed pursuant to
20 section §14-8-2-4(B)5.

21 D. Failure to comply with any of the preceding criteria will result in
22 notification of noncompliance being sent to the recognized neighborhood
23 coalition two points of contact. Upon receipt of this notice, a recognized
24 neighborhood coalition must offer evidence of compliance within 60 days; if it
25 does not comply, the coalition will be lose its recognized status.

26 § 14-8-2-5 RESPONSIBILITIES OF RECOGNIZED NEIGHBORHOOD
27 ASSOCIATIONS AND RECOGNIZED NEIGHBORHOOD COALITIONS.

28 A. In addition to any other requirements of this ordinance, recognized
29 neighborhood associations and recognized neighborhood coalitions shall:

- 1 1. By interaction with their members, residents, and the city, strive to
2 support community and land use planning, protect the environment, and
3 promote the community welfare;
- 4 2. Strive to foster communication between the recognized
5 neighborhood association and/or recognized neighborhood coalition and city
6 government on plans, proposals, and activities affecting their area;
- 7 3. Use best efforts to inform members and other eligible participants in
8 their neighborhood association and/or coalition boundary of current issues for
9 discussion;
- 10 4. When presenting its official position on an issue to the city or a city
11 board or commission, be prepared to identify whether the decision was
12 reached by the board, a poll of the general membership, or by a vote at a
13 general membership, and the vote for and against the position.

14 §14-8-2-6 HOMEOWNER ASSOCIATIONS, BUSINESS COALITIONS, AND
15 COMMUNITY ORGANIZATIONS

16 A. Homeowner associations, business coalitions, and community
17 organizations may register with ONC by providing the following information:

- 18 1. A mailing address and an e-mail address where it wishes
19 communications to be sent; such designation may be changed when
20 appropriate.
- 21 2. A definition of the physical boundaries of the homeowner
22 association, business coalition, or community organization and/or common
23 interests.

24 B. Organizations that provide this information with the ONC will have
25 access to all ONC services, including the ability to participate in the ONC's
26 annual Neighborhood Summit. However, homeowner associations, business
27 coalitions, and community organizations are not recognized and will not
28 receive notification per the Integrated Development Ordinance (IDO).

29 §14-8-2-7 RESPONSIBILITIES OF CITY DEPARTMENTS OTHER THAN ONC

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1 A. The relevant City department(s) shall notify, via electronic notice,
2 recognized neighborhood associations and recognized neighborhood
3 coalitions whose boundaries include or are within one mile of the following:

- 4 1. Changes in City services; and
- 5 2. Major infrastructure projects.

6 B. The relevant City department(s) shall notify, via mailed or electronic
7 notice, recognized neighborhood associations and recognized neighborhood
8 coalitions of major City development or redevelopment per the requirements
9 of the IDO

10 C. The relevant City department(s) shall notify, via electronic notice, to
11 the recognized neighborhood associations and coalitions within one mile of
12 any City street construction, closure, and/or major repair, other than
13 emergency work.

14 D. The relevant City department(s) shall notify, via electronic notice,
15 recognized neighborhood associations of filming on City streets within a 300-
16 foot radius of filming.

17 §14-8-2-7- RESPONSIBILITIES OF THE ONC

18 A. The ONC shall:

19 1. Make available on the City website the requirements for recognition
20 under this ordinance, and upon request advise interested persons of these
21 requirements;

22 2. Verify if each recognized neighborhood association and recognized
23 neighborhood coalition has met the requirements for recognition within sixty
24 days of the due date of each association's or coalition's annual report;

25 3. Annually notify each recognized neighborhood association and
26 recognized neighborhood coalition of its current recognition status through e-
27 mail or U.S. mail; City agencies shall also be advised of association's and
28 coalition's status;

29 4. Encourage individuals to participate in their relevant existing
30 recognized neighborhood association and recognized neighborhood coalition;

- 1 5. Aide City officials, recognized neighborhood associations and
2 recognized neighborhood coalitions, and the general public during the
3 community planning area assessment process outlined in the IDO,
4 emphasizing collaboration and partnerships with all implementing
5 departments;
- 6 6. Provide via the ONC website a current list of all city government
7 agencies, their department heads, and corresponding contact information;
- 8 7. Advise the public of available grant programs and self-help projects
9 including but not limited to the NeighborWoods Program, the City
10 Neighborhood Sign Program, and the Bernalillo County Neighborhood grant
11 program that could enhance the quality of life within their neighborhoods;
- 12 8. Upon request, connect the public with the appropriate City staff or
13 agencies;
- 14 9. Upon request, refer individuals and associations to the City Legal
15 Department’s Alternative Dispute Resolution Program to assist in resolving
16 neighborhood disputes;
- 17 10. Provide pertinent City information to the public upon request and
18 maintain links on its City webpage to commonly requested resources and
19 information;
- 20 11. Maintain on the ONC webpage links to the Planning Department’s
21 resources regarding current development and permit applications;
- 22 12. Provide a city newsletter to inform the public about happenings in
23 City government;
- 24 13. Provide to the public workshops and trainings concerning city
25 procedures and actions as well as the effective operation of neighborhood
26 associations; such workshops shall be provided free of charge for all
27 attendees;
- 28 14. Once per calendar year, provide a citywide neighborhood summit;
- 29 15. Upon the request of any person, supply contact information for the
30 two designated points of contact for recognized neighborhood association or

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1 recognized neighborhood coalition representatives, as most recently specified
2 by each recognized neighborhood association or coalition;

3 16. Upon request, provide relevant City departments with the contact
4 information for recognized neighborhood associations or recognized
5 neighborhood coalition;

6 17. Pursuant to §14-16-6-1 of the IDO, notice shall be provided, which
7 specifies requirements for mailed or electronic notice, posted signs, web
8 postings, and/or published notice; the ONC shall provide to the permit
9 applicant required recognized neighborhood association and/or recognized
10 neighborhood coalition point of contact information;

11 18. Provide its newsletter and any information, other than notifications
12 described in section §14-16-6-1 of the IDO, to any person, homeowner
13 association, business coalition, and community organization, whether or not
14 they have provided the information in section §14-18-2-4(A), upon request.

15 B. The ONC has no involvement with land use, permit applications, and
16 development beyond providing applicants with the required neighborhood
17 contact information and maintaining the ONC webpage links to the Planning
18 Department’s resources regarding current development projects and permit
19 applications.

20 C. Public Records. Documents and information submitted to the ONC
21 pursuant to this ordinance constitute public records and will be made
22 available to the public as otherwise required by law.]”

23 SECTION 3. The definitions section (§14-16-7) of the IDO is amended only
24 as follows, all other definitions remain unaffected:

25 “Neighborhood Association”
26 [When used in this IDO, this term refers to recognized neighborhood
27 associations and recognized coalitions as defined by §14-18-2 The
28 Neighborhood Association Recognition Ordinance.]

29 SECTION 4. Amend IDO text in section 14-16-6-3(F)(1) as follows:
30 “6-3(F)(1) Recognized Neighborhood Associations and Coalitions”

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1 Neighborhood Associations [and Coalitions] may [become Recognized]
2 Neighborhood Associations or Coalitions pursuant to Part 14-8-2 of ROA 1994
3 (Neighborhood Association Recognition Ordinance).”

4 SECTION 5. SEVERABILITY CLAUSE. If any section, paragraph, sentence,
5 clause, word or phrase of this ordinance is for any reason held to be invalid or
6 unenforceable by any court of competent jurisdiction, such decision shall not
7 affect the validity of the remaining provisions of this ordinance. The Council
8 hereby declares that it would have passed this ordinance and each section,
9 paragraph, sentence, clause, word or phrase thereof irrespective of any
10 provision being declared unconstitutional or otherwise invalid.

11 SECTION 6. COMPILATION. Sections 1 through 4 of this ordinance amend,
12 and are incorporated in and compiled as part of the Revised Ordinances of
13 Albuquerque, New Mexico, 28 1994.

14 SECTION 7. EFFECTIVE DATE. This ordinance shall take effect five days
15 after publication by title and general summary. Recognized neighborhood
16 associations or coalitions have 18 months from the effective date to come into
17 compliance with the relevant sections of this ordinance in order to retain
18 recognized status.