CITY of ALBUQUERQUE
TWENTY SEVENTH COUNCIL

COUNCIL BILL NO. O-26-61 ENACTMENT NO. _____

SPONSORED BY: Dan Lewis

ORDINANCE

AMENDING THE NEIGHBORHOOD ASSOCIATION RECOGNITION ORDINANCE AND MAKING CORRESPONDING AMENDMENTS TO THE INTEGRATED DEVELOPMENT ORDINANCE AND NOTICE REQUIREMENT FOR BLASTING PERMIT ORDINANCE.

WHEREAS, the City's Neighborhood Associations are a core unit both geographically and socially in implementing democratic processes and ensuring representation when interacting with City government; and

WHEREAS, The City's Neighborhood Association Recognition Ordinance ("NARO") aims to help promote the longevity and continuity of recognized neighborhood associations in the City; and

WHEREAS, to meet this goal, the City should continually assess the NARO to ensure it continues to provide and maintain a level of equitable access to information, resources, and technical assistance for all neighborhood associations, while responding to changing living conditions that affect all City residents; and

WHEREAS, Albuquerque is experiencing a housing crisis that affects residents throughout the City and across income levels; and

WHEREAS, it is the City's goal to implement its Comprehensive Plan through land use decisions, while considering those residents who are directly affected versus residents outside of the approximate area; and

WHEREAS, the Integrated Development Ordinance requires that properties located within proximity to proposed development receive individual notice and are afforded the opportunity to participate in public processes related to the proposal; and

WHEREAS, the City of Albuquerque continues to work on ways to make housing production and development a more predictable, efficient, and

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responsive to community needs (See Comprehensive Plan Goal 9.6 Development Process: "*Promote cost-effective housing redevelopment and construction that meets community needs*"); and

WHEREAS, the City is also committed to economic development and job growth to support the financial stability and overall wellbeing of City residents (See Comprehensive Plan Policy 8.2.2: "*Diverse Talent, Promote a more inclusive ecosystem for developing entrepreneurs*"); and

WHEREAS, housing and job growth are directly related, and when the housing market is struggling, it becomes a barrier for sustainable, local job growth; and

WHEREAS, predictable development procedures are necessary to support housing production, economic development, and job growth; and

WHEREAS, applicants, residents, neighborhood organizations, and decisionmakers alike benefit from clear, consistent, and accessible City development processes; and

WHEREAS, the City recognizes the important role that neighborhood-based participation plays in land use, planning, and development decisions; and

WHEREAS, Recognized Neighborhood Associations are intended to provide a geographically defined, resident-based, and democratic structure through which neighborhood residents may organize, receive developer notice, and participate in City processes; and

WHEREAS, the eight Recognized Neighborhood Coalitions in the City of Albuquerque cover 96 percent of the City's limits, with one Coalition covering the entirety of three council districts and a portion of a fourth; and

WHEREAS, Neighborhood Coalitions have provided additional opportunities for collaboration among various neighborhood groups, but are not necessarily structured around direct resident membership and participation and may contribute to uncertainty regarding representation, standing, notice, and participation rights of residents; and

WHEREAS, public engagement is best served when formal recognition and procedural rights are tied to organizations that provide residents with a direct, transparent, and democratic means of participation and organizations have direct accountability to the residents they represent; and

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WHEREAS, limiting formal recognition under the Neighborhood Association Recognition Ordinance to Neighborhood Associations will empower neighborhood-scale resident-based groups and promote fairness, consistency, and predictability, while preserving the ability of all community groups to provide public comment, organize residents, and participate in public processes; and

WHEREAS, these changes further the goals of the Comprehensive Plan by supporting inclusive public participation, transparent decision-making, and a development process capable of responding to Albuquerque's housing and economic needs (See Comprehensive Plan Policy 5.7.2 Regulatory Alignment: "*Update regulatory frameworks to support desired growth, high quality development, economic development, housing, a variety of transportation modes, and quality of life priorities*").

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

SECTION 1. ROA 1994, Chapter 14, Article 8, Part 2, Neighborhood Association Recognition, is amended as follows:

PART 2: NEIGHBORHOOD ASSOCIATION RECOGNITION ORDINANCE (NARO)

§ 14-8-2-1 SHORT TITLE. ROA 1994, Chapter 14, Article 8, Part 2 shall be known and cited as the "Neighborhood Association Recognition Ordinance" or "NARO."

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

IN-PERSON. Physical attendance at the same location to interact face-to-face. Meetings and voting conducted in-person may include the use of virtual online attendance and participation.

MEMBERSHIP ROSTER. A list of affirmed neighborhood association members. A MEMBERSHIP ROSTER shall include the name, address, and contact information for each affirmed member and shall be updated promptly upon the addition or loss of members.

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NEIGHBORHOOD ASSOCIATION. A voluntary organization or association formed by property owners and/or residents within a specified geographic boundary within the limits of the City of Albuquerque.

RECOGNIZED NEIGHBORHOOD ASSOCIATION. A neighborhood association that meets the criteria described in ROA 1994, § 14-8-2-3 and is designated as recognized by the Office of Neighborhood Coordination.

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

(A) Any neighborhood association may request designation as a recognized neighborhood association by submitting a request to the Office of Neighborhood Coordination (the "ONC") on forms provided by the ONC, together with a copy of the neighborhood association's most current bylaws and a map of its boundaries.

(B) The City shall designate a neighborhood association as recognized when the neighborhood association conducts itself fairly, openly, and democratically. Neighborhood associations will be deemed to satisfy this obligation when their bylaws demonstrate, and their conduct is not inconsistent with, the following criteria:

(1) The geographic boundaries of a recognized neighborhood association must be reasonable. Boundaries will be considered reasonable when:

(a) They are contiguous; and

(b) They encompass an area of the City that is greater than 15 acres, but not more than two square miles; and

(c) They are located entirely within the Albuquerque city limits; and

(d) They do not overlap with the boundaries of any other recognized neighborhood association; and

(e) A neighborhood association recognized on the effective date of this Ordinance whose boundaries exceed two square miles shall retain recognized status until July 1, 2027, provided it otherwise complies with this Part. The ONC shall offer assistance to such associations in establishing compliant boundaries, including dividing into two or more associations.

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(2) Membership must be open to all adult persons residing within the boundaries, and to each place of business within the boundaries. Membership shall not be limited by race, creed, religion, color, gender, gender identity, sexual orientation, age, heritage, national origin, or income. The recognized neighborhood association shall in good faith take all reasonable steps to have its membership evenly distributed throughout its boundary. All members must be eligible to hold any officer and/or board position within the association.

(3) The bylaws must expressly identify the process of succession when an officer and/or board member steps down voluntarily or is removed, and how vacant positions will be filled.

(4) Only those persons within the boundaries of the association who have affirmatively joined the neighborhood association may be counted as members. The bylaws must clearly identify how membership is established and persons shall be permitted to become members at any time. Optional dues may be collected, however payment of dues cannot be a prerequisite of membership or voting rights in the association.

(5) The association shall hold an annual meeting. The election of officers and/or board members shall take place at the annual meeting. The association shall notify the ONC of this meeting and make a reasonable attempt to give written notice to all households and businesses within its boundaries at least two weeks in advance.

(a) The association shall provide notice through placement of one or more signs at prominent locations within the neighborhood association boundaries and one or more of the following:

(1) U.S. mail; or

(2) Delivered flyers; or

(3) Website or social media posting; or

(4) E-mall, text message, direct message through social media, or other form of electronic messages delivered to the known address of each member.

(b) To ensure maximum notice and participation, the association is also encouraged to:

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(1) Make a reasonable attempt to deliver notice to each multifamily building of five or more units within its boundaries by posting flyers or notice of the meeting in a common area or providing notice to each unit where access is available; and

(2) Post flyers or notice of the meeting at nearby public spaces, such as libraries and community centers.

(6) The association shall not hold a vote of the general membership on any question or candidate(s) unless it is advertised through the methods described in subsection (5) above, at least two weeks in advance, except that a vote under § 14-8-2-4(E) to approve an appeal may be held upon at least seven days' notice by electronic message to each member and posting on the association's website or social media.

(7) Bylaws should be reviewed regularly, but no less frequently than at least once every ten years. Revised bylaws shall be resubmitted to the ONC upon any changes in election processes, organizational structure, or communication processes. If none of these changes have taken place, the association is not required to revise its bylaws.

(8) The recognized neighborhood association shall identify an orderly and democratic process for making representative determinations and decisions on behalf of the association. All such determinations and decisions shall be made via a majority of the total votes cast by association's officers and/or board members, or members, except that votes to approve an appeal are subject to the provisions of ROA 1994, Section 14-8-2-4(E). If an election or vote of the membership is held, it will satisfy the requirements of this paragraph where:

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

(b) Each member is afforded the ability to vote using at least one of the following methods: in-person, mailed paper ballot, or electronic means, except that elections conducted at the association’s annual meeting must be voted on in person consistent with subsection 14-8-2-3(B)(9) below; and

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(c) If a virtual online meeting attendance option is provided for an in-person meeting in which votes are taken, votes must be recorded via a roll call vote; and

(d) When voting occurs by paper ballot, results shall be tallied by a committee consisting of two or more members of the association and reported to association members in writing either electronically or hard copy. Electronic ballots must be tallied in the same method, or through other reasonable methods.

(9) A recognized neighborhood association must hold votes by at least one of the following mechanisms: in person, electronically or by mail-in or paper ballot.

(C) Officers and/or board members of recognized neighborhood associations shall submit an annual report to the ONC within 60 days of their annual meeting. This annual report shall be submitted via U.S. Mail or via an e-mail from the neighborhood association board. The annual report must at a minimum contain the following information:

(1) Number of affirmed members for the previous year; and

(2) Two designated points of contacts, who shall be responsible to receive notices, including e-mail addresses, phone numbers, and mailing addresses; and

(3) Names, addresses, e-mail addresses, and available phone numbers of current neighborhood association officers and/or board members; and

(4) An updated copy of the bylaws and boundary map if they have been amended since last submitted; and

(5) Evidence of how the annual meeting was noticed pursuant to § 14-8-2-3(B)(6), above, for example, a copy of the flyer that was used.

(D) Failure to comply with any of the requirements of the NARO will result in a notification of noncompliance being sent to the recognized neighborhood association officers and/or board members from the ONC. Upon receipt of this notice, a recognized neighborhood association must offer evidence of compliance within 60 days. If the recognized neighborhood association does

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not comply within the 60-day period, the association will be removed from the list of recognized neighborhood associations.

§ 14-8-2-4 RESPONSIBILITIES OF RECOGNIZED NEIGHBORHOOD ASSOCIATIONS. In addition to any other requirements of this Ordinance, recognized neighborhood associations shall:

(A) By interaction with their members, residents, and the City, strive to engage with community and land use planning, protect the environment, and promote the community welfare;

(B) Strive to foster communication between the recognized neighborhood association and City government on plans, proposals, and activities affecting their area;

(C) Use best efforts to inform members and other eligible participants in their neighborhood association boundary of current issues;

(D) When presenting its official position on an issue to the City or a city board or commission, be prepared to identify whether the decision was reached by the officers and/or board members, a poll of the general membership, or by a vote at a general membership meeting, and the vote count for and against the position.

(E) Before filing an appeal of a decision on a development application, a recognized neighborhood association shall approve the appeal by a vote of its affirmed members conducted pursuant to § 14-8-2-3(B)(8). The appeal is approved only if a majority of affirmed members participating in the vote approve it and at least 10 percent of affirmed members, or 15 affirmed members, whichever is fewer, participate. The association shall file with the appeal a certification signed by two officers stating the date and method of notice, the number of affirmed members, and the number of votes for, against, and abstaining and a copy of its membership roster. Nothing in this Part requires public disclosure of how any individual member voted.

§ 14-8-2-5 RESPONSIBILITIES OF CITY DEPARTMENTS.

(A) The relevant City department(s) shall provide electronic notice to recognized neighborhood associations whose boundaries include or are within one mile of the following:

(1) Changes in City services;

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(2) Major infrastructure projects; and

(3) Any street construction, closure, and/or major repair, other than emergency work.

(B) The relevant City department(s) shall provide electronic notice to recognized neighborhood associations of filming on city streets within a 300-foot radius of filming.

§ 14-8-2-6 RESPONSIBILITIES OF THE ONC.

(A) The ONC's responsibilities under the NARO include:

(1) RECOGNITION ADMINISTRATION.

(a) The ONC shall provide information regarding the requirements for recognition under this Ordinance, verify compliance by each recognized neighborhood association within 60 days of the due date of each association's annual report, and annually notify each recognized neighborhood association of its current recognition status.

(b) The ONC shall offer guidance, assistance, and resources to recognized neighborhood associations related to their meeting notification obligations, voting requirements, bylaws, and other processes and procedures required by the NARO.

(c) The ONC shall issue a notification of noncompliance upon a recognized neighborhood association's failure to comply with the requirements of the NARO. If the recognized neighborhood association fails to provide evidence of compliance within 60 days of receipt of the notice, the ONC shall revoke its recognized status.

(2) RESOURCES.

(a) The ONC shall provide the following resources to the public and make them publicly available on its webpage:

(1) A current list of all recognized neighborhood associations including their boundary maps, current bylaws, and contact information for their two designated points of contact;

(2) A current list of all city government agencies, their department heads, and corresponding contact information;

(3) Links to Planning Department resources regarding current development and permit applications;

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(4) Referrals to the City Legal Department's Alternative Dispute Resolution Program to assist in revolving neighborhood disputes;

(5) Information regarding available grant programs and self-help projects including those that enhance communities and improve quality of life within neighborhoods;

(6) Other pertinent city information including links to commonly requested resources and information.

(b) The ONC shall connect the public with the appropriate City staff or agencies, and help ensure that inquiries receive timely responses.

(3) OUTREACH.

(a) The ONC shall encourage individuals to participate in their recognized neighborhood association.

(b) The ONC shall aid City officials, recognized neighborhood associations, and the general public during the Community Planning Area (CPA) assessment process outlined in the IDO, emphasizing collaboration and partnerships with all implementing departments.

(c) The ONC shall provide a quarterly City newsletter to inform the public about happenings in city government.

(d) The ONC shall provide training materials concerning city procedures and actions, as well as the effective operation of neighborhood associations. The ONC may provide workshops, such as an annual citywide neighborhood summit, provided that any such events must be noticed to all recognized neighborhood associations, open to all interested persons, and provided free of charge.

(e) The ONC shall provide notice to all recognized neighborhood associations of City Leaders Academy event(s) as required by the Integrated Development Ordinance.

(4) DEVELOPMENT NOTICE.

(a) Pursuant to § 14-16-6-1 of the IDO, the ONC shall provide development applicants with contact information for relevant recognized neighborhood association points of contact as required to facilitate applicants' development notice obligations.

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(B) Public records. Documents and information submitted to the ONC pursuant to the NARO constitute public records and will be made available to the public as required by law.

SECTION 2. Amend the Integrated Development Ordinance (IDO) as follows:

§ 14-16-6-3(F)(1) Recognized Neighborhood Associations.

Neighborhood Associations may become Recognized Neighborhood Associations pursuant to ROA 1994, Chapter 14, Article 8, Part 2 (Neighborhood Association Recognition Ordinance).

§ 14-16-7-1 DEFINITIONS.

Neighborhood Association

When used in this IDO, this term refers to Recognized Neighborhood Associations, as defined by ROA 1994, Chapter 14, Article 8, Part 2 (Neighborhood Association Recognition Ordinance).

SECTION 3. Amend ROA 1994, § 9-21-1 "Notice Requirement for Blasting Permit" as follows:

§ 9-21-1(C)(1)(c) Mailed or emailed to the contacts for recognized neighborhood associations determined by the City's Office of Neighborhood Coordination to be all or partially within or adjacent to the notification area.

SECTION 4. The Office of Neighborhood Coordination shall coordinate with existing recognized neighborhood associations to provide support and ensure compliance with all provisions of this Ordinance. All existing recognized neighborhood associations shall have until July 1, 2027, to come into compliance with this Ordinance to retain recognized status. Within 30 days of the effective date of this Ordinance, the ONC shall notify each recognized neighborhood association in writing of the new requirements and the compliance date.

SECTION 5. SEVERABILITY CLAUSE. If any section, paragraph, sentence, clause, word or phrase of this Ordinance is for any reason held to be invalid or unenforceable by any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this Ordinance. The Council hereby declares that it would have passed this Ordinance and each section,

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paragraph, sentence, clause, word or phrase thereof irrespective of any provision being declared unconstitutional or otherwise invalid.

SECTION 6. COMPILATION. Sections 1, 2, and 3 of this Ordinance amend, are incorporated in, and are to be compiled as part of the Revised Ordinances of Albuquerque, New Mexico, 1994.

SECTION 7. EFFECTIVE DATE. This Ordinance takes effect five (5) days after publication by title and general summary.

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