



Legislation Details (With Text)

File #: O-22-15
Type: Ordinance
File created: 3/21/2022
Status: Adopted
In control: City Council
Final action: 5/16/2022
Enactment date: 5/19/2022
Enactment #: O-2022-017

Title: Repealing “The Neighborhood Association Recognition Ordinance” Section 14-8-2 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 (Benton)

Sponsors: Isaac Benton

Indexes:

Code sections:

Attachments: 1. O-15, 2. O-15Enacted

Date	Ver.	Action By	Action	Result
5/19/2022	2	City Clerk	Published	
5/16/2022	2	City Council	Override	
5/2/2022	2	Mayor	Vetoed	
4/22/2022	1	City Council	Sent to Mayor for Signature	
4/18/2022	1	City Council	Postponed	Fail
4/18/2022	1	City Council	Amended	Pass
4/18/2022	1	City Council	Amended	Pass
4/18/2022	1	City Council	Passed as Amended	Pass
3/21/2022	1	President	To be heard at the Council Meeting	
3/21/2022	1	City Council	Introduced	

CITY of ALBUQUERQUE
TWENTY FIFTH COUNCIL

COUNCIL BILL NO. O-22-15 ENACTMENT NO. _____

SPONSORED BY: Isaac Benton

ORDINANCE

Repealing “The Neighborhood Association Recognition Ordinance” Section 14-8-2 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 (Benton)

REPEALING “THE NEIGHBORHOOD ASSOCIATION RECOGNITION ORDINANCE” SECTION 14-8-2 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

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

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

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

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

WHEREAS, the recommendations were outlined in a comprehensive summary report at the conclusion of the Neighborhood Engagement Process, and these recommendations guided provisions of the updated ordinance; and

WHEREAS, the concept of modern neighborhood associations is at least in part rooted in changes in attitudes toward civic participation precipitating in the 1960s, and federal policy that required governments to engage with community members during urban planning processes; and

WHEREAS, neighborhood associations can serve an important role in engaging community members at a grassroots level in local social justice and community issues, and in promoting collaborative community planning; and

WHEREAS, neighborhood associations are a source of important input from the community as they bridge the gap between residents and the government by providing information and engagement opportunities, and offer citizens a stronger role in organizing social change efforts in their neighborhoods; and

WHEREAS, urban planners and development professionals can sometimes have better access to those holding legislative powers, and in administering this ordinance the City recognizes the need for a constructive interface between neighborhood groups and the City to help address mistrust between neighborhood groups and the City, and to help overcome knowledge, access and experience barriers that could effectively quiet neighborhood voices when engaging urban planners and the City in various planning processes; and

WHEREAS, the growing complexities and interconnectedness of City issues and concerns demands collaboration amongst the City, its governmental partners, City businesses, and neighborhood associations; and

WHEREAS, the City’s engagement of neighborhood associations should always be through the lens of promoting stronger and more informed participation, as opposed to a means of appeasing obligations to take input while seeming to pursue contrary objectives; and

WHEREAS, in addition to neighborhood associations, it is also important to recognize neighborhood coalitions that have developed in the City because they can serve to link together broader community interests and serve as resources for less established associations.

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

SECTION 1. REPEAL

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

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

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

§14-8-2-2 DEFINITIONS.

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

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

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

IN-PERSON. In-person meetings and voting may include the use of virtual online meetings.

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

NEIGHBORHOOD COALITION. A group of two or more Neighborhood Associations and/or Homeowner Associations, together with any community or business groups and any individual members within a specified geographic boundary within the City.

RECOGNIZED NEIGHBORHOOD ASSOCIATION. A neighborhood association that meets

the criteria described in §14-8-2-3 et seq.

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

§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.

B. The City shall recognize each neighborhood association requesting status as a recognized neighborhood association under this ordinance where the neighborhood association conducts itself fairly, openly, and democratically. Neighborhood associations will be deemed to satisfy this obligation when their bylaws demonstrate, or their conduct is not otherwise 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 one square mile; and
- c.** They do not overlap with the boundaries of any other recognized neighborhood association; or
- d.** The boundaries were in existence and recognized by the City as of October 20, 2017 and the neighborhood association is still in recognized status as of the date this ordinance is enacted.

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, and all members must be eligible to hold any officer position within the association.

3. The bylaws must expressly identify the process of succession when an officer

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. 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. It 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 through placement of one or more signs at prominent locations within the neighborhood association boundaries and one or more of the following:

- a. U.S. mail; or
- b. Delivered flyers; or
- c. Website or social media posting; or
- d. E-mail, text message, direct message through social media, or other form

of electronic messages delivered to the known address of each member.

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 seven days in advance.

7. Bylaws should be reviewed regularly, but no less frequently than at least once every ten (10) years, and revised and resubmitted to the ONC only as may be necessary to reflect 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. For the purposes of this section, a recognized neighborhood association's process shall be deemed orderly and democratic if decisions are made via a majority of the total votes cast by association's officers, directors, or members. 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 held at the annual meeting must be voted on in person consistent with subsection 9 below); and

c. If a virtual online meeting is used for an in-person vote, votes must be recorded via a roll call vote.

d. When voting occurs by paper ballot, results are 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 canvassed in the same method, or through other reasonable methods.

9. With the exception of elections held at the annual meeting, 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 of recognized neighborhood associations shall submit an annual report to the ONC within sixty (60) days of their annual meeting. This annual report shall be submitted via U.S. Mail or via an e-mail from the neighborhood board. The annual report must at a minimum contain the following information:

1. Number of 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 only 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 preceding criteria 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 it does not comply, the association will be removed from the list of recognized neighborhood associations.

§14-8-2-4 APPLICATION AND CRITERIA FOR RECOGNITION OF NEIGHBORHOOD

COALITIONS.

A. Any neighborhood coalition may request designation as a recognized neighborhood coalition by submitting a request to the ONC on forms provided, together with a copy of the neighborhood coalition's most current bylaws.

B. The City shall recognize each neighborhood coalition requesting status as a recognized neighborhood coalition under this ordinance where the neighborhood coalition conducts itself fairly, openly, and democratically. Neighborhood coalitions will be deemed to satisfy this obligation when their bylaws demonstrate, or their conduct is not otherwise inconsistent with, the following criteria:

1. The geographic boundaries of the coalition must be reasonable.

Boundaries will be considered reasonable when:

- a. They are contiguous; and**
- b. They do not include areas within more than two Council Districts; and**
- c. They do not overlap with the boundaries of any other recognized**

neighborhood coalitions; or

d. The boundaries were in existence and registered with the City as of October 20, 2017 and the coalition remains in registered status as of the date this ordinance is enacted.

2. Membership must be open to all recognized neighborhood associations, neighborhood associations, homeowner associations, business groups, and community groups within its boundaries, and may also be available to individual households and property owners within the boundaries of the coalition but who are located outside the boundaries of any recognized neighborhood association. No coalition shall limit membership based on race, creed, religion, color, gender, gender identity, sexual orientation, age, heritage, national origin, or income. The recognized neighborhood coalition shall in good faith take all reasonable steps to notify all recognized neighborhood associations within its boundaries of the recognized coalition's existence and to have its membership evenly distributed throughout its boundary. Each member must be eligible to hold any officer position within the association.

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

4. Only those associations, groups, and households who have affirmatively joined

the coalition may be counted as members. The bylaws must clearly identify how membership is established. Dues may be collected, however payment of dues cannot be a prerequisite of membership or voting rights in the coalition.

5. For the purposes of notice, recognized neighborhood coalitions shall receive notice per the boundaries of member associations or groups only, and not for any individual members;

6. The coalition shall hold an annual meeting. It shall notify the ONC of this meeting at least two weeks in advance, and make a reasonable attempt to give notice to all members at least two weeks advance notice through two or more of the following:

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

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

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

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

- a. Members are given advance notice as prescribed by §14-8-2-4(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 held at the annual meeting must be voted on in person consistent with

subsection 10 below); and

c. If a virtual online meeting is used for an in-person vote, votes must be recorded via a roll call vote.

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

10. With the exception of elections held at the annual meeting, a recognized coalition must hold votes by at least one of the following mechanisms: in person, electronically or by mail-in or paper ballot.

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

1. The names of all members who are associations or groups, and the number of individual members of during the previous year; and
2. Two designated points of contact 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 recognized neighborhood coalition officers and/or board members; and
4. An updated copy of the bylaws only if they have been amended since last submitted; and
5. A statement of how the annual meeting was noticed pursuant to section §14-8-2-4 (B)5.

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

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

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

1. 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;
2. Strive to foster communication between the recognized neighborhood association and/or recognized neighborhood coalition and city government on plans, proposals, and activities affecting their area;
3. Use best efforts to inform members and other eligible participants in their neighborhood association and/or coalition boundary of current issues;
4. 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 board, a poll of the general membership, or by a vote at a general membership meeting, and the vote for and against the position.

§14-8-2-6 HOMEOWNER ASSOCIATIONS, BUSINESS GROUPS, AND COMMUNITY GROUPS.

A. Homeowner associations, business groups, and community groups may register with ONC by providing the following information:

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

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

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

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

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

B. The relevant City department(s) shall notify, via mailed or electronic notice,

recognized neighborhood associations and recognized neighborhood coalitions of major City development or redevelopment per the requirements of the IDO.

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

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

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

A. The ONC shall:

1. Make available on the City website the requirements for recognition under this ordinance, and upon request advise interested persons of these requirements;
2. Verify whether each recognized neighborhood association and recognized neighborhood coalition has met the requirements for recognition within sixty days of the due date of each association's or coalition's annual report;
3. Annually notify each recognized neighborhood association and recognized neighborhood coalition of its current recognition status through e-mail or U.S. mail; City agencies shall also be advised of association's and coalition's status;
4. Encourage individuals to participate in their relevant existing recognized neighborhood association and recognized neighborhood coalition;
5. Aide City officials, recognized neighborhood associations and recognized neighborhood coalitions, and the general public during the community planning area assessment process outlined in the IDO, emphasizing collaboration and partnerships with all implementing departments;
6. Provide via the ONC website a current list of all city government agencies, their department heads, and corresponding contact information;
7. Advise the public of available grant programs and self-help projects including but not limited to programs that enhance communities and quality of life, and grant programs that could enhance the quality of life within their neighborhoods;
8. Connect the public with the appropriate City staff or agencies, and help ensure that inquiries get an initial response electronically or by mail within seven days of receipts of any correspondence received from any recognized association or coalition that requests an answer, definition or status of any city project within their boundaries;

9. Refer individuals and associations to the City Legal Department's Alternative Dispute Resolution Program to assist in resolving neighborhood disputes;
10. Provide pertinent City information to the public upon request and maintain links on its City webpage to commonly requested resources and information;
11. Maintain on the ONC webpage links to the Planning Department's resources regarding current development and permit applications;
12. Provide a city newsletter to inform the public about happenings in City government at least quarterly;
13. Provide workshops and trainings concerning city procedures and actions as well as the effective operation of neighborhood associations; such workshops shall be provided free of charge, and must be open to all. Such workshops or trainings will occur at least once annually;
14. Once per calendar year, provide a citywide neighborhood summit that is noticed and open to all recognized neighborhood associations, recognized neighborhood coalitions, and any other interested persons;
15. Upon the request of any person, supply contact information for the two designated points of contact for recognized neighborhood association or recognized neighborhood coalition representatives, as most recently specified by each recognized neighborhood association or coalition;
16. Upon request, provide relevant City departments with the contact information for recognized neighborhood associations or recognized neighborhood coalitions;
17. Pursuant to §14-16-6-1 of the IDO, notice shall be provided, which specifies requirements for mailed or electronic notice, posted signs, web postings, and/or published notice; the ONC shall provide to the permit applicant required recognized neighborhood association and/or recognized neighborhood coalition point of contact information;
18. Provide its newsletter and any information, other than notifications described in section §14-16-6-1 of the IDO, to any person, homeowner association, business group, and community group, whether or not they have provided the information in section §14-8-2-4 (A), upon request;
19. Offer guidance, assistance, and resources (to the extent available) to recognized neighborhood associations and coalitions in meeting their notification obligations for certain meeting and votes as prescribed by this ordinance.

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

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

§14-8-2-9 DEVELOPER RESPONSIBILITIES.

Developers and persons engaging recognized neighborhood associations and coalitions relating to development proposals shall act with diligence and good faith in coordinating with neighborhood members and representatives. It is the responsibility of all persons in the development project, including those pursuing development projects, to promote collaboration, and listening with respect to neighborhood concerns.”

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

“Neighborhood Association”

When used in this IDO, this term refers to recognized neighborhood associations and recognized coalitions as defined by §14-8-2 The Neighborhood Association Recognition Ordinance.

SECTION 4. Amend IDO text in section 14-16-6-3(F)(1) as follows:

“6-3(F)(1) Recognized Neighborhood Associations and Coalitions”

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

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

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

Mexico, 1994.

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

X:\CL\SHARE\CL-Staff_Legislative Staff\Legislation\25 Council\O-15Final.docx