

ORDINANCE NO. 8001

AN ORDINANCE OF THE CITY OF AMARILLO, TEXAS: AMENDING THE AMARILLO MUNICIPAL CODE, TITLE IV – BUILDING CODES, DEVELOPMENT AND ZONING, BY ADDING CHAPTER 4-12 REGARDING THE CITY’S RECOGNIZED NEIGHBORHOOD ASSOCIATION PROGRAM; DEFINING TERMS; PROVIDING ELIGIBILITY CRITERIA FOR RECOGNITION OF A NEIGHBORHOOD ASSOCIATION; ESTABLISHING THE RESPONSIBILITIES OF A RECOGNIZED NEIGHBORHOOD ASSOCIATION; CLARIFYING THE PROCESS FOR SUSPENSION OR REVOCATION OF RECOGNITION STATUS; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER; AND PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

WHEREAS, the City Council has been presented evidence that the City’s adopted Neighborhood Plans rely on voluntary organizations to actively engage in improving the quality of life in their neighborhoods and bear significant responsibility in the implementation of the neighborhood plan projects; and

WHEREAS, the City Council desires to formalize and clarify the ongoing implementation partnership between the City and neighborhoods with adopted plans; and

WHEREAS, the City Council desires to establish a neighborhood association recognition program that provides a standardized policy and sets forth the association’s responsibilities and benefits;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AMARILLO, TEXAS:

SECTION 1. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

SECTION 2. The Amarillo Municipal Code, Title IV – Building Codes, Development and Zoning is hereby amended by adding a new Chapter 4-12 and reads as follows:

Chapter 4.12 Recognized Neighborhood Associations

Article I. In General

Section 4-12-1. Purpose

The Recognized Neighborhood Association program will assist Amarillo’s redeveloping neighborhoods through official recognition by the City of those that are voluntarily organizing and actively engaged in improving the quality of life in their neighborhoods.

The Recognized Neighborhood Association program will:

- A. Formalize and clarify the ongoing implementation partnership between the City and neighborhoods with adopted plans;
- B. Increase access to the various departments of the City for Recognized Neighborhoods and to improve the flow of information between these groups and the City; and

C. Help neighborhood associations understand how to navigate local government and be active participants in the process.

Neighborhood organizations are encouraged to work cooperatively among their own membership and with any adjacent or overlapping neighborhood organizations to determine positions on issues affecting the neighborhood and to conduct business in an organized, representative, and fair manner, which is designed to obtain informed participation from as many neighborhood citizens as possible. Neighborhoods are also encouraged to cultivate neighborhood participation that reflects the ethnic and socio-economic composition of the neighborhood they represent.

Section 4-12-2. Definitions

“Adopted Neighborhood Plan” refers to those neighborhoods that coordinated with the City to create a Neighborhood Plan, which was adopted as an amendment to the Amarillo Comprehensive Plan by the City Council.

“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 Amarillo.

“Neighborhood Association or Organization” means a voluntary association or organization formed by persons within a neighborhood for the purpose of considering and acting on issues affecting the livability and quality of life in their neighborhood. An association is open to all members within the boundaries of the neighborhood without bias and has as a regulated and predictable meeting pattern which is advertised in an appropriate manner to all members of the community. An association must have an organizing document ratified by the group.

“Neighborhood Planning Initiative” means the Interlocal Agreement created in 2016 between the City of Amarillo and Potter County to develop neighborhood plans as a revitalization tool for Amarillo’s distressed neighborhoods.

“Homeowners Association” means a mandatory organization in a subdivision, planned community or condominium that makes and enforces rules for the properties and their residents. Those who purchase property within an HOA’s jurisdiction automatically become members and are required to pay dues and follow the codes, covenants, and restrictions (CC&Rs) which are recorded legal documents in the county records.

“Projects in Motion” means priority projects identified annually by the neighborhood association. Any project where City assistance is requested must be submitted on a Projects in Motion form to the Planning Department with Neighborhood Association Board approval.

“Public Improvement District” is a designated area where property owners elect to pay a special assessment for improvements and services within that area. The services must benefit the PID area only and are supplemental to any City service. PIDs are created by the authority of Chapter 372 of the Texas Local Government Code.

Section 4-12-3. Relation to the Neighborhood Planning Initiative

One of the important outcomes of the Neighborhood Planning Initiative is the formation of an organized neighborhood association to continue stewardship of the plans and partner with the City for ongoing implementation. Neighborhood groups who represent their purpose as implementation of the adopted neighborhood plan are required to become Recognized. This ensures an ongoing mutual commitment on behalf of the City and the neighborhood to the plan goals.

Recognized Neighborhood Associations for plan areas must represent the boundary as adopted in the neighborhood plan and only one organization may be Recognized for each neighborhood boundary.

Neighborhood associations that have not participated in a planning effort through the Neighborhood Planning Initiative may also be Recognized if they meet the eligibility requirements in 4-12-5.

Section 4-12-4. Relation to Mandatory Homeowners' Organizations and Public Improvement Districts

Homeowners Organizations and Public Improvement Districts are not eligible for participation in the neighborhood associations.

Article II. Eligibility and Filing for Recognition

Section 4-12-5. Eligibility and Boundaries

To be eligible for Recognition as provided in this article, neighborhood associations shall meet the following eligibility standards:

- A. They shall be governed by a board of directors with a minimum of seven members in regular attendance. The composition of the board shall include at least one representative of each of the following types of members: resident; property owner; non-profit/institutional/educational; neighborhood business owner; and at-large providing expertise in other priority areas as identified by the organization such as finance, historic preservation, marketing, etc.
- B. They shall maintain an open membership policy to any person who lives, rents, or owns any real property within the recognized boundaries of the neighborhood. The membership shall be a majority of residents and owners of real property within their prescribed boundary; other individuals or organizations may be members as further set forth in each neighborhood's bylaws or rules and regulations.
- C. They shall be an organized entity as recognized by filing a Certificate of Formation with the Texas Secretary of State.
- D. They shall establish and maintain 501 (c)(3) nonprofit status as a tax-exempt, charitable organization approved by the Internal Revenue Service.
- E. They shall hold an annual meeting at which all members may vote.
- F. They shall hold regularly scheduled board of directors' meetings at which business is conducted in an organized manner following best practices for meeting procedures such as Robert's Rules of Order or similar as identified in the organization's bylaws.
- G. They shall hold regularly scheduled community meetings and/or events at which all members are invited to participate in ongoing neighborhood initiatives.
- H. Notice of all meetings shall be posted in advance of such meeting, in public places and/or in readily obtained publications such as social media and newsletters, within their boundaries, as permitted and prescribed by law, and a record of said notice shall be maintained by the neighborhood organization;
- I. They shall have clearly stated boundaries in their bylaws. The boundary of a neighborhood association shall be determined in one of two ways: 1) identified by the adopted Neighborhood Plan; or, 2) drawn by the association membership after consultation with City staff. 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; and, have parameters that correspond with street center lines and property parcel lines. The boundaries of adjacent neighborhood organizations may not overlap. If they do overlap, the Recognition of organizations with overlapping boundaries is not allowed.
- J. They shall not discriminate against individuals or groups on the basis of race, religion, color, sex, sexual orientation, age, disability, national origin, income, or political affiliation in any of its policies, recommendations, or actions.

- K. They shall follow a strategic plan of work demonstrating active engagement in projects that improve the quality of life in the respective neighborhood.

Section 4-12-6. Recognition

A. Any neighborhood association may file for recognition at any time in the calendar year with a form provided by the Planning Department with the following information:

1. Official name;
2. Current boundary;
3. The name, email, mailing address, and telephone number of the primary contact whom the City or a member of the public may contact;
4. A roster for the board of directors including officer positions; the schedule for electing directors and officers; and board of directors' composition as set forth in Section 4-12-5 (A).
5. The number of persons the organization represents and number of dues paying members, if any;
6. Methods used to communicate with members and the neighborhood;
7. A copy of the organization's articles of incorporation and/or bylaws;
8. Proof that the IRS currently recognizes the organization's status as an active 501 (c)(3);
9. The time and place of the board and community meetings and/or events;
10. Agenda and minutes of the required annual general membership meeting;
11. A copy of a current work plan or strategic plan demonstrating active engagement in activities that improve the quality of life in the respective neighborhood.

B. A new and/or previously Recognized neighborhood association may file with the Planning Department on a year-round basis.

C. There is no fee for filing for Recognition.

D. If the information filed by the neighborhood association is incomplete, staff will notify the neighborhood contact within 14 days. If no revisions are submitted, the filing will be considered incomplete, and the neighborhood association will not be Recognized. Neighborhoods may reapply in the same calendar year.

E. For complete submittals staff will, within 30 days, take one of the following actions:

1. Provide a recommendation to the Neighborhood Planning Oversight Committee for Recognition. The Committee will approve the recommendation and direct staff to extend official notice of Recognition, list the organization on the City's website, and prepare a resolution for City Council approval; or
2. Deny recognition by providing written notice of the denial, which will include the reason for denial. Neighborhood associations may re-apply for recognition the following year.

F. Only one organization may be recognized as the neighborhood association for a defined neighborhood boundary including a neighborhood plan area. If there is an existing Recognized Neighborhood Association in good standing, no new filings will be considered for the boundary area. If a Recognized Neighborhood Association is non-compliant, new filings may be considered. Should multiple organizations exist and file for Recognition to represent a previously unrepresented area, the following criteria will be used in addition to that which is described in Sec. 4-12-5 to determine which organization will be Recognized:

1. The size, composition, and attendance of the board of directors. Larger, active boards shall be given preference.
2. The total number of members. Larger membership will be given preference.
3. The total number of committees. Organizations with active committees will be given preference.
4. Organizations with active projects that demonstrate past success in collaborating with other neighborhood partners and governmental entities on neighborhood improvement projects will be given preference.

Section 4-12-7. Annual Renewal

In addition to the ongoing responsibilities in Section 4-2-10, Recognized Neighborhood Associations shall file the following renewal materials by March 31st each year to maintain their status:

1. Number of members for the previous year;
2. The name, email, mailing address, and telephone number of the primary contact whom the City or a member of the public may contact;
3. A roster for the board of directors including current officers;
4. Date, time and location of board and general membership meetings;
5. Agenda and minutes of the required annual general membership meeting;
6. Current bylaws or rules and regulation, if such bylaws or rules and regulation have been amended in the prior year;
7. Proof that the IRS currently recognizes the organization's status as an active 501 (c)(3); and,
8. A copy of a current work plan or strategic plan demonstrating active engagement in activities that improve the quality of life in the respective neighborhood.

Section 4-12-8. De-listing and Re-listing

Any Recognized Neighborhood Association which does not meet, or ceases to meet, the eligibility standards of section 4-12-5, the responsibilities of section 4-12-10, or which does not apply for renewal as required by section 4-12-7 shall be considered non-compliant. Non-compliant neighborhoods shall receive a written letter stating necessary steps to achieve compliance. If those steps are not achieved within six months, neighborhoods will be deactivated for a period of one year during which time the duties outlined in Section 4-12-9 shall not be required. After one year of non-compliance, neighborhoods will be recommended for removal from the list of Recognized Neighborhoods by the City Council.

Article III. Duties, Benefits and Responsibilities

Section 4-12-9. Duties of the Planning Department

Planning Department shall have the following duties in connection with all Recognized Neighborhood Associations:

- A. To maintain a current map of the boundaries and a current list of the official names, boundaries, officers, and primary contact persons of all Recognized Neighborhood Associations on the City's official website;
- B. To provide regular email communication about City-related events, policies, land use proposals, and projects to the president of each Recognized Neighborhood Association;
- C. To notify all Recognized Neighborhood Associations each January of their requirement to renew their status by March 31st;
- D. To collaborate with neighborhood leadership for implementation of City-related projects, including cost estimating, scheduling, and other feasibility items;
- E. To administer Recognized Neighborhood Association specific programs as outlined in Department policies such as welcome signs, street sign toppers, community crosswalks, public arts grants, and other projects related to the beautification and enhancement of neighborhoods; and,
- F. To proactively seek new funding and other resources for neighborhood plan projects on a continual basis.

Section 4-12-10. Recognized Neighborhood Association Responsibilities

Recognized Neighborhood Organizations commit to the following responsibilities:

- A. Organize and undertake activities, projects, or programs which foster a sense of community and improve livability within the neighborhood;
- B. Work in collaboration with City staff and other partners to mutually further the goals of adopted neighborhood plans;
- C. Comply with their adopted bylaws or rules and regulations;
- D. Establish and utilize an orderly and democratic process for making representative decisions;

- E. Provide board meeting agendas and approved meeting minutes on a monthly basis to the Planning Department; and,
- F. Follow an established Projects in Motion submittal process in the Planning Department for those projects where City coordination is requested regardless of funding source. Project submittals must have Neighborhood Association Board approval.
- G. Recognized Neighborhood Associations may also 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 agenda item and 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.

SECTION 3. Severability. If any provision, section, subsection, sentence, clause or the application of same to any person or set of circumstances for any reason is held to be unconstitutional, void or invalid or for any reason unenforceable, the validity of the remaining portions of this Ordinance or the application thereby shall remain in effect, it being the intent of the City Council of the City of Amarillo, Texas in adopting this Ordinance, that no portion thereof or provision contained herein shall become inoperative or fail by any reasons of unconstitutionality of any other portion or provision.

SECTION 4. Repealer. All ordinances and resolutions or parts thereof that conflict with this Ordinance are hereby repealed, to the extent of such conflict.

SECTION 5. Publishing and Effective Date. This Ordinance shall be published and become effective from and after its date of final passage.

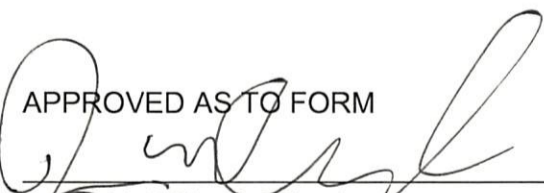
INTRODUCED AND PASSED by the City Council of the City of Amarillo, Texas, on First Reading this the 26th day of July 2022 and **PASSED** on Second and Final Reading this the 2nd day of August 2022.



Freda Powell, Mayor Pro Tem

ATTEST:


Stephanie Coggins, City Secretary

APPROVED AS TO FORM


Bryan McWilliams, City Attorney