

Guidelines and Procedures of the Neighborhood Formation and Support Committee on Neighborhood Organization Boundaries, Bylaws, Recognition, Derecognition and Inactive Status

The following Guidelines and Procedures of the Neighborhood Formation and Support Committee on Neighborhood Organization Boundaries, Bylaws, Recognition, Derecognition and Inactive Status are intended to provide guidance when Organized Neighborhoods of Palm Springs (“ONE-PS”) assumes final approval authority on these issues, which is currently held by the Palm Springs city manager under Chapter 2.55 of the Palm Springs Municipal Code (the “Code”). These Guidelines and Procedures shall be read in conjunction with the Code and the ONE-PS Bylaws and will apply following their adoption by ONE-PS.

I. Neighborhood Boundaries

A. General Guidelines

In recommending, reviewing and approving neighborhood boundaries, the Neighborhood Formation and Support Committee (the “Committee”) shall consider:

- (1) the geographical identity of the area;
- (2) whether properties in the area are likely to be affected by city actions (as defined in the Code) in a similar manner;
- (3) how long an existing Neighborhood Organization (“NOrg”) has been previously established and its recognized neighborhood boundaries;
- (4) whether members have participated together concerning prior city actions;
- (5) whether the size of the area will or will not facilitate communications; and
- (6) other factors demonstrating a “commonality of interests.” The Committee shall consult with the Office of Neighborhoods on the boundaries for a new neighborhood and any modifications to the boundaries of an existing neighborhood.

ONE-PS shall approve the boundaries for a new neighborhood as part of the process for its approval of the NOrg, as further set out in Section III below. ONE-PS shall also approve any modifications to the boundaries of an existing neighborhood, as further set out in Subsections B and C below.

B. Procedures for Expanding a NOrg Boundaries

The following procedures shall be used in expanding the boundaries of an existing NOrg, referred to below as the “Expanding NOrg.” Prior to beginning the procedures, representatives of the Expanding NOrg should discuss its plans with the Committee and the Office of Neighborhoods.

- (1) The Expanding NOrg shall place the question of expansion on the agenda as an action item for its annual meeting or a special membership meeting, provided all residents of the Expanding NOrg have been notified of the meeting in accordance with the notification provisions of the Expanding NOrg's bylaws. The notification shall include a description and map of the boundary changes and potential benefits for the Expanding NOrg.
- (2) The Expanding NOrg shall amend its existing bylaws to reflect the new boundaries if approved, effective upon final approval of ONE-PS as set out in Subdivision (5) below. Approval of the new boundaries shall be subject to the voting requirements for bylaws amendments set out in the NOrg's bylaws.
- (3) If the Expanding NOrg approves the expansion of its boundaries, it shall forward a copy of the minutes and amended bylaws reflecting the vote and action taken and sign-in sheet to the Committee and the Office of Neighborhoods for their review and approval. The Expanding NOrg shall also draft a letter to be sent to the persons owning or lawfully occupying property (including business occupants) in the proposed expansion area that outlines the action of the Expanding NOrg, describing the new boundaries, listing potential benefits and including a contact person(s) with address, phone and email. The letter shall be sent in accordance with the notification provisions of the Expanding NOrg's bylaws.
- (4) The Expanding NOrg shall answer questions of the potential new residents as requested. Once signatures from at least 20 persons owning or lawfully occupying property (including business occupants) at separate addresses within the boundaries of the proposed expansion area are obtained, they shall be forwarded to the Office of Neighborhoods. The number of required signatures may be modified by the Executive Committee upon recommendation of the Committee.
- (5) Once the Office of Neighborhoods has verified the signatures and the Committee has verified compliance with the procedures outlined above, the Committee shall recommend the Expanding NOrg's new boundaries if appropriate and provide a report to the ONE-PS Chairperson for review and discussion by the ONE-PS Executive Committee. The Executive Committee shall determine if the recommendation shall move forward to the full ONE-PS membership for a vote to approve the new boundaries. Following such approval, the Expanding NOrg is now officially expanded to reflect the new boundaries.

C. Procedures for Reducing a NOrg Boundaries

The following procedures shall be used in reducing the boundaries of an existing NOrg, referred to below as the "Reducing NOrg." Prior to beginning the procedures, representatives of the Reducing NOrg should discuss its plans with the Committee and the Office of Neighborhoods.

- (1) The Reducing NOrg shall place the question of reduction on the agenda as an action item for its annual meeting or a special membership meeting, provided all residents of the Reducing NOrg have been notified of the meeting in accordance with the notification provisions of the Reducing NOrg's bylaws. The notification shall include a description and map of the boundary changes, potential benefits, options for the area being considered for reduction to be part of an existing NOrg or a new NOrg, and a contact person(s) with name, address, telephone and email address.
- (2) The Reducing NOrg shall amend its existing bylaws to reflect the new boundaries if approved, effective upon final approval of ONE-PS as set out in Subdivision (5) below. Approval of the new boundaries shall be subject to the voting requirements for bylaws amendments set out in the NOrg's bylaws. In addition, the new boundaries must be approved at the annual or special meeting of the NOrg by at least 20% of the total eligible members of the NOrg and at least 10% of the eligible members of the NOrg living in the areas being considered for reduction. The required approval percentages may be modified by the Executive Committee upon recommendation of the Committee.
- (3) If the Reducing NOrg approves the reduction of its boundaries, it shall forward a copy of the minutes and amended bylaws reflecting the vote and action taken and sign-in sheet to the Committee and the Office of Neighborhoods for their review and approval.
- (4) If the area being considered for reduction is to become part of an existing NOrg, the procedures set out in Subsection B above shall also apply. If the area being considered for reduction is to become part of a new NOrg, the procedures set out in Section III below shall also apply.
- (5) Once the Committee has verified compliance with the procedures outlined above, the Committee shall recommend the Reducing NOrg's new boundaries if appropriate and provide a report to the ONE-PS Chairperson for review and discussion by the Executive Committee. The Executive Committee shall determine if the recommendation shall move forward to the full ONE-PS membership for a vote to approve the new boundaries. Following such approval, the Reducing NOrg is now officially reduced to reflect the new boundaries. All Reducing NOrg assets will remain with the Reducing NOrg.

II. Criteria to Establish a Recognized NOrg — Bylaws

The Committee shall establish, and the Executive Committee shall approve, the minimum contents of the bylaws that each NOrg shall adopt in order to be a recognized NOrg. The NOrg's bylaws will describe the neighborhood boundaries and will, at a minimum, include rules governing the process and procedure for:

- (1) The method by which its officers are chosen;

- (2) Membership and voting requirements;
- (3) The holding of a regular annual meeting and any special meetings;
- (4) A system through which the NOrg will reasonably communicate with all eligible members on a regular basis. Eligible members shall include all residents (including business occupants) and owners of property within the neighborhood's boundaries, and the NOrg must accept membership from anyone within the neighborhood boundaries;
- (5) A system for financial accountability of its funds;
- (6) Maintenance of records to show the NOrg's efforts at outreach and, the level of participation in its activities;
- (7) Electing or appointing representative(s) of the NOrg to represent it on ONE-PS;
- (8) Guaranteeing, in accordance with the Code and standards established by the Office of Neighborhoods, that all annual and special meetings of the NOrg and of its governing body will be open and public, that the NOrg give reasonable notice of all its meetings to all property owners, residents and businesses within the neighborhood boundaries and that the meetings will permit, to the extent feasible, that every person eligible for membership may participate in the conduct of business and deliberation, and exercise voting rights pursuant to the bylaws;
- (9) Assurance that the members of the NOrg will reflect the diverse interests within their neighborhood; and
- (10) Establishment and payment of dues, if any; and

For purposes of Subdivision (8) above, reasonable notice of meetings may include notification by any one or more of the following manners: USPS mail, email, hand delivery, postings on the NOrg's website if it has one and social media and physical postings in prominent locations in the neighborhood, as the NOrg shall determine in its bylaws.

III. Process for Recognition of a NOrg

Each NOrg seeking official recognition shall submit to the Committee Chair:

- (1) A completed application for recognition, in a form approved by the Committee;
- (2) A petition to be recognized as a NOrg hereunder signed by at least 20 persons owning or lawfully occupying property (including business occupants) at separate addresses within the boundaries of the proposed NOrg recommended by the Committee considering the criteria set out above;

- (3) Bylaws meeting the minimum requirements set out in Section II above, and
- (4) A list of the proposed members of its board of advisors or directors, officers and designated representatives to ONE-PS.

The number of signatures required under Subdivision (2) may be modified by the Executive Committee upon recommendation of the Committee.

Following its consultation with Office of Neighborhoods on the NOrg's proposed boundaries, the Committee shall recommend that ONE-PS recognize the NOrg if the Committee determines that:

- (1) The completed application for recognition is sufficient;
- (2) The bylaws for compliance meet the minimum criteria established above; and
- (3) The neighborhood is within the boundaries recommended by the Committee.

The Committee shall provide a report to the ONE-PS Chairperson for review and discussion by the Executive Committee. The Executive Committee shall determine if the recommendation shall move forward to the full ONE-PS membership for a vote to recognize the NOrg.

IV. Derecognition of a NOrg

The Committee may recommend that ONE-PS derecognize a NOrg after the receipt of a written petition or on the Committee's own motion, provided the following process has been utilized to the appropriate extent given the unique circumstances of each case.

- (1) The petition is signed by at least the lower of 20 persons owning or lawfully occupying property (including business occupants) at separate addresses within the boundaries of the NOrg or 5% of such persons. The petition must contain a statement of the concerns and any reason and/or documentation that would substantiate the claims or issues.
- (2) The Committee shall review the petition in a timely manner and notify the Chairperson, Vice Chairperson, Official Representative and Official Alternate(s) of the NOrg in question. The NOrg Chairperson, Vice Chairperson, Official Representative and Official Alternate(s) and the members of the Board of Advisors or Board of Directors of the NOrg may provide written documentation and the opportunity to attend the Committee meeting(s) to discuss the matter and to provide additional information. The signers of the petition may also attend the meeting(s). The Committee shall assure that all parties have been properly invited in an appropriate amount of time and that the Executive Committee has been notified of the issues and time/place of the meeting to discuss the matter.

- (3) The Committee shall maintain documentation of all written and verbal communication with the parties involved specific to the issues and concerns of the petition, and shall make every attempt to resolve the matter through discussion and communications with and recommendations to the parties involved. The ONE-PS Chairperson may ask the Committee to include other appropriate ONE-PS members in the process to support the resolution of the issues prior to any recommendation to derecognize the NOrg.
- (4) The Committee shall consult with the Office of Neighborhoods and prepare a written summary of the issues and the steps it took to notify the parties and to resolve the matter along with its recommendations, including a recommendation to derecognize a NOrg if appropriate, and provide the report to the ONE-PS Chairperson for review and discussion by the Executive Committee. The Executive Committee shall determine if the recommendations shall move forward to the full ONE-PS membership for a vote or if other steps to resolve the matter are in order. A copy of the written report by the Committee shall be made available to the Chairperson, Vice Chairperson, Official Representative and Official Alternate(s) of the NOrg in question and the individuals who signed the petition with an opportunity to respond in writing within 30 days.

After any final decision is made by ONE-PS, the ONE-PS Secretary shall deliver the written decision regarding the matter to the Chairperson, Vice Chairperson, Official Representative and Official Alternate(s) of the NOrg and the representative(s) of the complaint or the petitioners, if any.

V. Inactive Status of a NOrg

If a NOrg goes more than 24 months without having an annual meeting, without electing officers and without any activity, the Committee may recommend that ONE-PS place the NOrg in inactive status. In addition, a representative of a NOrg may ask that the NOrg be placed in inactive status. The following process shall be utilized in either case.

- (1) The Committee shall inform in writing, to the extent possible, the last known members of the Board of Advisors or Board of Directors, Official Representative and Official Alternate(s) of the NOrg that a determination to move the NOrg to inactive status is being considered, with an opportunity for these persons to respond within 30 days.
- (2) If no members of the Board of Advisors or Board of Directors, Official Representative or Official Alternate(s) are available to be contacted, the Committee may identify one or more member(s) of the NOrg to consider revitalizing the NOrg to meet the minimum standards for a NOrg. In the event the Committee identifies such member(s), the Committee shall provide the support necessary for the group to schedule and hold a meeting to reestablish the NOrg within a timely manner. Such support may include seeking the help of the Office of Neighborhoods to assist

in a mailing to the residents of the NOrg and to assist in conducting the meeting and electing members of the Board of Advisors or Board of Directors as appropriate and requested by the members of the NOrg.

- (3) The Committee shall prepare a written summary of the issues and the steps it took to notify the parties and to reestablish the NOrg along with its recommendations, including a recommendation to place the NOrg in inactive status if appropriate, and provide the report to the ONE-PS Chairperson for review and discussion by the Executive Committee. The Executive Committee shall determine if the recommendations shall move forward to the full ONE-PS membership for a vote or if other steps to resolve the matter are in order. A copy of the written report by the Committee shall be made available to the last known members of the Board of Advisors or Board of Directors, Official Representative and Official Alternate(s) of the NOrg.

A NOrg placed in inactive status shall:

- (1) No longer be a member of ONE-PS;
- (2) Not be subject to the requirements of the Ordinance; and
- (3) Continue to have its neighborhood boundaries on the map of NOrg areas unless or until a new NOrg is recognized by ONE-PS as outlined above that encompasses some or all of that area.

The Committee may recommend that ONE-PS reactivate a NOrg if the NOrg submits a written report or the minutes from a general membership meeting within 30 days of the meeting including the sign-in sheet from that meeting, along with a list of its Board of Advisors or Board of Directors, officers and representative(s) to ONE-PS.

The Committee shall consult with the Office of Neighborhoods before recommending that ONE-PS place a NOrg in inactive status or reactivate it. After any final decision is made by ONE-PS, the ONE-PS Secretary shall deliver the written decision regarding the matter to the last known members of the Board of Advisors or Board of Directors, Official Representative and Official Alternate(s) of the NOrg.

VI. NOrg Minutes and bylaws

Each NOrg shall file the minutes of its annual and any special meeting with the Committee Chair within 30 days of such meeting, along with a current copy of its bylaws and its Articles of Incorporation if it is incorporated certified by the NOrg Secretary. Additionally, each NOrg shall file all bylaw changes with the Committee Chair within 30 days of their adoption.