

ORDINANCE NO. 1666

AN ORDINANCE OF THE CITY OF PALM SPRINGS,
CALIFORNIA, ADDING CHAPTER 2.55 TO THE PALM SPRINGS
MUNICIPAL CODE ESTABLISHING AN OFFICE OF
NEIGHBORHOOD INVOLVEMENT

City Attorney's Summary

This Ordinance authorizes the City Manager to establish an Office of Neighborhood Involvement and an administrative process for the recognition of neighborhood organizations, develop boundaries for each neighborhood organization, and establish a Neighborhood Empowerment Program as described in the Ordinance. The Ordinance also provides general criteria for the creation of by-laws for neighborhood organizations and the development of a neighborhood involvement plan and related implementation regulations in furtherance of the plan. The Ordinance also provides for creation of a Neighborhood Involvement Committee, consisting solely of representatives from each neighborhood organization.

WHEREAS, the City Council of the City of Palm Springs ("City Council") recognizes the importance of citizen participation in local government; and

WHEREAS, the citizens of the City of Palm Springs ("City") have demonstrated their interest in matters which affect the City's neighborhoods; and

WHEREAS, citizen participation is more effective where a designated communication link and an organizational infrastructure exist to facilitate communication, encourage citizen participation and achieve consensus; and

WHEREAS, the City Council recognizes that there are a variety of projects undertaken by the City, or subject to the City's approval, and that such projects include but are not limited to, development projects; public works projects of interest because they affect public access or use of public facilities; special events conducted by either the City or private entities subject to the City's approval which may affect specific neighborhoods; the abatement of nuisances; public safety issues; the adoption of ordinances and regulations which may affect residents or the conduct of businesses; and similar matters; and

WHEREAS, in response to requests from citizens, to ensure the most efficient use of the time and resources of City Councilmembers, City Commissioners, City staff, citizens and other public and private entities, the City Council desires to add Chapter 2.55 to the Palm Springs Municipal Code to establish rules and regulations for the administration of the Office of Neighborhood Involvement.

NOW THEREFORE, it is found, determined and ordained by the City Council of the City of Palm Springs as follows:

Section 1. All of the facts set forth in the above recitals are true and correct and are incorporated herein by this reference.

Section 2. The Palm Springs Municipal Code is hereby amended to add a new Chapter 2.55 to read in its entirety as follows:

OFFICE OF NEIGHBORHOOD INVOLVEMENT

Sections:

- 2.55.010 Purpose.
- 2.55.020 Limitations.
- 2.55.030 Definitions.
- 2.55.040 Findings.
- 2.55.050 Office of Neighborhood Involvement.
- 2.55.060 Development of the Neighborhood Involvement Plan.
- 2.55.070 Criteria to Establish a Recognized Neighborhood Organization; Bylaws.
- 2.55.080 Boundaries.
- 2.55.090 Process for Certification of a Neighborhood Organization.
- 2.55.100 Membership of a Neighborhood Organization.
- 2.55.110 Funding.
- 2.55.120 Neighborhood Involvement Committee.
- 2.55.130 Neighborhood Empowerment Program.
- 2.55.140 Early Notification.
- 2.55.150 De-certification of a Neighborhood Organization.
- 2.55.160 Neighborhood Organization Reports.

Section 2.55.010 Purpose.

This Chapter is intended to create a framework to include the people of the City of Palm Springs in civic affairs to work to improve the livability and character of their neighborhoods and the City. This Chapter sets forth the basis for City recognition of Neighborhood Organizations and the responsibilities and benefits accruing thereto, as well as the manner in which the Neighborhood Involvement Committee will receive notification of City Actions that may affect them. There are a variety of projects undertaken by the City, or subject to the City's approval, which the Neighborhood Involvement Committee will receive notice of including, but not limited to, development projects; public works projects of interest because they affect public access or use of public facilities; special events conducted by either the City or private entities subject to the City's

approval which may affect specific neighborhoods; the abatement of nuisances; public safety issues; and the adoption of ordinances and regulations which may affect residents and/or businesses.

The purpose of this Chapter is to foster partnerships of open communication by establishing a mechanism for two-way communication between the City and the Neighborhood Involvement Committee, to allow for direct participation and education of the City's residents, and to encourage diverse perspectives, which is intended to lead to innovative solutions and consensus.

Section 2.55.020 Limitations.

Nothing herein is intended in any way to limit or govern the rights of residents or property owners to associate or to form groups or nonprofit entities as they desire. This Chapter is merely intended to create a recognition process for the Neighborhood Involvement Committee and Neighborhood Organizations so that the Neighborhood Involvement Committee can be given notice of City Actions which may affect the City's residents. This process is not a substitute for the notification required by law, but is in addition to such requirements and City officials shall continue to separately meet all requirements for notice provided by state and local laws.

Section 2.55.030 Definitions.

- A. Neighborhood: A geographically contiguous community with an historic identity and/or commonality of interests.
- B. Neighborhood Organization: An autonomous organization formed voluntarily by people for the purpose of considering and acting on issues affecting livability and quality of their neighborhood, which, if formally recognized by the City Manager, pursuant to the standards set forth in Section 2.55.090, may participate in the formation of the Neighborhood Involvement Committee.
- C. Neighborhood Involvement Committee: The oversight committee created by the Neighborhood Organizations which is composed of one or more representative(s) of each Neighborhood Organization, as further described in Section 2.55.120, which receives information from the City to be disseminated to the Neighborhood Organizations.

- D. Map of Neighborhood Organization Areas: The map drawn by the City Manager to establish the areas of representation for the Neighborhood Organizations, pursuant to Section 2.55.080.
- E. City Actions: City actions which are subject to this Chapter include, but are not limited to, development projects which are subject to review by the City Council, Planning Commission or staff; public works projects of interest because they affect public access or use of public facilities; special events to be conducted by either the City or private entities subject to City approval which may affect specific neighborhoods; the abatement of nuisances; public safety issues; the adoption of ordinances and regulations which may affect residents and/or businesses; and similar matters. City actions shall be those activities of the City which have the potential to significantly affect the occupants or owners of property. The City Manager shall work with the various departments of the City to develop a detailed list of what shall be considered City Actions under this Chapter, pursuant to Section 2.55.050(E).
- F. Special Events: Include events conducted by either the City or private entities subject to City approval which may affect surrounding property. When there is a series of linked events, one notice may be given listing all of the applicable dates.

Section 2.55.040 Findings.

The City Council finds that there is a need to maintain strong channels of communication with the citizens of Palm Springs on matters affecting the livability of their neighborhoods. It is the intent of the City Council, through the recognition of the Neighborhood Involvement Committee, to foster a partnership of open communication between the City and its neighborhoods; to enhance the environment in which citizens are afforded an opportunity to participate in governmental decisions; to foster cooperation and consensus among diverse interests; to assist the City and neighborhood residents in developing solutions to mutual concerns; and to foster within the City government a service orientation towards its citizens and to develop in the citizens a sense of personal pride and responsibility for their neighborhoods. The City Council has recommended that a plan be developed for recognizing Neighborhood Organizations and to establish guidelines for a Neighborhood Involvement Committee to include such organizations, through the Neighborhood Involvement Committee, in the formation of policies and procedures relating to the governance of the City.

Due to the difficulties inherent in communicating with the numerous organizations, the Neighborhood Involvement Committee is established as the clearinghouse for all information. The City shall provide notice hereunder to the Neighborhood Involvement Committee, consisting of the representatives of the Neighborhood Organizations, and the representatives shall be responsible for communicating with their organization. Neither the Neighborhood Involvement Committee nor the Neighborhood Organizations shall be subject to the Brown Act as neither is formed by the City Council, nor shall the Neighborhood Organizations have an advisory role to any board or commission of the City or the City Council.

Section 2.55.050 Office of Neighborhood Involvement.

The City Manager shall establish an Office of Neighborhood Involvement. The City Manager, or his or her designee, will be responsible for the efficient administration of the Office of Neighborhood Involvement and shall exercise those functions, as further described in this Section. It shall be the duty of the City Manager and he or she shall have authority:

- A. To develop the initial boundary map with concurrence from the Neighborhood Involvement Committee and oversee revisions of the boundary maps of Neighborhood Organizations within the City, pursuant to Section 2.55.080.
- B. To develop an application to certify Neighborhood Organizations.
- C. To certify Neighborhood Organizations pursuant to Section 2.55.090.
- D. On an as-needed basis, to meet with the various departments of the City that communicate with citizens who will be affected by the department's actions and, if necessary, to discuss with such departments strategies to improve such communications. The City Manager shall develop a list of activities which shall be considered City Actions hereunder and what notice is recommended for such City Action.
- E. To at least semi-annually, submit a report from the Neighborhood Involvement Committee to the City Council, evaluating from the perspective of the Committee, whether the City has provided timely

notice to the Neighborhood Involvement Committee of City Actions and whether the City was responsive to the Neighborhood Involvement Committee. The report shall also make recommendations to improve the City's responsiveness and performance.

- F. Work with Neighborhood Organizations to establish the Neighborhood Empowerment Program, as further described in Section 2.55.130.
- G. To keep the City Council fully advised as to the needs of the Neighborhood Organizations as communicated by the Neighborhood Involvement Committee and to recommend to the City Council for adoption necessary measures and ordinances.
- H. To perform such other duties and exercise such other authority as may be delegated from time to time by ordinance or resolution of the City Council.

Section 2.55.060 Development of the Neighborhood Involvement Plan.

The City Manager, in consultation with the Neighborhood Involvement Committee, shall develop a "Plan" for a citywide system of Neighborhood Organizations, in conformance with the following:

- A. The Plan shall contain a statement of goals, policies and objectives of the Neighborhood Organization system, and shall contain specific "Regulations," to implement the Plan.
- B. The Regulations must ensure that all residential areas, including those with mixed commercial uses, are given an equal opportunity to form Neighborhood Organizations.
- C. The Regulations shall promote open membership in the Neighborhood Organization and methods of communication to assure that those living or operating businesses within the area are adequately represented by the Neighborhood Organization.
- D. The City Manager shall seek public input in the formulation of the Plan.

- E. The Regulations shall ensure that Neighborhood Organizations, through the Neighborhood Involvement Committee, are provided timely notice of City Actions.

Section 2.55.070 Criteria to Establish a Recognized Neighborhood Organization; Bylaws.

In order to be a recognized Neighborhood Organization, each Neighborhood Organization shall adopt bylaws which will, at a minimum, include rules governing the process and procedure for:

- A. The method by which its officers are chosen;
- B. Membership and voting requirements;
- C. The regular annual meeting date and a method for amendment;
- D. A system through which the Neighborhood Organization 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;
- E. A system for financial accountability of its funds and records including maintenance of meeting sign-in sheets;
- F. Electing representative(s) of the Neighborhood Organization to represent the Neighborhood Organization in the Neighborhood Involvement Committee;
- G. Guaranteeing that all meetings will be open and public and will permit, to the extent feasible, every person eligible for membership to participate in the conduct of business, deliberation and decision-making; and
- H. Assurance that the members of the Neighborhood Organization will reflect the diverse interests within their area.

The bylaws shall also describe the Neighborhood's boundaries in conformance with the boundaries established by the City Manager pursuant to Section 2.55.080(A).

The bylaws may establish membership criteria and provide for contributions or the payment of dues. Should the Neighborhood Organization adopt membership criteria or contribution obligations, the Neighborhood Organization must, nevertheless, give reasonable notice of all of its meetings to all property owners and residents within its boundaries. This may be an annual notice if all meetings are held on a regular basis.

The initial bylaws shall be presented to and filed with the City Manager as part of the official recognition process, in accordance with Section 2.55.090. All bylaw changes must also be filed with the City Manager.

Section 2.55.080 Boundaries.

The boundaries of Neighborhood Organizations will be initially defined by the City Manager with concurrence from the Neighborhood Involvement Committee (NIC), and shall only be revised, by the City Manager in consultation with the NIC as set forth in Section 2.55.050(A). Boundaries shall not overlap. The initial map, and any proposed revised map, may be circulated to Neighborhood Organizations for review and comment before the map is finalized.

When establishing the map, the City Manager may define overall areas in which Neighborhood Organizations may elect to be formed. The Neighborhood Organization must be willing to accept membership from anyone within the entire area defined on the map. The City Manager will consider the certification of any group in an area who petitions, submits bylaws and meets the criteria of Section 2.55.070. Certification shall be in accordance with Section 2.55.090 but the City Manager may only certify one group per area.

The initial Neighborhood boundary shall be established by the City Manager with concurrence from the Neighborhood Involvement Committee based upon (1) the geographical identity of the area; (2) whether properties in the area are likely to be affected by City Actions in a similar manner; (3) how long an existing neighborhood organization has been previously established and its recognized 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." Subsequently, new Neighborhood Organizations will need to have their boundaries approved by the City Manager following consultation with the Neighborhood Involvement Committee. Any boundary changes must be approved by the City Manager.

Section 2.55.090 Process for Certification of a Neighborhood Organization

- A. Any group wishing to be certified as a Neighborhood Organization shall hold an organizational meeting where the purpose of being a Neighborhood Organization is discussed, the bylaws are approved, members join, officers are elected (including the representative to the Neighborhood Involvement Committee), and a petition for certification is signed. The group shall give written notice of the organizational meeting, by first class mail, to all parties eligible for membership. The City shall assist in identifying those entitled to notice and providing resources for the mailing.
- B. Each Neighborhood Organization seeking official certification shall submit to the City Manager: (1) a completed application, in a form approved by the City Manager, for certification, (2) a petition to be recognized as a Neighborhood Organization hereunder signed by at least twenty (20) persons owning or occupying property within the boundaries designated by the City Manager, (3) bylaws meeting the minimum requirements set forth in Section 2.55.070, and (4) a current list of its officers and designated representatives to the Neighborhood Involvement Committee. Persons eligible to sign the petition for each parcel shall include any person owning or lawfully residing on or occupying the parcel, including business occupants. The City Manager shall certify a Neighborhood Organization if the City Manager determines that:
1. The petition is sufficient.
 2. The bylaws meet the minimum criteria established in Section 2.55.070.
 3. The group is representative of the Neighborhood (within the defined boundaries).

Section 2.55.100 Membership of Neighborhood Organization.

The membership of Neighborhood Organizations shall be open to all residents, (including business occupants) and owners of property within the Neighborhood's boundaries. All members of the Neighborhood Organization may actively participate in neighborhood events, activities and meetings, and may exercise voting rights pursuant to the bylaws, without regard to race, religion, sex, gender, sexual orientation or physical ability. The Neighborhood Organization will be responsible for maintaining

records to show its efforts at outreach, the level of participation in the organization and the organization's activities.

Section 2.55.110 Funding.

Membership fees, when established by the bylaws of a Neighborhood Organization, shall be voluntary and shall not bar any resident, occupant or property owner from Neighborhood Organization participation. Voluntary dues, contributions, contracts, grants or subscriptions may be used by a Neighborhood Organization as provided for in the Neighborhood Organization's bylaws.

Section 2.55.120 Neighborhood Involvement Committee.

The recognized Neighborhood Organizations shall form a Neighborhood Involvement Committee to serve as a clearinghouse for information from the City to the Neighborhood Organizations. Each recognized Neighborhood Organization shall have equal representation on the Neighborhood Involvement Committee and shall determine their appointed representatives. The Neighborhood Involvement Committee will have regular, open meetings as determined by its members.

Section 2.55.130 Neighborhood Empowerment Program.

- A. The City Manager shall establish a program for continuous neighborhood improvement which program shall include the following elements:
1. Facilitating Neighborhood Watch programs.
 2. Facilitating rapid response to public nuisance complaints.
 3. Encouraging volunteer participation in the City's code enforcement and nuisance abatement program.
 4. Periodic neighborhood tours to identify "hot spots" needing attention and improvement strategies.
 5. As requested, assisting neighborhoods to coordinate participation by youth in neighborhood projects such as vacant lot clean ups, art programs, senior citizen assistance, environmental projects, neighborhood watch and similar activities.

6. The City Manager will make every effort to the extent possible to have staff attend neighborhood organization meetings.
- B. The City Manager shall cause a Neighborhood Nonprofit Foundation (" Foundation") to be established under Section 501(c)(3) of the Internal Revenue Code, or similar authority, for the purpose of receiving tax-exempt contributions for the betterment of neighborhood areas. Contributions may be made for betterment of specific neighborhoods and the Foundation shall keep such contributions in separate accounts and shall release monies for specified purposes and require an accounting to show that such funds have been spent for the specified purposes. Such funds may be spent to make physical improvements to upgrade such neighborhoods and for programs and services of benefit to the neighborhoods and shall be legally appropriate expenditures for the Foundation pursuant to the Internal Revenue Code. The City may also make contributions to the Foundation. The Foundation's Articles of Incorporation and Bylaws shall provide for the organization and governance of the Foundation.

Section 2.55.140 Notification.

The Regulations set forth in the Neighborhood Involvement Plan shall establish procedures for the departments of the City to give notice to the Neighborhood Involvement Committee, with a reasonable opportunity for the Neighborhood Involvement Committee to respond prior to City Actions being undertaken by any department of the City, any board or commission of the City or the City Council as outlined in Sect. 2.55.050 (4).

In addition, the Regulations shall advise the Neighborhood Involvement Committee of the City's process to bring a project of interest to a particular neighborhood or group of Neighborhood Organizations to the appropriate City board or commission or the City Council.

As part of the City Manager's semi-annual report required pursuant to 2.55.050(5), the City Manager shall evaluate the sufficiency of the notices being given to ensure that the notices are being given in a manner which provides the Neighborhood Organizations with sufficient time and information to allow the Neighborhood Organizations to generate their comments before consideration of the City Actions by City departments, City boards and commissions, and the City Council as applicable.

Section 2.55.150 De-certification of a Neighborhood Organization.

- A. In the City Manager's sole discretion, the City Manager may de-certify a Neighborhood Organization after the receipt of complaints or a petition or on the City Manager's own motion, when the City Manager determines that:
 - 1. A Neighborhood Organization has failed to comply with any material requirement hereof for certification, and continues to do so after due notice; or;
 - 2. A Neighborhood Organization is no longer representative of the diverse interests within the area that it represents.
- B. Whenever the City Manager considers de-certification, the City Manager shall inform the designated representative(s) of the Neighborhood Organization of such consideration and the reasons therefore, and shall provide at least thirty (30) days for a response. The de-certification then may be appealed to the Neighborhood Involvement Committee within 30 days. The outcome of that appeal will be advisory to the City Manager. After any final decision is made by the City Manager, he or she shall deliver the written decision regarding the matter to the designated representative(s) of the Neighborhood Organization and the representative(s) of the complaint or the petitioners, if any.

Section 2.55.160 Neighborhood Organization Reports.

Each certified Neighborhood Organization shall submit a report of its annual meeting to the City Manager within thirty (30) days of such meeting. Additionally, the neighborhood organization shall include a current copy of the membership list showing all members in good standing.

Section 3. Severability. It is the intention of the City Council that the sections, subsections, clauses and phrases of this Chapter are severable, and if any portion of this Chapter is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity or the remainder of the Chapter, and the City Council would have enacted such remainder without the portion found to be invalid or unconstitutional.

Section 4. Legal Construction. The provisions of this Chapter shall be construed as necessary to effectively carry out its purposes, which are hereby found and declared to be in furtherance of the public health, safety or convenience.

Section 5. Publication. The City Clerk of the City of Palm Springs shall certify to the passage and adoption of this Chapter, and shall cause the same to be posted and/or published in the manner and the time required by law.

ADOPTED this 6th day of April, 2005.

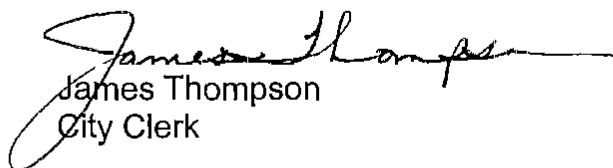
AYES: Members Mills, Pougnet and Mayor Oden
NOES: Member McCulloch
ABSTAIN: None
ABSENT: Member Foat

ATTEST: CITY OF PALM SPRINGS, CALIFORNIA


City Clerk


Mayor

I, James Thompson, City Clerk of the City of Palm Springs, California, HEREBY CERTIFY THAT THE FOREGOING Ordinance 1666 was duly adopted by the City Council of the City of Palm Springs, California, in a meeting held on the 6th day of April, 2005, and that Ordinance No. 1666 was published in the Public Record, a newspaper of general circulation on April 12, 2005, in a summary form.


James Thompson
City Clerk