



Council Communication

Office of the City Manager

Date

January 28, 2008

Agenda Item No. 51

Roll Call No. 08-

Communication No. 08-044

Submitted by: Larry Hulse, Community
Development Director

AGENDA HEADING:

Approving Recommendations from the Neighborhood Revitalization Board (NRB) regarding the Fairground Neighborhood Mediation.

SYNOPSIS:

Recommend approval of the Neighborhood Revitalization Board's recommendations regarding the dispute over membership and voting privileges for the Fairground Neighbors for Community Improvement (FNCI). In summary, the recommendations are as follows:

- FNCI should amend its by-laws to clarify membership and voting privileges and make them more inclusive, transparent and participatory;
- The Council should prohibit Recognized Neighborhood Associations from requiring members to have an affiliation with a secondary organization;
- The NRB should be given the authority to do a complete review of the Neighborhood Recognition Policy to address these issues and others as they relate to all 51 Recognized Neighborhoods;
- The Council should direct all Recognized Neighborhood Associations to submit an up-to-date copy of their by-laws as part of the 2008 Annual Survey, so that staff will have them on file and can make them available to the public upon request.

If FNCI chooses not to amend their by-laws, hold new elections or cease requiring members to join Iowa Citizens for Community Improvement (CCI), the NRB recommends that the Council withdraw their status as a Recognized Neighborhood Association.

FISCAL IMPACT: NONE

ADDITIONAL INFORMATION:

On November 19, 2007, by Roll Call No. 07-2227, the City Council requested that the NRB mediate the dispute in the Fairground neighborhood regarding the denial of membership and subsequent voting privileges to approximately 30 people at the November 13, 2007 FNCI meeting.

In response to this request from Council, the NRB appointed a subcommittee to mediate the conflict; the subcommittee members included Frank Owens, Tim Hielkema, Kimberly Hansen and Nadine Hogate. The subcommittee met four times (November 26th, December 12th, December 19th, and December 21st) in order to gather information, hear from participants, and draft a recommendation to Council. At its January 9, 2008 meeting, the NRB voted to forward the subcommittee's recommendation to the Council.

After much consideration, the NRB Mediation Subcommittee found that the events that occurred at the November 13, 2007 FNCCI meeting were in violation of the association's own by-laws. The subcommittee found that:

- The by-laws indicate that a person who lives within the boundaries of FNCCI and who supports the mission statement and goals becomes a member upon paying dues;
- The by-laws do not define what it means to support the mission of FNCCI;
- The by-laws do not indicate that there is a waiting period or other requirements in order to become a member- only pay dues;
- At the November 13th meeting, an offer was made to pay on the spot the dues of approximately 30 residents who were in attendance, but were not paid members.
- Those people were not allowed to join and, as a result, were not allowed to vote.
- At the December 12th NRB subcommittee meeting, FNCCI members said that a person can join at any time.

The City's Neighborhood Recognition Policy (last amended by Council by Roll Call No. 00-504 on February 21, 2000) assumes that all neighborhood associations conduct business according to their by-laws. Therefore, it is recommended that the City Council require FNCCI to hold new elections in order to give those who were denied membership the subsequent ability to vote in the annual meeting. Prior to holding new elections, it is further recommended that FNCCI be required to amend their by-laws to clarify membership and voting privileges and make them more inclusive, transparent, and participatory.

The NRB Subcommittee also found the dual membership arrangement between FNCCI and Iowa Citizens for Community Improvement (CCI) to be problematic. Currently, when a person joins FNCCI, he or she automatically becomes a member of CCI. The NRB believes that this requirement is a barrier for those Fairground residents who do not wish to be affiliated with CCI. It is recommended that the Council prohibit Recognized Neighborhood Associations from requiring members to have an affiliation with a secondary organization. Should the City Council approve this recommendation, the Laurel Hill neighborhood also would be impacted.

If FNCCI chooses not to amend their by-laws, hold new elections, or cease requiring members to join CCI, then the NRB subcommittee recommends that the Council withdraw their status as a Recognized Neighborhood Association. The loss of Recognized Neighborhood status would mean that the neighborhood is no longer eligible for participation in the Neighborhood Based Service Delivery (NBSD) and SCRUB programs. It also would no longer receive notices from the City, such as Plan & Zoning Commission and Zoning Board of Adjustment agendas.

Upon approval of this recommendation, staff will send a letter to FNCCI outlining the requirements that they must fulfill in order to maintain their Recognized Neighborhood status. FNCCI will be given until February 29, 2008, to submit to the Community Development Department in writing what their intentions are in relation to this Council action. If they choose to remain a Recognized Neighborhood, then it is expected that they will amend their by-laws and hold new elections in a timely fashion.

The Neighborhood Revitalization Board also has requested the authority to do a complete review of the Neighborhood Recognition Policy to address other issues that have been brought to light by this process. It is anticipated that this review will result in suggested changes to the policy in line with what is being asked of the Fairground Neighborhood. Staff has been in contact with the Greater Des Moines Community Foundation regarding a possible technical assistance grant to provide assistance to the NRB as well as to the neighborhood associations in updating their by-laws.

Community Development staff will soon send out the 2008 Annual Survey to all Recognized Neighborhoods. As part of that process this year, it is requested that the Council require all neighborhoods to submit an up-to-date copy of their by-laws.

The Neighborhood Revitalization Board should be commended for their handling of this very difficult process. Members of the subcommittee committed many hours during the holiday season to ensure that this matter was handled fairly and quickly.

PREVIOUS COUNCIL ACTION(S):

Date: November 19, 2007

Roll Call: 07-2227

Action: [Request](#) from Council Member Brian Meyer to speak regarding the Fairground Neighborhood Association. Moved by Meyer to receive and file the petition and comments, and refer the matter to the Neighborhood Revitalization Board to mediate the dispute between the two groups. Motion Carried 7-0.

Date: February 21, 2000

Roll Call: 00-504

Action: Changes to Neighborhood Recognition Policy regarding Standards for Neighborhood Recognition. (Council Communication No. 00-066). Moved by Hensley to adopt with the deletion of Item 3 in the roll call. Motion Carried 7-0.

BOARD/COMMISSION ACTION(S): Neighborhood Revitalization Board

Date: January 9, 2008

Roll Call: N/A

Action: Approval of the subcommittee's recommendation and authorization to forward to Council.

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE