**SITE RULE CHANGES FOR RATIFICATION AT ALL GARDENERS MEETING 9/17/2016**

The Sunshine board has adopted five site rules amendments which will be presented for ratification by membership at the All Gardeners meeting on September 17. The amendments fall into two categories.:

* Amendments (3) addressing the minimum standards for how plots should be gardened in order to maximize the gardening experience for all Sunshine members.
* Amendments (2) addressing operations of Sunshine Community Gardens. Below is a summary of the amendments followed by the actual amendments.

**I. Summary of Amendments**

1. Encroachment on Shared Borders

The layout at Sunshine Gardens means most plots have at least one shared border with another gardener. Gardeners need to be considerate of their neighbors and not encroach on these shared borders. This amendment adds a new site rule identifying the type of practices which constitute prohibited encroachment.

2. Maintaining One-Foot Weed Free Strip Along Shared Borders; Plot Compliance Enforcement

When a gardener fails to maintain a plot’s borders shared with adjoining plots weed free, the weeds quickly become a problem for the adjoining gardener. This amendment adds failure to maintain a one-foot weed free strip along shared borders with adjoining plots to list of what constitutes non-compliance. It also makes some minor changes to process for addressing non-compliance.

3. Active Gardening of Plot Pilot

Sunshine Gardens fulfills its purpose of providing “opportunities for the public to engage in organic gardening” only when its members actively garden their assigned plot(s) to produce vegetable and/or ornamental crops. Currently, it is possible to maintain a plot in compliance with site rules without actively gardening the plot, but doing so is not consistent with the purpose of Sunshine Gardens. To evaluate the effectiveness of amending the site rules to require active gardening of plots, this amendment directs the board shall pilot test requiring members to actively garden their plot(s) and a process for enforcing requirement. It also defines “active gardening” for purposes of the pilot.

4. Secondary Gardener Becoming Primary Gardener

This amendment incorporates into the site rules the current process used by the board for a secondary gardener to become the primary gardener. Since the process affects rights of members, the board believes it should be set out in the site rules so gardeners know what the process is.

5. Service Hours for Maintaining Pathways Other than Common Paths

The site rules currently permit earning service hours for “maintenance of pathways and common areas.” A question has come up if term “pathways” includes pathways between adjacent plots even though not designated as a common path. This amendment clarifies that it does.

**II. Amendments**

*Page*

1. Encroachment on Shared Borders 2
2. Maintaining One-Foot Weed Free Strip Along Shared Borders; Plot Compliance Enforcement 3
3. Active Gardening of Plot Pilot 5
4. Secondary Gardener Becoming Primary Gardener 7
5. Service Hours for Maintaining Pathways Other than Common Paths 8

|  |  |  |
| --- | --- | --- |
| **AMENDMENT 1: ENCROACHMENT ON SHARED BORDERS**  *Highlighting denotes new or changed language.* | | |
| **PROPOSED AMENDMENT** | **CURRENT RULE LANGUAGE** | **RATIONALE** |
| ***Amend Section I., Subsection E by adding a new Subdivision 1. which reads as follows and renumber subsequent subdivisions accordingly:***  1. Sunshine Gardens’ collective space is divided into individual plots with shared borders which require being considerate of neighboring gardeners. Vegetables and ornamentals, including their trellises or similar supporting structures should not be planted/placed so close to plot boundaries that:  a. the plants cannot be cultivated or harvested without entering a neighboring plot,  b. a plant or structure casts excessive shade on a neighboring plot, or  c. a plant or structure otherwise encroaches on a neighboring plot. | *[no language in current rule]* | The layout at Sunshine Gardens means most plots have at least one shared border with another gardener. Gardeners need to be considerate of their neighbors and not encroach on shared borders. This amendment is designed to make members aware of how encroachment can occur and to prohibit encroachment. |

|  |  |  |
| --- | --- | --- |
| **AMENDMENT 2: ONE-FOOT WEED FREE STRIP ALONG SHARED BORDERS; PLOT COMPLIANCE ENFORCEMENT**  *Highlighting denotes new or changed language.* | | |
| **PROPOSED AMENDMENT** | **CURRENT RULE LANGUAGE** | **RATIONALE** |
| ***Amend Section I (Plots)., Subsection D., Subdivision 1 by adding a new Paragraph e so Subdivision reads:***    D. PLOT COMPLIANCE  1. Plot compliance includes:  a. Vegetables and/or fruits harvested regularly.  b. Plots not overrun with weeds, especially bindweed, Johnson grass, and Bermuda grass.  c. Plants at the end of their productive life removed.  d. Two feet beyond the surrounding border of each plot into paths and common area maintained.  e. One-foot strip inside plot along common borders with adjoining plots kept free of weeds (Bermuda grass, bindweed, etc.). | 1. Plot compliance includes:  a. Vegetables and/or fruits harvested regularly.  b. Plots not overrun with weeds, especially bindweed, Johnson grass, and Bermuda grass.  c. Plants at the end of their productive life removed.  d. Two feet beyond the surrounding border of each plot into paths and common area maintained.  *e. [no current language]* | When a gardener fails to maintain a plot’s borders shared with adjoining plots weed free, the weeds quickly become a problem for the adjoining gardener. This amendment would make failure to maintain common borders with adjoining plots weed free constitute non-compliance. |
| ***Amend Section I. (Plots), Subsection D, Subdivision 4 by amending Paragraphs b, e so Subsection reads:***  4. Procedure when a plot is out of compliance  a. Determination  Two Zone Coordinators will agree on non-compliance and will notify the Vice-President of the Board.  b. Official Notice  The Vice-President will notify the Board of Directors. The President will send official notice of non-compliance in accordance with the notification requirements of Section I.G. of these rules. The email sent date or receipt/certificate of mailing will be the conclusive proof of the date of notice/mailing.  c. Grace Period  A member shall have 21 days from the date of mailing of the Official Non-compliance Notice to bring the plot into compliance. Non-compliance at the end of the 21-day period will result in the termination of membership. The President and the Zone Coordinator shall determine if the plot has been brought into compliance or the membership is terminated.  d. Termination of Membership  If the plot is not in compliance at the end of the 21-day Grace Period, the plot will be available for reassignment to another member. Any produce, plants, equipment, tools or other items left on the plot or common area shall be considered abandoned. If the plot is subject to renewal during this process, a renewal statement will not be sent to the member until the compliance issue is resolved. If the plot is returned to compliance, the due date for the renewal fee will be adjusted.  e. Repeated Non-compliance  Repeated documented instances of non-compliance (defined as either two documented instances in one season or one documented instance in three consecutive seasons) will be grounds for termination of membership. | 4. Procedure when a plot is out of compliance  a. Determination  *[Language of proposed amendment is current rule.]*  b. Official Notice  The Vice-President will notify the Board of Directors. The President will send official notice of non-compliance by email and USPS to the member with a copy to the Zone Coordinator at the mailing address on file with Sunshine Community Garden. A certified letter will also be mailed to the address on file with Sunshine Community Garden. The receipt of mailing will be the conclusive proof of the date of notice.  c. Grace Period  *[Language of proposed amendment is current rule.]*  d. Termination of Membership  *[Language of proposed amendment is current rule.]*  e. Repeated Non-compliance  Repeated documented instances of non-compliance as defined by twice in one season or three times in one year will be grounds for termination of membership. | The site rules were amended in December 2015 to add Rule I.G. addressing how official notice is given including notice of non-compliance. This amendment is a conforming amendment reflecting that official notice is governed by Rule I.G which reads:  *G. GARDENER NOTIFICATION*  *Any notice required by these rules may be sent by email to email address on file. Official notification of nonpayment of dues, plot non-compliance or other item relating to termination of membership may be given by email to address on file with a request that gardener acknowledge receipt within seven calendar days. If acknowledgement is not received, notice shall be resent by certified mail or regular mail with certificate of mailing to address on file.*  Amendment clarifies situation in which three instances of non-compliance results in reassignment of plot. |

|  |  |  |
| --- | --- | --- |
| **AMENDMENT 3: ACTIVE GARDENING PILOT**  *Highlighting denotes new or changed language.* | | |
| **PROPOSED AMENDMENT** | **CURRENT RULE LANGUAGE** | **RATIONALE** |
| ***Add a Section VII which reads:***  **VII. Active Gardening Pilot**  Sunshine Gardens fulfills its purpose of providing “opportunities for the public to engage in organic gardening” only when its members actively garden their assigned plot(s) to produce vegetable and/or ornamental crops.  Currently, it is possible to maintain a plot in compliance with site rules without actively gardening the plot, but doing so is not consistent with the purpose of Sunshine Gardens. To evaluate the effectiveness of amending the site rules to require active gardening of plots, the board shall pilot test requiring members to actively garden their plot(s) and a process for enforcing requirement, up to and including termination of membership, for failure to actively garden plot(s).  The term of the pilot period is defined as the Fall 2016, Spring 2017 and Fall 2017 seasons. For purposes of this pilot, active gardening is defined as consistently:   * Planting plot in vegetables and/or ornamentals. * Maintaining plants after planting by watering, weeding, etc. * Harvesting in a timely manner by picking vegetables when ripe, removing expired annuals and cutting, pruning, thinning or deadheading ornamentals, such as perennials and natives, as appropriate. * Not leaving plot unplanted in vegetables or ornamentals for extended periods with the exception of letting soil rest; resting soil must be covered with leaves, compost, etc. or planted with a cover crop such as clover, buckwheat, Elbon rye or similar.   If a gardener has multiple plots, each plot must be actively gardened as defined above. | *[no language in current rule]* | Sunshine Gardens does not fulfill its purpose when its members actively garden their plot(s). Active gardening is a somewhat subjective concept and there is some question as to what is best way to ensure gardeners actively garden their plot. This amendment directs the board to pilot test requiring members to actively garden their plot(s) and a process for enforcing requirement. The goal of pilot would be to provide information needed to address active gardening on a permanent basis. |

|  |  |  |
| --- | --- | --- |
| **AMENDMENT 4: SECONDARY GARDENER BECOMING PRIMARY GARDENER**  *Highlighting denotes new or changed language.* | | |
| **PROPOSED AMENDMENT** | **CURRENT RULE LANGUAGE** | **RATIONALE** |
| ***Amend Section I. (Plots) by adding a new Subsection H which reads:***  **H. Secondary Gardener’s Option To Be Assigned Plot**  If a primary gardener on a plot voluntarily withdraws, a secondary gardener on the plot shall have a first option to be assigned the plot if:  1) the secondary gardener signed the membership contract as a secondary gardener at least six months before the withdrawal effective date,  2) the plot is cleared of weeds and crops past their prime and in good condition for reassignment (i.e., primary gardener is eligible for a clean-up fee refund), and  3) the board approves the secondary gardener’s request to be the primary gardener.  To exercise this option, the secondary gardener must notify the plot assignment coordinator by the withdrawal effective date, sign a new membership contract as primary gardener, and pay same fees as a new gardener (membership fee, tool co-op fee and plot clean up fee).  The only way for a secondary gardener on a plot to become the primary gardener is through this process. | *[No language in current rules]* | This amendment incorporates into site rules the current requirements for a secondary gardener to become the primary gardener on a plot. Putting in site rules will help ensure gardeners are aware of requirements. |

|  |  |  |
| --- | --- | --- |
| **AMENDMENT 5: SERVICE HOURS FOR MAINTAINING PATHWAYS**  *Highlighting denotes new or changed language.* | | |
| **PROPOSED AMENDMENT** | **CURRENT RULE LANGUAGE** | **RATIONALE** |
| ***Amend Subdivision B.7 of Section I to read:***  B. SERVICE HOURS  7. Mainten*anc*e of common pathways, pathways between adjacent plots, and common areas constitutes service hours. | B. SERVICE HOURS  7. Mainten*anc*e of pathways and common areas constitutes service hours. | Amendment is designed to clarify that term “pathways” includes not only common paths but also pathways between adjacent plots. |