

Diamond Head Community Garden Bylaws

Adopted March 10, 2007

Last Amended January 10, 2015

1. Gardeners, both plot holders and helpers, are subject to all of the applicable rules, regulations, and bylaws of the City & County of Honolulu Department of Parks & Recreation, the Diamond Head Community Garden (DHCG) organization, and all city, state, and federal laws.
2. Information posted on the bulletin board by any member of the Board will constitute formal notification to all gardeners
3. **General Responsibilities**
 - a. Gardeners shall treat each other respectfully at all times.
 - b. Gardeners shall maintain their plots, including keeping their garden plots clean, neat, and free from weeds, pests and diseases.
 - c. Gardeners may grow plants taller than 5' in their plots, as long as all the gardeners in adjacent plots approve. It is assumed that the other gardeners approve unless one (or more) complain to a member of the board. Once a complaint is made, the gardener will be given a notification that they have 30 days to trim the plants to 5' or shorter. After the 30-day grace period, the gardener can be issued a warning for failure to maintain their plot.
 - d. Plants and any items in a plot should not extend past the boundaries of the plot.
 - e. Each plot holder is responsible for keeping one half of the walkways adjacent to the plot free of weeds and debris.
 - f. Plot holders are required to have a mailbox in their plot, which is protected from water intrusion.
 - g. Gardeners are required to wash tools after each use.
 - h. Gardeners shall straighten hoses after use to prolong the life of the hoses.
 - i. In appreciation to William G Gomes, Sr., for providing the land for DHCG to the City, plot 70 is permanently reserved for his family. If no member of the Gomes family has maintained the plot for an extended period (four months or longer), the garden can be temporarily planted with flowers and herbs in appreciation to the Gomes family, and treated as a beautification area. A Gomes family member may re-claim the plot at any time.
 - j. Beautification areas are held in common by all gardeners. Any gardener may plant or harvest in any beautification plot. Please plant liberally, and harvest conservatively, so the beautification plots will stay beautiful and abundant year-round.
4. **Meetings & Workdays**
 - a. Plot holders must attend a minimum of four monthly meetings per year. All plot holders are required to attend at least one monthly meeting per quarter. Meetings are held in the garden on alternating Saturdays and Wednesdays (odd months, on the second Saturday at 9:00am; even months, on the second Wednesday at 5:30pm).
 - b. Plot holders are required to participate in at least two community workdays (garden cleanups) per year. There will be four community workdays during the year, to be held on Saturdays after general meetings. Specific dates for the community workdays shall be posted on the bulletin board.
 - c. If a plot holder is not able to attend the required garden cleanups, it is the plot holder's responsibility to make alternate arrangements with a member of the Board.
 - d. Only plot holders have voting privileges. Helpers do not have voting privileges and cannot fulfill a plot holder's annual meeting and workday obligations.
5. **Contentious Issues**
 - a. From time to time, gardeners may have issues with other gardeners. These issues might include simple differences of opinion or general complaints, or more serious matters, including allegations of wrongdoing, harassment, or even threats.
 - b. If an issue arises in which you do not feel that you can remain calm, polite, and respectful towards another gardener, or in which you feel another gardener is not acting that way toward you, do not have further interaction with that person. Instead, contact a member of the Board, or bring the issue up in a Contentious Issues Forum.
 - c. If you feel you are in danger, leave the area, and call the police.
 - d. A Contentious Issues Forum shall be held after the general garden meeting, whenever there are unresolved issues in the garden. Issues may be announced during the general garden meeting to alert the members, so they can choose whether to attend the forum.
 - e. If the Ombudsman or Board is unable to resolve an issue to your satisfaction, you may appeal any decision to the Coordinator of the Community Gardens Program, the Department of Parks & Recreation, or the City Attorney's Office.
6. **Warnings & Revocations**
 - a. Depending on the severity of the infraction, a plot holder who fails to abide by the rules and regulations as outlined in these bylaws can be issued a warning or even face plot revocation. Moreover, warnings issued as a result of a helper's infraction will be attributed to the plot holder who holds legal responsibility for the assigned plot.
 - b. Warning notices will be placed in the plot holder's mailbox. Plot holders have 14 days from the date the warning notice is placed in the mailbox to correct the problem. If the problem is not corrected to the Board's satisfaction within this period, the plot holder will be issued a second warning notice and have an additional 14 days to rectify the problem. Examples of infractions that warrant warning notices include, but are not limited to:
 - Failure to maintain plot.
 - Failure to trim tall plants, if required.

- Plants and/or items in plot extending beyond plot boundaries
 - Disrupting a monthly garden meeting with contentious issues.
 - Failure to wash tools after using them.
- c. If the problem remains uncorrected after a total of 28 days, the plot holder will be issued a revocation letter. Revocation letters will be sent via certified mail to the plot holders' address on file. In addition, the Board has the authority to initiate the revocation process without issuing warning notices, as well as disallow a plot holder's future garden participation, for any illegal acts or serious violations, including but not limited to:
- Failure to abide by City, State and/or Federal law(s) including:
 - Acts of violence
 - Theft or property destruction
 - Harassment/threatening behavior
 - Growing illegal plants
 - Feeding animals in the garden
 - Overdue user fee/dues
 - Selling produce grown in the garden or putting it to commercial use.
- d. Plot holders have 14 calendar days from a revocation letter's postmark date to vacate a plot or file an appeal. An appeal, if chosen, must be in the form of a letter signed by the plot holder and addressed to the Board. If an appeal is denied, plot holders have 14 calendar days from the date of the Board's reply to vacate a plot. A plot holder's official revocation date is the postmark date of the certified letter. In the case of appeals, the official revocation date is the date when the Board replied to the plot holder's letter of appeal.
- e. Plot holders who have had their plots revoked may re-apply for a plot one year after the official revocation date. If the revocation was due to an illegal act or serious violation, the Board has the discretion to extend this one-year period.

7. Plot Transfer and Assignment

- a. Internal Transfer: A current plot holder may request to be reassigned to an available plot and is given priority over waitlisted applicants. On a first-come first-served numerical basis, the first person on the Plot Transfer Request List has first choice of available plots. The re-assignment is officially made by the Application Officer. Transferring plot holders have 14 days after re-assignment to vacate their old plots; at dawn on the 15th day after re-assignment, anything left in the vacated plot becomes the property of the next plot holder. In addition, transferring plot holders must commence work in their new plot within one month of re-assignment.
- b. Applications for garden plots will be issued by the Application Officer on a first come, first served basis at monthly meetings of the Garden. Available plots will be

assigned after the general garden meeting, to the applicant at the top of the waitlist who is present at the meeting. If an applicant misses 3 meetings in a row the application will be dropped.

- c. If a member of the garden becomes disabled and unable to work in their plot, a close friend or family member can temporarily (for a period not to exceed one year) help maintain the plot.
- d. New gardeners will be given a copy of these rules, and the rules of the City & County of Honolulu Department of Parks & Recreation.
- e. New gardeners are expected to start working in their plots within two weeks of the assignment date, except as noted in 7e, below.

8. Board of Directors

- a. Board members shall serve a term of office no longer than one year and shall not serve consecutive terms. Elections shall take place at the December meeting. Any garden member may stand for election by announcing their candidacy at the December meeting, or posting an announcement on the bulletin board in November or December. If two or more members stand for election for the same seat on the Board, the election will be done with a secret ballot. (Amended at the November 2013 General Meeting.)
- b. Any member of the Board may voluntarily resign at any time, by giving notice to the other members of the Board and posting a resignation notice on the bulletin board. A replacement Board member will be elected in the next garden meeting.
- e. If any member of the Board (or the entire Board) is believed to be abusing the responsibilities of the office, they can be involuntarily removed by a recall petition, signed by 2/3 of the garden members present at a garden meeting. The recall petition must include the names; plot numbers, and signatures of current garden members. Presently, there are 114 garden plots, so a recall petition would require 76 signatures.
- d. Any expenditure over \$50.00 must be approved by the membership.

9. Amendment Procedure

- a. Any changes to the rules must be voted on by the membership following a 30-day notice. Any gardener may suggest changes to the rules during a garden meeting.