

Albany Community Garden Guidelines - DRAFT

(2-4-08)

The City of Albany Community Garden is intended for the use and enjoyment of the Albany community to grow organic produce, herbs, flowers and fruit, and for fostering a sense of community. The following guidelines are established to ensure that all participants are treated fairly and equally in their use of the gardens on property that is owned by the City of Albany.

A. Criteria for assigning plots

1. Priority for the assignment of garden plots will be given to Albany residents. A post office box will not be accepted as proof of Albany residency. As with all of the City's recreation activities, a driver's license or a PGE bill shall provide proof of residency. Plot assignments shall be for the duration of the Plot holder's residency in Albany and subject to the Plot holder's ongoing compliance with these Guidelines. Non-residents will be accommodated only as space allows.
2. The Garden Coordinator (GC – see section C.6) is responsible for maintaining a waiting list for the garden. Persons interested in obtaining a plot should contact the Recreation and Community Services Department, 510-524-9283. Plots will be assigned on a first-come-first-served basis. No person shall have more than one plot while a waiting list exists.
3. The City of Albany has the prerogative to assign a maximum of two plots each year for educational purposes: one for the Recreation Department's use and one for the Albany School District's use. Both the City of Albany and the School District's plots shall be maintained according to these Guidelines.

B. Gardening Practices

1. Plots may be individualized only in keeping with these Guidelines. Proposed changes in the overall layout and construction of the garden are subject to review and approval by the Parks and Recreation Commission and cannot be approved without the sufficient funds in place to cover all costs. The City may order changes as necessary to comply with law.
2. Gardens shall be weeded, planted and well maintained year round. Individual Plot holders are responsible for keeping the pathways around plots clear and free of obstruction including overhanging vegetation and hazards. Plots must be kept free of debris, trash, personal belongings, and equipment that are not used for gardening. Plot holders may not grow large permanent plants or plants whose roots invade other plots, or significantly block the sun to other plots.

3. Individual Plot holders are responsible for controlling and eliminating pests and diseased plant in their own plots using methods consistent with the City's Integrated Pest Management Program.
4. Plants with invasive seeds or growth habits are discouraged and shall be maintained at a higher standard of care to keep these plants from spreading to other parts of the garden. No illegal plants shall be grown. Seed saving of non-invasive plants is encouraged. A gardener practicing seed saving (allowing plants in their plot to fully develop seeds) may make the plot appear uncared for, and shall post a notice at his/her plot to alert other gardeners.
5. Gardens shall promote the practices of reduce, recycle, re-use, and rot (the 4 R's), in order to minimize water use and the need for the off-haul of gardening waste. Plot holders shall strive to operate and maintain a system of composting yard waste onsite. Watering should be done in early morning or late afternoon hours.
6. All Plot holders are expected to actively participate in garden matters and promote the aspects of "community" in and around the community garden. Plot holders shall attend $\frac{3}{4}$ of all garden meetings, contribute a minimum of eight (8) hours per year towards the maintenance of garden common areas, and contribute no less than six (6) hours per week during scheduled garden open hours.
7. All garden meetings are open to the public and shall be held in accessible locations. It is the responsibility of the Steering Committee (SC, see section C.2.) to provide for reasonable accommodations in all garden meetings, work parties and other events, if requested.
8. Produce must be harvested. Community gardens are encouraged to donate excess produce to soup kitchens or homeless shelters.
9. Watering, weeding, planting, and harvesting on another person's plot is not allowed without permission.

C. Administration

(In an effort to get the Community Garden operating, the Recreation and Community Services Director will appoint a volunteer Garden Coordinator and a Secretary-Treasurer to make up the Steering Committee. After the first four months of operation, the Plot holders will elect Steering Committee members.)

1. Decision-making shall be democratic, based on a simple majority of the Garden's Plot holder all duly notified in advance, and those present at the meeting.

1. On an annual basis Plot holders shall nominate and elect a two or three member **Steering Committee (SC)**. The SC shall be comprised at a minimum of the following officers:

| | | |
|---------------------|----|--------------------|
| Garden Coordinator | | Garden Coordinator |
| Secretary-Treasurer | or | Secretary |
| | | Treasurer |

3. The SC will schedule, invite all Plot holders, and conduct quarterly meetings, work parties, and promote garden community building events. The SC is responsible for naming the common area maintenance tasks. The Plot holders shall perform perimeter landscaping, litter pick up, and graffiti removal.
4. The SC shall maintain accurate and current records of Plot holder Agreements, Plot holder participation, plot configurations, funds and may act in advisory capacity to the Garden Coordinator. The SC shall update accounting and membership records annually and as changes occur, and shall provide an annual written report to the Parks and Recreation Commission. The City of Albany may make inquiries, perform audits and may take any reasonable action it deems necessary concerning complaints, abuses, or the adequacy of how funds are managed.
5. The SC is encouraged to establish a fair mechanism for resolving disputes. If they fail, disputes should be taken to the Recreation and Community Services Director who will be responsible for making a final determination.
6. The **Garden Coordinator (GC)** shall have the lead responsibility to represent the interest of the Plot holder, enforce the provisions of the Community Garden Guidelines, act as liaison with the City of Albany Recreation and Community Services Department, and take action as he or she sees fit, but only in accordance with these Guidelines and other local codes and policies.
7. Plot holders have 30 days from the date of written notice to correct or respond satisfactorily to any deficiencies brought to their attention by the GC, the SC, or the City of Albany, or his/her plot may be forfeited.
8. An annual fee of \$50.00 is payable to the City of Albany for each plot at the time the application is due. The City will retain 25% of all fees collected to cover administrative overhead costs and the cost of water and green waste disposal. The remaining 75% will be set aside to cover the costs for maintenance, improvements, and/or operational costs to be determined by the Plot holders. Requests for funds for maintenance, improvements, and/or operational costs must be made to the Recreation and Community Services Director at least two weeks in advance of needing the funds. After the first year of operation, the City has the right to increase or decrease the annual fee depending on the actual costs of administration overhead, water, and green waste disposal.

9. Should a Plot holder must forfeit his/her plot for any reason, a prorated refund based on the number of months remaining in the year will be given to the Plot holder.
10. These Guidelines may be reviewed and updated whenever necessary, subject to approval by the Parks and Recreation Commission.
11. The attached Community Gardening Agreement is a part of the Guidelines, and shall be signed by all Plot holders, formalizing the relationship between the Plot holder, the Community Garden, and the City of Albany. All original copies of the Agreement shall be on file with the Recreation and Community Services Department.

**City of Albany Department of Recreation and Community Services
Community Garden Agreement**

Plot Holder's Name _____ Plot # _____

Address _____

Telephone: Home _____ work _____ Cell _____

Email _____ \$60.00 fee: Check Cash Credit

1. I have read and agree to abide by the Guidelines for the City of Albany's Community Garden, portions summarized herein, as they may be amended from time to time.
2. I agree to participate a minimum of eight (8) hour per year for the maintenance of shared use areas and participate in ¾ of all garden meetings.
3. I agree to relinquish my Plot willingly and in good faith if I fail to take corrective action of satisfactorily respond to the deficiencies cited in a written notice received from the Garden Coordinator and/or the City of Albany.
4. I shall participate in community gardening activities with the knowledge that these activities could result in injury. I am aware that the City of Albany is not overseeing the physical condition or day-to-day operations of the Community Garden. I am voluntarily participating in the activity of gardening and maintenance with full knowledge of the risks involved and my abilities to participate in such activities, and hereby agree to accept any and all risks of personal injury resulting therefrom. I understand that I am not, while participating in the community gardening activity, covered by the City of Albany's Workers' Compensation program.
5. I hereby agree that I, my assignees, heirs, guardians, and legal representative will not make a claim against, sue or attaché the property of the City for injury or damage as a result of my participating in the Community Garden and/or resulting from the negligence or other acts, howsoever caused, by any employee, agent, or contractor of the City of any other community gardener. I HEREBY RELEASE AND DISCHARGE THE CITY OF ALBANY FROM ALL ACTIONS, CLAIMS, OR DEMANDS THAT I, MY ASSIGNEES, HEIRS, GUARDIANS, AND LEGAL REPRESENTATIVES NOW HAVE OR MAY HEREAFTER HAVE FOR INJURY OR DAMAGE RESULTING FROM MY PARTICIPATION IN THE COMMUNITY GARDEN.
6. I agree to inform the Garden Coordinator and/or City of Albany immediately if changes in my status occur, including by not limited to my place of residence and additional users of Plot, and agree to update my Agreement accordingly.
7. I have carefully read the Guidelines and the Agreement and I fully understand the contents of each. I am aware that this is a Release of Liability and a contract between myself and the City of Albany and I sign it of my own free will.

Plot Holder's Signature _____ **Date** _____

Others who will assist me in the upkeep of this garden plot:

| Name | Address | Phone | Signature |
|-------|---------|-------|-----------|
| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |