

**BYLAWS OF**  
**PROSPECT HEIGHTS COMMUNITY FARM**  
**ARTICLE I – NAME AND PURPOSE**

*Section 1 – Name:*

The name of the organization shall be Prospect Heights Community Farm (hereafter referred to in these bylaws as “PHCF” and/or “the garden”). It shall be an unincorporated membership organization.

*Section 2 – Purpose*

PHCF is organized exclusively for charitable, scientific, and educational purposes.

PHCF’s purpose is to:

- Protect, maintain, and steward a community garden at [252-256 St. Marks Avenue](#)
- Provide members with opportunities for personal and communal urban gardening
- Provide the Prospect Heights community with public access to PHCF during regularly scheduled times
- Promote urban environmental stewardship in the garden and throughout the Prospect Heights community

*Section 3 – Affiliations:*

A land trust designated by the garden membership shall hold the deed to 252, 254, and 256 St. Marks Avenue on behalf of PHCF. PHCF shall be registered with Greenthumb and shall abide by all rules, policies, and procedures established by that organization for its member gardens.

*Section 4 – Equal Access*

No one shall be denied access to PHCF on the basis of race, ethnicity, religion, gender, sexual orientation, or age, with the exception of children under the age of 16, who must be accompanied by a supervising adult.

**ARTICLE II – MEMBERSHIP**

*Section 1 – Types of Membership*

There shall be two categories of membership: 1) General Membership; and 2) Private Box Membership. All rules, rights, and responsibilities governing membership shall be applicable to both categories of membership, unless otherwise noted in the bylaws

*Section 2 – Eligibility for Membership*

Application for voting membership shall be open to any current resident, property owner, business operator, or employee of the City of New York who supports the purpose statement in Article I, Section 2. No one shall be denied membership on the basis of race, ethnicity, religion, gender, or sexual orientation. All members must be 18 years of age or older.

*Section 3 -Becoming a Member*

Membership is granted after payment of annual dues, attendance at a New Member Orientation, agreeing to abide by the bylaws and rules and policies of the PHCF, and attendance at a meeting.

*Section 4 – Annual Dues*

The amount required for annual dues shall be on a sliding scale of \$5 to \$25, unless changed by a majority vote of the standing members at the “Annual Meeting,” defined as the first meeting of the calendar year. Continued membership is contingent upon being up-to-date on membership dues. Membership dues must be paid by the May meeting every year.

*Section 5 – Rights of Members*

Part A: Voting Rights

Each member shall be eligible to cast one vote on any motion brought before the full membership at a meeting. The Secretary and Treasurer shall track attendance at all meetings to ensure compliance. A member may also choose to abstain from a vote.

Part B: Access Rights

Each member shall be supplied with a key to enter the garden at any time. The key shall remain the property of

PHCF and must be returned to a Member of the Garden Board upon termination of membership.

#### Part C: Propose and Carry Out Projects

Each member shall have the right to propose projects. Projects may be carried out after they have been approved by the membership and must follow the [PHCF Project Guidelines](#) posted on the Prospect Heights Community Farm Website.

### *Section 6 – Responsibilities and Rules of Membership*

#### Part A: Service Hours

Private Box Members shall perform no fewer than 20 hours of service to the garden per Garden Year, defined as the year between each annual meeting.

General Members shall perform no fewer than 10 hours of service to the garden per Garden Year.

The voting membership shall establish policies for managing the completion of service hours and post those rules in the Rules and Policies of the Prospect Heights Community Farm.

At least 60% of a garden member's service hours requirement must be filled by open hours service. Participation in regularly scheduled work days that happen to coincide with open hours does not fulfill this percentage requirement.

#### Part B: Meeting Attendance

All Private Box Members shall be required to attend no fewer than 3 garden meetings per Garden Year. General Members shall be required to attend no fewer than 1 garden meeting per Garden Year, excluding the the initial meeting required to become a member, as outlined in Article II, Section 3. All members must attend 50% of scheduled meeting time in order to be counted as having attended.

#### Part C: Additional requirements of Private Box Members

In addition to the Service Hours requirements in Part A above, Private Box Members must: (1) begin cultivating their box by May 1 of the Garden Year, and (2) sufficiently attend to their box so as to avoid a finding of abandonment.

If a Private Box Holder does not begin cultivating his or her box by May 1 of any Garden Year then the Box Coordinator in his or her sole discretion may assign the box to the next garden member on the box waiting list. This would be a permanent re-assignment, not seasonal. The original box holder may join the waiting list for a future box.

Whether or not a box is sufficiently attended will be determined by the Garden Board at a Board meeting held after the November regular meeting and before the Annual Meeting. The determination shall include such indicia as: lack of reasonable attention to watering, lack of reasonably regular weeding, consistent failure to harvest ripe produce, and any other evidence that the box has essentially been abandoned. If the Garden Board determines that a box has been abandoned, then the box will be made available to the next member on the waiting list.

#### Part D: Rules

Voting members shall establish the rules, policies, and procedures governing all activities related to and/or occurring in the garden (except those matter specifically governed by the PHCF By-laws). Those rules shall be posted in the Rules and Policies of Prospect Heights Community Farm. The Rules and Policies of Prospect Heights Community Farm may be amended at any garden meeting by a simple majority vote of a quorum of members as defined in Article III, section 4 below.

### *Section 7– Good Standing*

A Garden Member who has paid dues as required by Article II section 3, and attended meetings and

fulfilled Service Hours as required by Article II section 5 shall be considered in good standing with PHCF. The good standing of Garden Members shall be determined by the Service Coordinator soon after the Annual Meeting and will be based on the Garden Member's fulfillment of Member responsibilities during the previous Garden Year.

### *Section 8 – Disciplinary Action*

In the spirit of continued cooperation and peace among the gardeners, the garden members have adopted the following provisions to address any violations of the Prospect Heights Community Farm bylaws and rules.

- **First Violation:** Any initial complaint regarding an individual's alleged violation of the garden rules should be made to the General Coordinator, who will determine whether the claims justify the issuance of a written warning to the alleged errant gardener. If the General Coordinator does not issue a warning, then the person who allegedly committed the violation will be viewed as having a clean slate. If, however, the notice is issued, then the gardener will simply be on notice until such time as another complaint is made about the person to the General Coordinator. A second complaint would trigger the second phase of this procedure; however, this second violation must be viewed by a witness who is different than the person who saw the first violation.
- **Second Violation:** Should a second complaint be made against an individual regarding the breaking of garden rules, the matter will immediately be turned over to the Garden Board, which will conduct a hearing at which all concerned parties may present their sides. Based on the majority vote of the Garden Board, a decision will be made as to whether the second complaint has merit. If the hearing results in the alleged violator being exonerated, the individual again will be viewed as having a clean slate. If the Garden Board views the claims as being justified, the person still has a chance to make good, for it is only the complaint of a third alleged violation (made by any witness) that brings about the third phase of this procedure.
- **Third Violation:** If a third complaint is made against the same individual, a hearing will be held before the Garden Board. This group will determine whether the individual should be expelled from the garden membership; a decision to expel after a third violation shall be made only upon the majority vote of the members of the Garden Board. Gardeners who are expelled from the garden will be given the possibility of reinstatement, but only after a minimum one-year period of expulsion (starting from a date to be set by the Garden Board) and subject to a majority of the Garden Board voting to approve reinstatement.

### *Section 9 – Box Loans*

If a Private Box Member knows they cannot cultivate their box for a season (e.g. due to planned surgery, care for a sick family member, etc.) that member may loan their box for one Garden Year. The box rental will be offered to the next person on the box waiting list with the understanding that its use is temporary and for one Garden Year only. The renter/sublessee assumes Private Box Membership responsibilities for the Garden Year. The lender assumes General Membership responsibilities for the Garden Year. The 'renter' will not lose their place on the Box Waiting List until they are permanently assigned a box. The following season the Private Box Member may resume cultivating the box. If the Private Box Member does not return the following year, their box will be considered abandoned and will be offered first to the other Box Holders on the Change of Box waiting list if they wish to switch planting locations, then to members on the box waiting list. The renter/sublessee will be assigned the next available box according to their position on the Waiting List. Before any arrangements are made All Box Holders must coordinate with the Box Coordinator if they wish to loan their box for a year or if they desire to move.

## **ARTICLE III – MEETINGS OF MEMBERS**

### *Section 1 – Regular Meetings*

Regular meetings of the members shall be held monthly, beginning in February/March and ending in November of every year. The first meeting of the year is defined as the Annual Meeting. All meetings will be run in accordance with the [PHCF Meeting Guidelines](#) posted on the Prospect Heights Community Farm website.

### *Section 2 – Special Meetings*

Special meetings may be called by the Garden Coordinator, the Garden Board, or a simple majority of the Garden Members upon two weeks written notice in accordance with Article III section 3.

### *Section 3 – Notice of Meetings*

The schedule of regular meetings shall be set at the Annual Meeting and posted on the PHCF website within 30 days thereafter. In addition, printed notice of each regular meeting shall be posted in a prominent and highly visible place in the Garden no less than two weeks prior to the meeting. Notice of the regular meetings will also be communicated to Garden Members via E-Mail. Notice of the Annual Meeting will be communicated to the Garden Members via e-mail, the PHCF website, and, for garden members who do not have Internet access and who so notify the Garden Board, by regular mail or telephone at least two weeks in advance.

### *Section 4 – Quorum*

A quorum shall be determined by March 31 of every year for meetings held over the following twelve months. A quorum for the purposes of the Annual Meeting, regular meetings and special meetings shall consist of 33 percent of Garden Members in good standing, as defined in Article II, Section 7.

### *Section 5 – Voting*

All issues to be voted on shall be decided by a simple majority vote of those members present at the meeting at which the vote takes place.

## **ARTICLE IV – GARDEN BOARD**

### *Section 1 – Board Role, Size, and Compensation*

The Garden Board is responsible for leading Garden Members in achieving the PHCF Mission, as described in Article I, Section 2. The Garden Board shall consist of the elected Officers described in Article IV, Section 5. The Garden Board receives no monetary compensation but may reduce their required services hours by 50%.

### *Section 2 – Meetings and Notice*

The Garden Board shall meet at least three times per Garden Year, at an agreed upon time and place. An official Garden Board meeting requires that each board member have notice at least two weeks in advance.

### *Section 3 – Board Elections, Terms, and Eligibility*

Members of the Garden Board shall be elected or re-elected to their offices by a majority vote of the Garden Membership during the Annual Meeting. Unless otherwise stated in Article IV Section 5, Garden Board members shall serve a one-year term, but are eligible for re-election for up to five consecutive terms.

A one-year term shall span the Garden Year. Members are eligible to run for elected office after one year membership in good standing. In the event that no one with said prerequisites wishes to run for a given office, this requirement shall be waived.

### *Section 4 – Garden Board Collective Duties*

The Garden Board acts as a steering committee for PHCF, developing policies and procedures in accordance with the priorities of the larger PHCF community. The Garden Board is responsible for approving all spending requests larger than \$300 for project approved by the membership at general meetings. The Garden Board also administers conflict arbitration and resolution in accordance with the policies set forth in the ***Rules & Policies of the Prospect Heights Community Farm***, as well as the Disciplinary Action steps outlined in Article 2 Section 8.

### *Section 5 – Officers and Duties*

There shall be nine standing members of the board, consisting of the General Coordinator, Secretary, Treasurer, Master Gardener, Master Composter, Communications Coordinator, Service Coordinator, Box Coordinator, and Land Trust Representative. The size of the board can be expanded as described in Article IV, Section 7.

The General Coordinator's responsibilities include, but are not limited to, the following:

- Calling and chairing meetings of the PHCF;
- Calling and chairing meetings of the Garden Board;
- Facilitating the process of setting annual goals for the garden;

- Reviewing and approving, in consultation with the Treasurer, spending requests below \$300, any spending over \$300 must be approved by the Garden Membership at one of the Regular Meetings or Annual Meeting;
- Acting as the Green Thumb garden contact person.

The Secretary's responsibilities include, but are not limited to, the following:

- Compiling and distributing minutes of PHCF meetings;
- Compiling and distributing minutes of Garden Board meetings;
- Keeping and managing records of PHCF and Garden Board meetings.
- Keeping and managing regular meeting attendance records.

The Treasurer's responsibilities include, but are not limited to, the following:

- Presenting financial status reports at the start of every meeting of the Garden;
- Prepare, in coordination with the Garden Board, an annual budget;
- Coordinate with the General Coordinator on approving spending requests below \$300
- Ensuring that members of the garden have paid annual dues and are furnished with a key to the garden;
- Reimburse Garden Members for approved expenses;

The Master Gardener's responsibilities include, but are not limited to, the following:

- Educating and helping members of the Garden in the areas of plant identification, horticulture, soil maintenance, landscaping, bed maintenance, and overall garden health;
- Participate in relevant programs and seminars that will help to expand the Garden's knowledge base;
- Building and maintaining healthy relationships with peers in other community gardens and relevant institutions;
- Advising on seeding, plant propagation, and pruning throughout the public spaces in the garden;
- Alerting membership to volunteer opportunities in the garden;

The Master Composter's responsibilities include, but are not limited to, the following:

- Maintaining the structure of the garden's compost bins, making repairs and replacements when necessary;
- Advising on the composting process, ensuring the appropriate flow of materials, regular compost turning, and distribution of finished compost;
- Educating garden members about the composting process;
- Alerting membership to volunteer opportunities in the garden;

The Communication Coordinator's responsibilities include, but are not limited to, the following:

- Maintaining an up-to-date contact list for members of the garden;
- Managing an electronic information distribution system;
- Working with the Secretary to ensure the timely distribution of meeting minutes.
- Maintaining the PHCF website

The Service Coordinator's responsibilities include, but are not limited to, the following:

- Track and record member fulfillment of service hour responsibilities;
- Report failures to comply with service hour policies to the members of the garden at monthly meetings for disciplinary review.

The Box Coordinator's responsibilities include, but are not limited to, the following:

- Maintaining a list of current box holders and a waiting list for future box holders;
- Assigning boxes to individuals on the waiting list as they become available;
- Ensuring that box holders follow the rules and regulations put forward in the Rules and Policies of the Prospect Heights Community Farm.
- Assigning boxes to current box holders who wish to change their spot as they become available;
- Refer rule violations to the Garden Board and reassign a box after consulting with the Garden Board when the box holder fails to begin cultivating the box by May 1 of any Garden Year, or fails to meet the guidelines for tending a box outlined in Article II Section 6C.

The Land Trust Representative's responsibilities include, but are not limited to, the following:

- Representing the interests of PHCF at all meetings of the land trust;
- Communicating information about the land trust back to the members of PHCF;
- Serving on the Board of the Land Trust if required.
- The Land Trust Representative will serve for a term of two years. The position will be up for election in odd numbered years.
- The Land Trust Representative may not serve simultaneously as the General Coordinator.

#### *Section 6 – Resignation and Termination*

Resignation from the board must be in writing (which includes e-mail) and delivered to the Secretary. A board member shall be terminated from the board due to excess absences. A board member may be removed for other reasons by a three-fourths vote from the remaining members.

#### *Section 7 – Co-Positions*

The members of the Garden Board may move for the creation of co-positions at Annual Meeting. The positions shall last for no longer than Garden Year, renewable upon a majority vote at the Annual Meeting.

#### *Section 8 – Emeritus Positions*

The members of the Garden Board may move for the creation of non-voting, advisory Emeritus Positions on the garden board at the Annual Meeting. The positions shall last for no longer than one Garden Year, renewable upon a majority vote at the Annual Meeting. Garden members must be nominated to the position by a seconded motion and elected by a majority vote during the Annual Meeting.

### **ARTICLE V – AMENDMENTS**

#### *Section 1 – Amendments*

These bylaws may be amended by two-thirds majority vote at the Annual Meeting or at the September meeting of the members of the garden where a quorum has been clearly established. Any bylaws amendment proposals must be sent out to the Garden Membership for review no fewer than two weeks before the meeting, in order to be considered. For a September meeting vote must have been on the agenda for and discussed at the previous July meeting of that Garden Year.