

By-Laws of East Side Outside Garden

Revision history

Established, April 2017

Revised, April 2019

Revised, September 2019

Revised, February 2020: Approved unanimously by proxy vote, 7 February 2020

REVISION of Article VII, February 2021: Vote on 20 March 2021: In favor: Ryan M., Lisa C., Kathleen K. T., Shig M., Jon C., Phoebe H., Stephen, Nina B., Rita S., Ray K.; NOTE: Section numbers will be fixed after the vote, but this does not require a vote.

Revised, March 2022: Unanimously approved by vote of members at monthly meeting 10 April 2022

## Article I: Name

The name of the association shall be East Side Outside Garden.

## Article II: Purpose and Mission

The purpose of the association shall be to promote a garden community for residents through group action. We aim to improve and beautify our garden.

## Article III: Boundaries

The organization shall serve any residents in NYC.

## Article IV: Membership

Section 1: Joining: Membership is open to any and all persons residing in the boundaries listed in Article III of these by-laws.

Section 2: Prospective member: Prospective members can join the garden by contacting the garden board in person or through email ([eastsideoutsidegarden@gmail.com](mailto:eastsideoutsidegarden@gmail.com)), attending a garden meeting, and completing an orientation as outlined in the garden's [Procedures Guide](#). Prospective members are expected to complete a work requirement of 20 hours. To complete this work requirement, the prospective member must participate in workdays and other labor projects (e.g. construction of raised beds) under the supervision of members in good standing; general maintenance tasks such as weeding landscape areas and service on garden committees can also count towards satisfying the work requirement. If the prospective member completes these requirements and the annual membership requirements as outlined in Article

IV section 5, at the start of their second season as a garden member the prospective member will be considered as a member in good standing.

Section 3: Member in Good Standing (Rights of members): All persons who have met annual requirements as outlined in in Article IV Section 5, adhered to these By-laws, to the procedures specified in the [Procedures Guide](#), to the garden's [community guidelines](#), and to any applicable guidelines of the [license agreement with NYC Parks](#), NYC Parks regulations, as well as City, State, and Federal laws are considered members in good standing. Members in good standing have access to the garden via key or lock access code and are entitled to use the garden's tools. Plots are allotted to members in good standing on a first-come first-served basis; if there are not sufficient plots for all members in good standing, a wait list will be created.

Section 4: Voting: Only members in good standing are eligible to vote on matters of garden business during garden meetings or by proxy (e.g. online poll or email) and to vote in garden board elections. Voting members (that is, members in good standing) must be at least 18 years of age or older.

Section 5: Membership Guidelines (Responsibilities and rules for members)

- Annual requirements for all garden members
  - **Service hours:** Members in good standing and prospective members must commit to a minimum of 40 hours of volunteer time over the open hours season (see the next section for more details on Open hours)
    - Volunteer time is defined as hosting or co-hosting open hours. To be considered “open hours,” the garden gate must be open and the signboard must be put at the gate stating that the garden is open. Members should consult the daily maintenance checklist in the [Procedures Guide](#) and ensure that daily maintenance tasks are carried out during open hours.
    - Open hours Season is from April 1-Oct 31st.
    - Members are expected required to track their volunteer hours using the online google form. Hours must be entered within 36 hours of volunteer time.
    - 50 hours is the minimum volunteer time for non-dues-paying members
  - **Dues:** An annual dues payment is required to remain in good standing
    - In the case of financial hardship, 10 hours of work may be substituted for the dues payment; see Article IV section 2 for a definition of what meets the criteria of work hours.
  - **Meeting attendance:** Members must attend at least 3 meetings during the active season (April 1-Oct 31) and 1 meeting during the inactive season (Nov. 1-March 31) to maintain good standing.

- Members must follow the procedures specified in the [Procedures Guide](#), the garden's [community guidelines](#), and any applicable guidelines of the [license agreement with NYC Parks](#), NYC Parks regulations, as well as City, State, and Federal laws. Failure to follow any of these guiding documents can be considered as an infraction subject to a penalty (see Article IV section 6).
- Members agree not to do any of the following:
  - Copy or share any garden keys or lock codes with anyone who is not a member in good standing, including family members and friends, without permission of the garden board.
  - Grow food in non raised garden beds (see [license agreement with NYC Parks](#) 5.C.vi), with the exception of fruit trees in the communally managed landscape areas.
  - Members cannot consume Alcohol in the garden (see [license agreement with NYC Parks](#) 6.E)

## Section 6: Penalties

- Members not adhering to the guidelines outlined in Article IV Section 5 above, to the procedures specified in the [Procedures Guide](#), [community guidelines](#), and any applicable guidelines of the [license agreement with NYC Parks](#), NYC Parks regulations, as well as City, State, and Federal laws, will be subject to the following penalties, following a “three strikes model”:
  - Strike one: Probation: a period of 1 month following the identification of the infraction by garden members and notification of the Garden membership via meeting or Garden Board, to provide the infracting member the opportunity to get back in good standing for minor violations.
  - Strike two: Loss of plot: If the garden member continues to stand in violation of Article IV Section 5 guidelines by the end of the 1 month probation period, or commits a second infraction within two months after the completion of probation, the garden member will lose their plot and access to garden tools and other resources determined by the garden board.
  - Loss of membership: For major or repeated infractions against garden guidelines outlined above in Article IV Section 5, against the procedures specified in the [Procedures Guide](#), against the [community guidelines](#), and against any guidelines of the [license agreement with NYC Parks](#), NYC Parks regulations, as well as City, State, and Federal laws, or for failure to get back into good standing following a probationary period outlined in the above paragraph on Probation, the garden board may determine penalties up to and including expulsion of said members committing major infractions or failing to get into good standing. Loss of membership will include a loss of all keys and access codes to garden spaces.

## Section 7: Variances and remediation

- Garden members unable to meet all terms outlined in Article IV Section 5 because of a life event or other reasonable cause may ask the board for a

variance, preferably in advance, to be approved by majority vote of membership at a monthly member meeting in order to maintain their membership good standing.

- Garden members falling out of good standing will be given reasonable chances to get back into good standing; if necessary, terms of remediation for good standing will be determined by majority vote at a membership meeting.

## Article V: Dues

Section 1: Why Collect Dues: All members, including prospective members, will be asked to pay dues annually to remain in good standing. Dues are voluntary, however, only members in good standing may vote on Garden business. Dues are collected for the sole purpose of carrying out the mission of the association.

Section 2: Amount of Dues: Dues will be kept low so as to encourage as many members as possible. The amount of the dues will be determined annually and announced at the 1st annual meeting to be held in April every year.

Section 3: Payment of Dues: Annual dues are to be paid within 60 days of the 1st annual meeting held in April every year. New members will be asked to pay for the full year in which they join, regardless of when they join. If dues causes a hardship on the member, an additional 10 hours of volunteer time can substitute dues. If new members join mid July, dues can be prorated if amount causes hardship.

Section 4: Volunteer Hours: Dues-paying members are expected to volunteer a minimum of 40 hours per season inside or associated to the garden. As outlined above, members who cannot pay the dues for any reason will be requested to volunteer an additional 15 hours of their time.

Section 5: Other Donations to the Organization: Periodically, members may volunteer to donate materials or funds for certain projects proposed and voted on by the Garden Members. These are voluntary donations and are not considered dues.

Section 6: Who Pays Dues: Dues are collected from all members who are 18 years of age or older.

## Article VI: Meetings

Section 1: Time and Place of Meetings: The Association will meet regularly (approximately once a month during the season) at the garden or the 14th st Y. The time will be determined by what is convenient to the largest number of members which will be voted on at the April meeting. Meeting dates and times should be consistent and moved or rescheduled only as a last resort.

When circumstances allow, members shall be notified at least 7 days in advance of all cancelled meetings.

Section 2: Annual Meeting: The Association will hold an annual meeting in April of each year. The responsibilities of the volunteer committee officers will be assigned at that meeting. The amount of annual dues will be voted on at that meeting. Monthly meeting times will be voted on at this meeting. Anyone is allowed to attend this meeting but only members in good standing can be considered for assignment (see Article IV) and are allowed to contribute opinions at this meeting.

## Article VII: Garden Board

Section 1: Garden Board. The garden shall be managed by a volunteer board of 4 members in good standing (see Article IV section 3). The board shall divide up administrative responsibility equitably amongst its members and delegate administrative responsibility as appropriate among the rest of the garden membership.

Section 2: Elections: Four members in good standing shall be elected to the board in April of every year by a vote of garden membership. Members can be nominated to run for the board or can self-nominate for board service.

Section 3: Terms: The terms for all board members shall be for 1 year, starting at the April meeting or at the end of the meeting when the officer chose to adopt a set of responsibilities, until March 31st of that year.

Section 4: Terms Limits: Board members will not have any term limits.

Section 5: Vacancies: A vacancy or lack of sufficient participation by any board member or because of death, resignation, or otherwise is to be filled by a person self nominated or nominated by the members and approved by majority vote of the membership.

Section 6: Eligibility: Any member in good standing is eligible for election to the board.

Section 7: Roles. Two board members shall serve as co-chairs, and the two other board members will serve as apprentice board members--the goal is for these two members to learn more about the administrative tasks of the garden. The co-chairs set meeting times and agendas, coordinate among committees, task forces, and other subgroups within the garden, liaise with GreenThumb, Reclaimed Organics, East Side Community High School, LUNGS, Madina Masjid, and other relevant community groups.

## Article VIII: Voting and Decision-making

Section 1: Majority Vote Rules: All Association business is transacted using a voting system called Majority Vote, which means the winning proposal or resolution received at least one more vote than the next proposal or resolution on the ballot.

All decisions relating to major uses of garden facilities, equipment, and resources must be approved by a majority vote of a quorum of the membership; minor uses of garden facilities, equipment, and resources may be completed without approval of the officers or garden membership, but are subject to audit by garden members. As “major uses” these by-laws identify any public events (including but not limited to workshops, classes, fundraisers, workdays, and cultural or educational programming), private organized events involving non-members (such as parties), and alterations of the space and landscape. “Minor uses” include tasks not essential to basic garden care and maintenance, such as planting unobtrusive numbers of ephemeral plants in shared beds, keeping potted plants in the greenhouse, or any other usage of communal garden space and resources defined by garden members. Reports on all uses of the garden will be given at each meeting of the garden members.

Section 2: Must be Paid Member: In order to vote on association business you must be a dues paying member in good standing as defined in Article IV Section 3.

Section 3: Voting by proxy: Voting by proxy, including via email or other electronic means, shall be permitted. Members may send their proxy vote on specific agenda items in advance of a meeting.

## Article IX: Quorum

Section 1: Definition of Quorum: A quorum is the minimum number of persons required to be present before association business can be voted on.

Section 2: Quorum at Membership Meetings. The Association requires that at least 8 members who are in good standing with the association be present at any regularly scheduled or annual meeting in order for votes to take place or business to transact.

Section 4: Quorum for Other Committees: There is no quorum responsibility for other Association committees.

# Article X: By-Law Amendments | Alterations and Rules of Assembly

These by-laws may be altered or amended by an affirmative vote of 75% of the membership present at any regular or special membership meeting provided that notice to amend was given at least 10 days prior to the meeting and the intent to vote on by-laws is placed on the notice.

## Article XI: Finances

Section 1: Garden bank account: The garden's money is stored in an account at the Lower East Side People's Federal Credit Union administered by the Garden Board.

Section 2: Purchasing decisions: All decisions relating to major uses of garden funds must be approved by a majority vote at a monthly membership meeting; minor purchases for day-to-day expenses (less than \$100) may be completed with approval of the Garden board, subject to audit by all members in good standing. Reports on all expenses will be given at each meeting of the garden members.

Section 3: Purchasing protocol: Purchases can be made directly using garden funds and bank cards by the Garden Board. Other members can be reimbursed for approved purchases by providing the Garden Board with a valid itemized receipt. If the purchase is made with a card, the last four digits of the credit card must be visible on the receipt.

Section 4: Fundraising: Any fundraising initiative (not limited to fundraiser parties, sales, events, or online fundraisers) must be approved by a majority vote of a quorum of the membership.

By-laws approved: 7 February 2020

Signature of members: Approved unanimously by email proxy vote. Yay votes: Jon Cleffi, Amy Anthony, Laura Rosenshine, Shig Matsukawa, Ryan Mendenhall, Manni Lee, Josh Luria. Vote not received/abstention (counted as "yay" vote): Lisa Cha, Jonas Schaller, Max Katz, Meredith Danberg-Ficarelli, Naji Boustany, Marni Mendelsohn, Jorge Hernandez, Paul Josephson, Adrien de Bontin, Chelsea Kakar, Cindy Uh, Rob Kelley, Sophie MacIntyre