

By-laws for Rolla Community Garden  
Drafted 02/08/2024

**Article I -Name**

The name of the organization shall be the Rolla Community Garden (RCG).

**Article II – Purpose and mission**

The mission of the Rolla Community Garden, in collaboration with the City of Rolla administration, will be to provide a facility and community for the citizens of the City of Rolla to introduce and develop gardening and fruits of that labor through education; a place for the community to gather freshly grown produce; space to experiment with techniques; and make available space and resources for gardeners to grow plants for food, decoration, or other useful organic material.

RCG shall be a nonprofit community project operating in Rolla and shall be governed by a volunteer core group called the Council (see Article V). The Garden that it supports shall be located within the city of Rolla, and generally shall be comprised of individually assigned garden plots in a designated area with community and educational sections, as determined by the Council.

**Article III – Membership**

Gardeners that occupy and pay the fee for private plots shall be considered members of the RCG. Rates for the private plots will be set each year for the upcoming year. Contracts for membership shall run from January 1<sup>st</sup> to December 31<sup>st</sup> of the calendar year. The Gardeners shall operate on a signed Garden Contract.

1. Plots may be occupied by single individuals, a small group of multiple individuals (may be family or not) or a larger organization with the approval of the RCG Council.
2. Each plot, regardless of the number of occupants, is entitled to one vote in matters concerning revisions to the By-Laws, Operating Rules and Regulations, and other matters put before the membership for approval.
3. Each Member annually shall donate a minimum amount of volunteer time, as specified in the Contract, to the maintenance of the Garden. Volunteer time for plots that are occupied by multiple individuals will be treated as one gardener, though the Council encourages all the gardeners to participate in the work to keep the garden nice.
4. Members can be removed due to a violation of the RCG Rules and Regulations and/or by a vote in which 4 of the 5 members of the Council approve of removal.

**Article IV – Meetings**

1. General Meetings shall be held quarterly: February, May, August, and November, with additional meetings held between February and November of each year.

2. Meetings for the RCG can be held either online or in-person. Given that the RCG is meant to be a community as well, meetings are encouraged to be in-person. Business can be held other methods, if they are accessible to all gardeners. If approved by the Council, voting on any issue that does not alter the By-laws may be conducted by e-mail.
3. Decisions of the Council shall require a simple majority of the Council present, at any Council meeting, as long as a quorum comprised of a majority of the Council is present.
4. At General Meetings, decisions shall be made by a simple majority of the attending Members.
5. Members shall be notified of meetings 7-10 days prior to the scheduled meeting. The Council shall determine the best way to contact the gardeners in an open and transparent manner.
6. Members that are not fulfilling the responsibilities of their Membership Contract may incur a punishment, including a modest financial penalty or expulsion. The appropriate scale will be set by the Garden Council. Implementation of the penalty will be carried out with the majority of the Garden Council.

#### **Article V - Governance**

The Garden Council shall be the primary governing body of the organization. The RCG Council shall consist of core volunteers dedicated to volunteering multiple hours per month in maintaining the RCG. Near the end of each season, this group will elect councilors for the following year. The candidate slates shall be circulated and finalized the last week of November. A candidate may be on more than one slate. The lists will be sent out to the membership the first week of December. The election of the Council for the following year will take place the second week of December.

*Garden Council* – The Community Garden Council shall be composed of 5 members. The Council members will be elected by a majority of the members. The seats on the Council shall be (not in order of importance):

President – This position shall be in charge of organizing the priorities of the garden,

Set agenda for the meetings

Act as spokesperson

Identify opportunities to expand the role of the garden in the community.

Focus on identifying and coordinating fundraising opportunities

Councilor 1 - Organization

Call for materials, such as wood chips, cardboard, etc.

Water shut on/off

Tool maintenance

Councilor 2 – Organization

Organize work days

Determine work that needs to be done

Councilor 3 - Outreach

Recruitment of new members

Assignment of plots

Help with coordinating outside events

#### Councilor 4 - Education

Organize and conduct educational opportunities conducted at/through the garden

The assignments are suggested to identify and organize the duties required to manage, maintain, and grow the RCG. They are not meant to be rigid delineations of duties and responsibilities.

Additionally, the City Clerk of Rolla, or their designate, may hold an *ex officio* position on the Council. The *ex officio* position will not count toward quorum or have any voting authority for matters that come before the Council.

The Council shall be the designated spending authority on behalf of the garden. Spending shall be authorized by a majority vote to approve by the Garden Council.

Should the membership want to change leadership prior to the annual election of the Council in December, the following process will be followed:

1. There is a formal call to dissolve the Council by email to the entire membership, which will cite reasons and make the case for dissolution.
2. The existing Council will have 3 days to respond by email. The initiators will have 2 days to respond to the arguments. Lastly, the existing Council will have 2 days for a final response. There will then be a vote that will take place by email. A vote to dissolve the existing Council will pass if there is a >60% of the membership that votes to disband the Council. A count of the final vote will be sent to membership upon the closing of the voting period. The process will move to the next step. If the vote moves not to disband the Council, then the governance reverts to the state prior to the governance challenge.
3. If the membership votes to disband the Council. Then the membership shall put together a slate of candidates for the entire governing Council. It may include members that were part of the disbanded Council. The membership shall have 2 days to propose slates to the rest of the membership. There will then be 3 days of discussion culminating in a vote via email. The voting period will last 2 days and be organized by a person not involved with any of the slates. The way each member voted will be verified either by publicizing how each member voted or a method agreed upon by the membership. A slate must obtain 50% of the cast votes by email to be elected.

#### **Article VI – Registration and Fees**

1. Garden assignments shall be open (within the limits of available space) to any household in the City of Rolla or surrounding community that agrees to comply with the Garden Contract and Release of Liability. Shared occupancy of plots by members of different households is allowed with approval of the Council.

2. Plots shall be assigned to Registrants for each annual growing season, which shall be defined by the Operating Rules and Regulations, as may be amended from time to time. Administrative needs of the RCG may supersede the following garden plot assignment order. Priority plot assignment shall be given to gardeners that plan to continue to garden in their same plot, then for existing gardeners in good standing that want to move or increase space, and then to individuals from the waiting list in the order they were added to the list.
3. A new waiting list of applicants who were not assigned plots shall be maintained for each season and carried over between seasons should it be necessary.
4. Registration fees (“Fees”) shall be set annually and must be paid in full at the time of registration. In the event that all Plots have not been assigned or a Plot is abandoned by a Registrant, and in the event that there is no waiting list of applicants, Rolla residents may apply to register during the season.
5. With the availability of funds, the RCG will strive to support a scholarship or other financial assistance to make gardening accessible to all members of the community. An application process shall govern this program when established. The Garden Council will implement a transparent and open process to accommodate any needed financial assistance.

#### **Article VII – Amendments**

Quorum for meetings and changes in the By-laws will be achieved with the presence or response, in the case of an e-mail vote, by the entire Garden Council.

Changes to RCG rules will be passed by a majority of the votes cast. A tie will mean a failure to pass. For a measure to be implemented at the RCG, the measure that contains the same language must pass on two separate occasions according to following procedure. Measures can be passed by in-person vote or via electronic communication as determined by the Council. The wording shall be proposed for a vote and a motion to second. The Council will send the measure out to the Membership via electronic communication. A vote will either be held between 7 and 10 days following the proposal in the case of in-person votes and can close 7 days after a proposal is initiated. The result of that vote is communicated to the membership. One week after the communication, the resolution, without alteration from the resolution that passed in a first vote, is communicated a second time to the membership and a vote taken (or concluded by electronic vote) between 7 and 10 days. If the resolution passes with the majority of the votes cast on both the first and second vote, the rule shall be implemented and apply to all members, visitors, and the land considered the RCG. To be valid, the process from the introduction of the resolution to final passage shall not take more than 3 months. On December 15 of each year, all resolutions, no matter the status, shall be declared failed and will revert back to the start of the process at the start of the next contract year.

#### **Article VIII – Dissolution of the garden**

Should the RCG be dissolved, whether it be imposed or by choice, the members will have a negotiated period of time to recover any personal materials housed at the garden prior to the area being permanently closed. Any common assets that reside at the garden will be negotiated to determine their fate with the Council as the first line of arbitrator. Any remaining funds will be donated to a charity as voted on by the membership in a process that will be negotiated at the end of the garden's existence.

**Article IX – Adoption of By-laws**

The By-laws will be adopted with a majority of the garden members in February 2024.