

From: CLK Council Info
Sent: Monday, January 09, 2017 6:23 AM
To:
Cc:
Subject: Parks, Community & Customer Services Speaker Registration/Testimony
Attachments: 20170109062308_Ann_Kobayshi_-_By-laws_12-25-16.docx

Speaker Registration/Testimony

Name	Wade Rhein
Phone	8082326391
Email	waderhein@gmail.com
Meeting Date	01-10-2017
Council/PH Committee	Parks
Agenda Item	Letter to Ann Kobayashi
Your position on the matter	Comment
Representing	Self
Organization	
Do you wish to speak at the hearing?	No
Written Testimony	This is the letter that goes with the AWCGA By-laws.
Testimony Attachment	20170109062308_Ann_Kobayshi_-_By-laws_12-25-16.docx
Accept Terms and Agreement	1

RECEIVED
CITY CLERK
C & C OF HONOLULU
2017 JAN -9 AM 8:04

PCCS

Community Recreational Gardening Program
at Ala Wai Community Garden

December 27, 2016

Ann Kobayashi - Chair
Parks, Community & Customer Services Committee
City & County of Honolulu

Dear Ann,

Happy Holidays!

Congratulations on your new chair position leading the Parks, Community & Customer Services Committee.

Finally, after more than 30 years the Ala Wai Community Gardens Association (AWCGA) joins the other nine O'ahu community gardens with our own unique by-laws, which will hopefully foster an atmosphere of community and increased clarity as we move forward.

At our annual elections and Holiday party on December 5th, the AWCGA members voted almost 2 to 1 (Sec. A Yes: 39/No:20 & Sec. B Yes: 38/No:18) to approve our draft by-laws which had been posted on our community bulletin board for the requisite 30 days

As the outgoing president of the AWCGA I request your guidance regards the procedure for registering our garden's new by-laws with the City & County of Honolulu.

Sincerely,

Wade Rhein
2016 President
Ala Wai Community Garden Association

Attachment: AWCGA By-laws
cc: file

Ala Wai Community Garden Association (AWCGA)

By-Laws - December 2016

Applicability and Scope

These by-laws shall apply to the operation and management of the AWCGA. These by-laws are an addition to the current City and County of Honolulu, Department of Parks and Recreation, Honolulu Community Gardens – Gardener’s Handbook (2011 revised edition), as well as the New Officer Orientation by-laws, version 2.2 dated 12/22/2012. If any provision of these by-laws or the application of such provision is held to be invalid, the remaining portions of these by-laws of the application of said portions shall not be affected.

Section A

This part; section A deals with policies and procedures to streamline the day-to-day administration of the AWCGA. It also introduces new procedures that will help both the board and the members better understand their rights, duties and responsibilities and that will contribute to a smoother functioning garden community.

I. Posting requirements for AWCGA bulletin board:

- a. To ensure that the general membership of the AWCGA is well informed, the board of directors shall post the following reports monthly:
 - 1) Date, time and locations of next meetings & clean-ups
 - 2) Applications Wait List including available plots for next meeting give away.
 - 3) Draft Meeting minutes from most recent membership meeting
 - 4) Detailed monthly Treasurer’s report
 - 5) Meeting and Clean-up attendance records for the calendar year -- updated monthly.

II. The AWCGA shall adhere to the rules of Robert’s Rules of Order:

- a. AWCGA membership and board of directors meeting will follow the guidelines of Robert’s Rules of Order.

III. Finances:

- a. Three members; the President, Vice-President and Treasurer shall be the only members authorized to disburse monies from the AWCGA bank account.
- b. All checks written from the AWCGA bank account must have a minimum of two signatures – no single person may disburse funds.
- c. AWCGA board may purchase items of necessity up to \$150.00 in price. No more than two such purchases shall be made per month.
- d. All purchases/expenditures of more than \$150.00 must be approved by a majority of AWCGA members at the monthly meetings. A 30-day bulletin board notification is not required before this membership vote.

- e. All receipts of purchases and requests for payments must be received by the AWCGA Treasurer no later than 60 days from purchase/service to receive reimbursement. Failure to meet these requirements will result in non-payment.

IV. AWCGA yearly dues and user fees:

- a. Yearly membership dues and individual user fees will be collected during two membership meetings before the end of each March.
- b. The collected user fees will be deposited in the AWCGA bank account and dispersed to the City & County during the first month of the Cities fiscal year July 1st – June 30th.
- c. A plot holder who paid their user fees but leaves the AWCGA membership before the monies are dispersed to the C&C will receive a full refund for their user fees.
- d. After the user fees are dispersed to the C&C, new gardeners who receive plots during the remainder of the calendar year, will not be required to pay user fees, as they have already been paid.
- e. AWCGA yearly dues are prorated for new gardeners and there are no refunds for those who leave before the end of the calendar year.

V. Elections:

- a. AWCGA board of director's elections will be held during the December meeting and can be held in one of two ways
 - 1) Nominations for positions shall be made at the November meeting and fixed ballots shall be voted on during the December meeting, or
 - 2) Floor nominations may be held at the December meeting with voting to immediately follow.
- b. The AWCGA President sets the meeting agenda (Gardeners Handbook page 28, sec.d. 1) and it is the sitting president's option of which form of election to choose.
- c. The terms of the boards shall run from January 1st through December 31st of each calendar year.
- d. The outgoing and incoming board shall meet as soon as possible after the new year so that relevant forms and papers may be passed and to insure a smooth transition.

VI. Revocations:

- a. Before revocation notices may be sent, the President shall send the City & County Community Garden Coordinator (CGC) a copy so the CGC can insure that the revocation is written in the proper format.
- b. The board must send revocation notices via Certified USPS mail so that delivery to the recipient can be verified.
- c. It is the responsibility of each AWCGA member to ensure that the Applications Officer has up-to-date contact information.
- d. In the event a Certified revocation letter is sent to an AWCGA member and is undeliverable to the address of record, a second attempt shall be made to send another Certified letter a minimum of 14 days after the first. If the second

Certified revocation letter is undeliverable, the plot is 'de facto' revoked, as soon as the undeliverable status is confirmed from the USPS.

- e. The CGC or other City representative shall inform the board President, in writing within 21 days of the Certified mailing of the revocation letter, whether the AWCGA member is appealing their revocation.
- f. The CGC or other City representative must inform the board President, in writing no later than 30 days after Certified mailing of the revocation letter as to the decision of any appeal so that the revoked plot may be awarded to the next person on the waiting list.
- g. Most revocations occur at the end of the calendar year when AWCGA boards are changing, therefore the board which initiated the revocation shall have standing with the City representative and must be informed of all processes and shall also have the right to appeal decisions made by the City representative.

VII. Board member recall procedure:

- a. A board member may be voted out of their position for cause, which may consist of the following behaviors/actions:
 - 1) Violating Hawaii Revised Statute (HRS) laws
 - 2) Violating City & County and/or AWCGA rules and by-laws.
 - 3) Non-performance of duties.
 - 4) Creating a 'toxic' climate which seriously interferes with the administration of the AWCGA.
- b. The recall procedure is from Robert's Rules:
 - 1) 2/3 of the membership must sign a recall petition.
 - 2) A notice of the recall petition vote must be posted for 30 days on the AWCGA bulletin board.
 - 3) A majority of the members present at the meeting must vote for recall.
- c. If an AWCGA board member is recalled the position shall be filled at the following months membership meeting via an open floor nomination and a majority membership vote.

Section B

- I. The focus of section B is the step-by-step policies and procedures that will insure that our garden community moves forward in a more uniform manner. As a garden community, we are only as strong as our more challenged members. The path forward is a process that cannot be achieved overnight. It requires a shared vision and patience as we strive to create the best that we can be. If the membership approves section B of the by-laws, our garden will have new rules for all our new plot holders and as we continue to move forward in time, our new rules will likely create a better garden community.

- II. **All current plot holder's fences, structures (including any concrete that they or previous gardeners may have installed), and plantings are Grandfathered: This means that there will be no apocalyptic new rules forcing large percentages of our members to deconstruct that which we may have inherited from earlier plot holders and/or spent both time and money creating.**

III. New Rules

- IV. All new plots shall have metal fencing; it can range from ¼ inch square metal screen to chain link fencing and many types in between. Other examples include but are not limited to 2,3,4,6 inch rolls of metal fencing. If it is metal and designed as a fence it's likely OK.
- V. New fences shall not be more than 7 feet tall (robust height keeps out thieves).
- VI. The posts that support the new gardens fencing shall be made of metal too.
- VII. Structures may be built to shade gardeners, protect folks from rain showers and store garden supplies, but they may not be more than 6.5 feet in height nor made of materials that look unsightly. Examples: scrape lumber, appliance parts, i.e. refrigerator shelves, bed frames and the like shall not be allowed.
- VIII. New gardeners may plant up to 2 fruit trees, but they must be certified dwarf (no taller than 8 feet – save your receipts as proof) and no fruit trees may be planted within 5 feet of you row neighbor's fence (that means you must plant them near the middle of your plot-this insures little or no roots or shade will affect your neighbors plot.
- IX. No gardener shall use concrete for any purpose except as footing for a maximum of 2 gateposts (2 gateposts = 1 gate, 2 bags max. cement per gatepost). The precedent of using concrete footings was set several years ago when the City & County allowed the sewage contractor to pour cement footings as they constructed the plot perimeter fencing for five garden plots that were displaced after the heavy flooding in 2005. See gardens: A11, C11 & B13 for examples.
- X. Shade cloth may be affixed to fencing, but it may not be of a such high percentage that people cannot see into a garden plot. If a majority of the board (3 of 5) judges the shade cloth to dark and that prevents looking into a plot the gardener must remove it.

XI. Process

- XII. The AWC GA awards approximately 10-12 new plots per calendar year. When a plot is vacated and before it is given to a new gardener, the board shall insure that all elements of the vacated plot will follow the new rules.
- XIII. All of the non-compliant trees shall be cut, improper fencing and fence posts removed, as well as any sub-standard or non-compliant structures.
- XIV. This work shall be performed as a part of the monthly membership garden clean-ups and the vacated plot shall not be awarded until all improper elements are removed.
- XV. The new plot holder is then responsible for reconstructing their new plot using our new by-laws. The C&C Gardener's handbook clearly states on page 24, section 1.3 a. "The City shall provide land. All other improvements and services shall be provided by the gardeners."

Voted and Approved: AWC GA Membership meeting December 5, 2016