

Cherry Creek Community Garden

Bylaws

Updated January 2018

ARTICLE I: COMMON NAME

The community garden shall be known by the name "Cherry Creek Community Garden."

ARTICLE II: PURPOSE

Our purpose is

1. to establish a community garden in order to provide an opportunity for local residents to garden, to beautify the neighborhood, and to provide a meeting place for the neighborhood and
2. to promote, to educate, and to disseminate information about sustainability and food security to the local community.

ARTICLE III: MEMBERSHIP

SECTION 1. – ELIGIBILITY

Membership shall be granted to all persons, 18 years of age or older, who are financially in good standing with the Cherry Creek Community Garden, who actively work a garden plot or participate on a sanctioned garden project, including, but not limited to: planning and maintain the tree orchard, beekeeping, maintaining a fish pond, harvesting, rainwater, building and maintaining fences/tables/kiosk, or composting and mulching.

SECTION 2. – DEPOSITS AND PLOT RENTAL FEES

1. Deposits shall be required for all plots. The deposits shall be returned upon surrender of plots that are deemed to be in good condition (as determined by the site director).
2. Plot rental fees shall be for a garden season.
3. Deposits and plot rental fees shall be paid to the treasurer.
4. Deposit and plot rental amounts shall be set by the Board of Directors.
5. Non-gardening members shall pay for a No Plot membership fee. A deposit is not required.

SECTION 3. – REVOCATION OF MEMBERSHIP

1. Membership may be revoked when a member no longer meets the requirements for membership or for just cause.
2. Membership may be revoked only by a two-thirds vote of the voting members at a regular meeting provided that notice has been provided to the membership no less than one week prior to said meeting.

SECTION 4. – VOTING RIGHTS

1. Each member shall be entitled to one vote and may exercise this right commencing thirty days after initial payment of fees and continuing while fees are kept current.
2. Voting rights shall not lapse if fees are paid within 15 days of the gardening season.
3. At any regular meeting each member present, or by proxy in writing, shall be entitled to one vote. Upon demand by any member, voting on any questions shall be by secret ballot. A current list of members entitled to vote shall be kept by the Secretary and available at all meetings.

SECTION 5. – MEMBERSHIP MEETINGS

Meetings of the garden members (general membership) shall be held bi-annually on the last week of January (spring meeting) and the last week of July (fall meeting). The Board of Directors may reschedule the date of the regular meetings of the membership, provided that notice has been provided to the membership no less than one week prior to such meeting.

SECTION 6. – SPECIAL MEETINGS

Special meetings of the Board may be held upon the call of any three members of the Board of Directors or upon the call of ten percent of the members. Notice of the meeting shall be provided to the membership no less than one week prior to such meetings.

SECTION 7. – NOTICE OF MEMBERSHIP MEETINGS

Unless otherwise specified in these bylaws, notice of a meeting shall be provided no less than one week prior to such meeting. Notice shall be provided to the membership by

1. sending an email to the email address on record for all members and
2. posting a notice of the meeting on the garden bulletin board.

SECTION 8. – QUORUM

A quorum shall be necessary for the transaction of business and shall consist of 30 percent of the voting members or 15 voting members, whichever is greater. Members voting by written proxy count toward the quorum.

SECTION 9. – MAJORITY VOTE

A vote of more than fifty percent of the voting members constituting a quorum shall be binding on the community garden unless specifically stated otherwise in the bylaws.

SECTION 10. – ORGANIZATION

The Garden Director shall preside at all meetings of the members, or in the absence of the Garden Director, a board member shall be designated to preside for that meeting.

ARTICLE IV: BOARD OF DIRECTORS

SECTION 1. – COMPOSITION

The Association will be governed by a Board of Directors. The Board shall consist of twelve members.

SECTION 2. – QUALIFICATION

The board members must be 18 years of age or older and must be in good financial standing with Cherry Creek Community Garden.

SECTION 3. – TERM OF OFFICE

Members of the Board of Directors shall serve for a term of one year. New board members shall be elected at the spring meeting each year and will formally take office the Monday following the meeting.

SECTION 4. – ELECTION

The election of the Board of Directors shall be at the spring meeting. Nominations may come from the floor with the consent of the nominee. A slate of candidates shall be presented to the membership for voting by secret ballot. The twelve candidates receiving the most votes shall be deemed elected. In case of a tie, a run-off ballot may be held.

SECTION 5. – REMOVAL AND RESIGNATION

1. Any board member may be removed, with just cause, at a membership meeting specifically called for that purpose by a vote of two-thirds of all responding members, provided that notice has been furnished no less than one week prior to such a meeting.
2. Upon missing three consecutive regular meetings, the absent member will automatically be considered removed from office.
3. Resignations should be given via written notice to the Board of Directors, and the acceptance of such resignations shall not be necessary to make it effective.

SECTION 6. – VACANCIES

In the case of any vacancy in the Board of Directors from any cause, a member must be elected to fill such a vacancy by the general membership. A special meeting must be called within 30 days of the vacancy.

SECTION 7. – DUTIES

The Board of Directors shall have general power to

1. manage and control the affairs of Cherry Creek Community Garden,
2. shall determine its policies and changes therein within the limits of the bylaws,
3. shall actively pursue its purposes, and
4. shall have discretion in the disbursement of funds consistent with such purposes.

SECTION 8. – BOARD OF DIRECTORS MEETINGS

Meetings of the Board of Directors may be held at such place and time as the Board may determine. Notice of time, date, and location of each meeting must be provided to the Board no less than one week prior to such meetings. There shall be four quarterly meetings within any year.

SECTION 9. – SPECIAL MEETINGS

Special meetings of the Board may be held upon the call of any three members of the Board of Directors. Notice of the meeting shall be provided to the Board no less than one week prior to such meetings.

SECTION 10. – NOTICE OF BOARD OF DIRECTORS MEETINGS

Unless otherwise specified in these bylaws, notice of a Board of Directors meeting shall be provided no less than one week prior to such meeting. Notice shall be provided to the membership by

1. sending an email to the email address on record of all members and
2. posting a notice of the meeting on the garden bulletin board.

SECTION 11. – QUORUM

Eight board members shall constitute a quorum for the transaction of business.

SECTION 12. – ACTION OF THE BOARD OF DIRECTORS

Except as indicated elsewhere in these bylaws, a majority of the votes cast at any Board of Directors meeting where a quorum is present shall be sufficient to authorize any action of the Board of Directors. The Board of Directors shall act only as a body, and the individual members shall have no power as such, nor shall they be held individually responsible for the Board's actions.

SECTION 13. – ORGANIZATION

The Garden Director shall preside at all meetings of the Board of Directors or, in the absence of the Garden Director, a board member shall be designated to preside for that meeting.

ARTICLE V: POSITIONS OF THE BOARD OF DIRECTORS

SECTION 1. – COMPOSTION

There shall be four officer/members of the Board of Directors. These officer/members are:

1. Garden Director
2. Site Director
3. Secretary
4. Treasurer

There shall be six coordinator/members of the Board of Directors. These coordinator/members are:

1. Orchard Coordinator
2. Compost Coordinator
3. Events Coordinator
4. Communications Coordinator
5. Grounds Coordinator 1
6. Ground Coordinator 2

There shall be two at-large members of the Board of Directors. These members are:

1. At-Large Member 1
2. At-Large Member 2

SECTION 2. – DUTIES OF THE GARDEN DIRECTOR

The Garden Director shall

1. preside and moderate all membership meetings and board meetings,
2. be responsible for the regular and board meeting agendas,
3. be responsible for acting as facilitator and mediator in any discussion or disagreement,
4. serve as a signatory for bank accounts and depositories,
5. keep all board members fully informed,
6. oversee business between meetings,
7. represent Cherry Creek Community Garden as needed, and
8. any other duties as assigned by the Board of Directors.

SECTION 3. – DUTIES OF THE SITE DIRECTOR

The Site Director shall

1. maintain a current record of the assignment of plots to gardeners,
2. maintain an account of the required labor hours performed by the gardeners,
3. ensure compliance of gardeners with the Site Rules and Regulations,
4. maintain a copy of the Site Rules and Regulations as amended or otherwise altered to date, and provide Site Rules and Regulations to all new gardeners or to any gardener upon request, and
5. any other duties as assigned by the Board of Directors.

SECTION 4. – DUTIES OF THE SECRETARY

The Secretary shall

1. certify and maintain a copy of the bylaws as amended or otherwise altered to date,
2. take and maintain the minutes of all meetings of Cherry Creek Community Garden,
3. be a custodian of the records of all meetings and all official correspondence of Cherry Creek Community Garden,
4. keep a current record of membership and contact information of all members,

5. exhibit records or minutes at all reasonable times to any member of Cherry Creek Community Garden, and
6. any other duties as assigned by the Board of Directors.

SECTION 5. – DUTIES OF THE TREASURER

The Treasurer shall

1. serve as a signatory for all bank deposits and accounts,
2. have charge and custody of, and be responsible for, all funds and securities of Cherry Creek Community Garden and deposit all such funds in the name of Cherry Creek Community Garden in such banks, trust companies, or other depositories as shall be selected by the Board of Directors,
3. file all financial reports with appropriate state and federal authorities for the fiscal year of their term of office,
4. receive and give receipt for monies due and payable to Cherry Creek Community Garden from any source whatsoever,
5. disburse the funds of Cherry Creek Community Garden as may be directed by the Board of Directors taking proper vouchers for such disbursements,
6. keep and maintain adequate and current accounts of Cherry Creek Community Garden business transactions, including accounts of liabilities, receipts, gains, and losses,
7. exhibit at all reasonable times the books of financial records to any member of Cherry Creek Community Garden on request with five business days written notice, and report to the Board of Directors at the next meeting the fact of such request,
8. render to the members at meetings and whenever requested an account of any or all of the transactions as Treasurer and of the financial condition of Cherry Creek Community Garden,
9. prepare and/or certify financial statements to be included in any required reports, and
10. any duties as assigned by the Board of Directors.

ARTICLE VI: FISCAL ACTIVITIES

The fiscal year shall be from January 1 through December 31.

ARTICLE VII: BOOKS, RECORDS, AND REPORTS

SECTION 1. – BOOKS

Cherry Creek Community Garden will keep in its permanent file the following records, with the appropriate officer responsible for said records indicated.

Secretary:

1. Minutes of all meetings of the Board of Directors and general membership
2. Updated records of membership, containing name, address, telephone numbers, and email address of each member, and the termination date of any membership
3. An updated copy of the bylaws, available at all reasonable times upon prior oral or written request

Treasurer:

1. Accurate books and records of accounts including accounts of its business transactions

SECTION 2. – PRIVACY

All names and contact information of members are to be kept confidential and are only for use by Cherry Creek Community Garden. Name and contact information of board members may be used for business purposes such as website or informative material as deemed appropriate by the Board of Directors.

SECTION 3. – INSPECTION

Every member shall have the right to inspect books and records of every kind in relation to Cherry Creek Community Garden at any time.

SECTION 4. – ANNUAL REPORT

1. At the spring meeting, the Board of Directors shall present a report showing in appropriate detail the fiscal status of Cherry Creek Community Garden for the last twelve months. This report shall detail the list of assets and liabilities, principle changes in assets and liabilities, revenues and receipts, expenses and disbursement, current number of members, and change in the number of members since the last fiscal period.
2. The annual report of the Board of Directors shall be filed with the records of Cherry Creek Community Garden and either a copy or any abstract thereof entered in the minutes of the proceedings of the annual meeting.

ARTICLE VIII: EXECUTION OF INSTRUMENTS, DEPOSITS, AND FUNDS

SECTION 1. – EXECUTION OF INSTRUMENTS

Members, except as otherwise provided in the bylaws, by resolution authorize any officer or agent of Cherry Creek Community Garden to enter into any contract or execute and deliver any instrument in the name of and on behalf of Cherry Creek Community Garden, and such authority may be general or be confined to specific instances. Unless so authorized, no officer shall have any power to bind the Cherry Creek Community Garden by any contract or engagement or to pledge its credit or to render it liable monetarily for any purpose or in any amount. A resolution to so authorize any member must be entered in the written minutes.

SECTION 2. –CHECKS AND NOTES

Except as otherwise specifically determined by resolution of the members, or as otherwise required by law; checks, drafts, promissory notes, orders for the payment of monies and other evidence of indebtedness of Cherry Creek Community Garden shall be signed by the Garden Director or Treasurer.

SECTION 3. – DEPOSITS

All funds of Cherry Creek Community Garden shall be deposited from time to time to the credit of Cherry Creek Community Garden in such banks or other depositories as the members select.

SECTION 4. – GIFTS AND DONATIONS

The members may accept on behalf of Cherry Creek Community Garden any contribution, gift, bequest, or devise for the purposes of Cherry Creek Community Garden.

ARTICLE IX: AMENDMENT OF BYLAWS

Subject to any provision of law applicable to the amendment of Bylaws of Texas Unincorporated Non-Profit Organizations, [Art. 1396-70.01, Texas Civil Statutes], these bylaws may be altered, amended, or repealed and new bylaws adopted by approval of the members.