

## EXHIBIT A



# COMMUNITY GARDEN RULES AND REGULATIONS FY 2018-2019

Please read carefully. Your Community Garden Permit obligates you to abide by these Rules and Regulations.

### SANTA MONICA COMMUNITY GARDEN PURPOSE

City of Santa Monica provides City property to residents to garden and promote community sustainability. The Community Garden Program also encourages resident gardeners to be active while practicing organic gardening of plants, flowers, fruits, vegetables and herbs for the gardener's pleasure and consumption while promoting a community of gardening neighbors.

### GENERAL

1. The Community Gardens have been established to ensure an opportunity for active participation in the Community Gardens Program for residents of the City of Santa Monica.
2. The Community Gardens Advisory Committee serves in an advisory role to assist with the operations of the gardens. The Community Gardens are managed by the City of Santa Monica's Community and Cultural Services Department, Community Recreation Division.
3. Garden plots may be reserved under a Garden Permit for a period of up to twelve (12) months at an annual fee established by the City, commencing on July 1st of each year or as a plot becomes available throughout the year. All Garden Permits expire on June 30<sup>th</sup> of the following year.
4. All interested Santa Monica residents will be assigned plots within the garden area when available on a one (1) plot per household basis.
5. Plots are available to Santa Monica residents only.
6. Commercial use of plots is not allowed.
7. Gardening hours are from sunrise to sunset.

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8. No permittee shall enter a garden plot other than his or her own without that permittee's permission.
9. Permittee may not assign his or her garden plot to another individual. Doing so will result in immediate loss of permit for that plot.
10. A Garden Permit will be entered into between the City and the permittee.
11. To build a community of gardens and gardeners, everyone is welcomed and encouraged to be a part of at least one of our community garden events, activities, or projects.

*Suggested volunteer opportunities include but are not limited to:*

- *Attend a bi-monthly Advisory Committee Meeting*
- *Help with or attend the Annual Pot Luck*
- *Assist at our booth at the Santa Monica Festival or other Community Outreach event*
- *Assist fellow gardeners to keep the community plots clean and free of weeds*
- *Conduct a gardening related seminar for other gardeners and the community*
- *Write a gardening related article for the bi-monthly Gardening And Community series in the Santa Monica Daily Press*
- *Checking the locks at the Main Street Garden*
- *Lead a tour of your garden for a local group*
- *Offer assistance at the Ishihara Learning Garden*
- *Monitoring of Gates*
- *Assisting another gardener during extended absence such as illness or vacation*
- *Reach out to a Site Representative for details and to sign up.*

## PERMITTEES

1. Permittee must show proof of City of Santa Monica residency (valid California Identification or California Driver's License, and a residence utility bill).
2. A gardening plot permit will be issued to Santa Monica residents only with a maximum of one (1) plot per household.
3. Garden plots will be assigned to eligible Santa Monica residents on a first come, first served basis.
4. Permittees shall be respectful and courteous to other gardeners and staff; and conduct themselves in the Permit Area in a manner consistent with good neighbor policies.

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### PERMIT FOR GARDEN USE

1. Eligible gardeners may be assigned a garden plot for the remainder of the current fiscal year with a non-transferable option to renew every fiscal year.
2. All Garden Permits expire on June 30.
3. Permittees desiring to renew their plot assignment may do so by applying thirty (30) days before their current Garden Permit expires.

### MAINTENANCE OF THE GARDENS

1. City's Responsibilities
  - 1.1 City will provide water to within ten (10) feet of each garden plot.
  - 1.2 Refuse collection will be provided at the gardens based on the collection schedule of the Resource Recovery and Recycling Division, Public Works Department.
  - 1.3 The structure of the pathways and exterior perimeter fences will be maintained by the City.
  - 1.4 City will conduct inspections and issue non-compliance notices to gardeners not properly maintaining their gardens.
  - 1.5 The City has no other responsibilities except those stated above.
2. Permittee's Responsibilities
  - 2.1 Permittee may not apply any materials or substances to the pathways without City approval.
  - 2.2 The Community Gardens is a year-round activity. All gardens must be actively planted and gardened on a year-round basis. Contact the City for referrals for assistance if extenuating circumstances temporarily prevent a permittee from fulfilling his or her gardening responsibilities.
    - A. Garden beds have seeded, young or flourishing plants. Beds may be covered, in whole or in part, with living mulch or mulched with materials including, but not limited to hay, burlap, or other permeable materials as a transition or short-term temporary measure.
    - B. Monthly attention and cultivation are evident. Minimal weeds.

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- C. The majority of the plot is under cultivation.
  - D. Hardscape suits gardening needs.
  - E. Should gardener decide to install automatic timer and drip irrigation, City Staff must be informed and an inspection of the system should take place. City Staff have the right to manually turn on the timer for routine inspections. Gardeners must inspect system regularly and repair any leaks. These systems should not be used as a substitution for visiting the garden.
- 2.3 Ultimately, it is the responsibility of the permittee for the condition of their garden during an absence. Should the condition of the garden not meet the requirements of the Rules and Regulations, permittee recognizes that a violation may be issued in their absence.
- A. Permittee shall not pay for ongoing professional gardening help in lieu of performing the work themselves. (No professional gardeners and/or landscapers.)
  - B. Permittee may name up to 4 unpaid Garden Assistants either within permittee's household, or outside their household.
  - C. If a gardener requires a paid assistant for a short term project, City Staff must be notified of the arrangement prior to work commencing and the assistant must be added to the permit.
  - D. At least one (1) person named in the Garden Permit must be present when gardening is occurring, which may be the Gardener or the Garden Assistant. Persons named in the Garden Permit must perform the majority of work except during vacation (typically no more than three months) or short term illness for which the permittee must notify the City. Should a permittee need an extended period of absence, the City may consider it on a case-by case basis.
  - E. A Gardening Assistant may not be another permittee.
- 2.4 Each permittee will provide his or her own tools, supplies, seeds, etc.
- 2.5 New permittees must have their plots cleared and cultivation started within one (1) month of the plot assignment.
- 2.6 Invasive plants, weeds and grass, including but not limited to: morning glory, palm, bamboo, kudzu vine, mallow, horsetail and false garlic must be removed. In addition plants generating

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'runners' which encroach into other plots, need to be restricted to a gardener's own plot OR planted in containers with a saucer under the container. Such plants include but are not limited to: wild fennel, mints, and berries. These may not be grown within 1 foot of neighboring plots. Should 'runners' migrate into other plots permittee can receive a violation.

2.7 The following guidelines must be observed in order to protect the open space and access to sunshine:

- A. All growth and property must remain within plot boundaries, which includes airspace between plots. All vegetation, structures, frames, etc., must not shade other gardens.
- B. Plants that create thickets, such as bougainvillea must be trimmed and thinned regularly to allow sun flow and prevent shading.
- C. No trees of any size may be planted in the ground. Dwarf trees, less than five (5) feet in height, are allowed if contained in a pot above ground with saucer (or equivalent) underneath to prevent in-ground rooting.
- D. Stagnant water is not allowed. Ponds must have mosquito fish or some form of mosquito preventative. Garden furniture is restricted to two (2) chairs, one (1) table (not larger than four (4) feet round or square), one (1) umbrella, and one (1) eight (8) foot bench.
- E. Plant growth on fences, interior and exterior, must not extend through or over the fence onto public access areas or neighboring plots. Trimming on the exterior of fences is the responsibility of the permittee. Plant growth on exterior fences at Euclid Park is strictly prohibited.
- F. Permittee shall make a best effort not to create habitats which attract rodents.
- G. Fences are only allowed at Main Street Garden. All gardens fences need to meet the following conditions\*:
  - *Made of material that allows for plot visibility*
  - *Does not shade neighbor's plot.*
  - *Be secured, safe, tidy, stable and in good repair.*
  - *Be safe, free of protruding nails, wood, aged broken parts, rusty, or other materials that could cause injury.*
  - *Cement shall not be used to secure fence posts.*

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- *Spikes to secure fence posts shall not be greater than 1 foot.*

*\*Main Street Garden fences already in existence that are modified or repaired shall not exceed 4 feet in height*

H. Beginning July 1, 2018, in line with Annual Permits, no new fences are permitted at Main Street. Permittee must notify City Staff and receive permission for any changes. All modifications and repairs must meet listed fence requirements.

- 2.8 Only materials needed for gardening may be stored in the plot. All storage must be orderly.
- 2.9 Santa Monica Community Gardens are organic gardens, therefore the use of commercially available synthetic or chemical fertilizers, pesticides, herbicides or amendments is prohibited. Only products that are labeled as OMRI Approved (OMRI.org), or USDA Organic Approved (USDA.gov) are acceptable. If you have questions about a product you wish to use, please ask your Site Representative or City Staff.
- 2.10 Genetically engineered plants are prohibited in the City's Community Gardens. "Genetically engineered plants" means plants that are created by artificially cutting and splicing genes of different unrelated plants to create a whole new plant species with different qualities from the original plant.
- 2.11 No animals are permitted off-leash in the garden area. No permittee may allow his or her animal to enter another permittee's plot without that permittee's permission.
- 2.12 Repeated violations of these Rules and Regulations will result in termination of the privilege to retain a garden plot.
- A. City staff will conduct inspections at least once per month and notify gardeners in writing of rule violations. Violations must be corrected within three (3) weeks of the date of notification. If the violation is not corrected within three (3) weeks, another violation notice will be issued. A maximum of three (3) violation notices will be allowed within twelve (12) consecutive months. If a fourth violation occurs within the twelve (12) month period, the Permit will be terminated and the gardener will have fourteen (14) days to clear and vacate the plot. Any plants, supplies or other materials left in the plot after the expiration of that period will become the property of the City.

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- B. Three (3) volunteer gardeners approved at a noticed Community Gardens Advisory Committee meeting shall walk the gardens once a month between City Inspections to identify situations where the Rules and Regulations are not being followed. A report of the findings will be provided to City staff within three (3) days to aid City staff in conducting inspections. The volunteer gardeners performing this function will rotate every six (6) months.
- C. Termination Without Cause. Either party may terminate this Agreement, without cause, upon 14 days' written notice to the other party.

### GARDEN PERMIT FEE

- 1. An annual Community Garden Permit fee shall be charged to partially off-set City maintenance expenses related to the operations of the gardens. The fee will be reviewed and established annually by the City Council.

### COMMUNITY GARDENS ADVISORY COMMITTEE

- 1. The Community Gardens Advisory Committee has been established to ensure the proper operation of the Community Gardens and to ensure opportunity for active participation in the Community Gardens Program. Representatives to the Advisory Committee are seated in accordance with the approved Community Gardens Advisory Committee Operational Guidelines. Permittees and people on the wait list are encouraged to attend the Advisory Committee meetings to discuss operational issues, present new ideas and suggestions to improve garden operations, and discuss other garden-related matters.

For information on Committee meetings, please contact the Department of Community and Cultural Services, Community Recreation Division at (310) 458-8300.

*Adopted, City Council: December 12, 2017*

*\* Pilot Plot Division Program Guidelines Implemented February 8, 2007, Removed May 17, 2017*