

City of Santa Fe, New Mexico

LEGISLATIVE SUMMARY

Resolution No. 2015-__

Community Garden Policies and Procedures

SPONSOR(S): Mayor Gonzales and Councilor Ives

SUMMARY: The proposed resolution updates the city of Santa Fe Community Gardens Policies and Procedures.

PREPARED BY: Rebecca Seligman, Legislative Liaison Assistant

FISCAL IMPACT: No

DATE: September 15, 2015

ATTACHMENTS: Resolution
FIR
Exhibit A

1 **CITY OF SANTA FE, NEW MEXICO**

2 **RESOLUTION NO. 2015-__**

3 **INTRODUCED BY:**

4
5 Mayor Javier M. Gonzales

6 Councilor Peter N. Ives

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9
10 **A RESOLUTION**

11 **UPDATING THE CITY OF SANTA FE COMMUNITY GARDENS POLICIES AND**
12 **PROCEDURES.**

13
14 **WHEREAS**, it is the desire of the Governing Body to promote the use of community
15 gardens throughout the City of Santa Fe; and

16 **WHEREAS**, the community garden initiative was begun in 2009 by opening up City-
17 owned land to residents who wanted space in which to plant a garden; and

18 **WHEREAS**, because of increased interest in using the designated spaces, there is a need
19 to update the City of Santa Fe Community Garden Program's Policies and Procedures;

20 **WHEREAS**, detailing and expanding the rules, responsibilities and application
21 procedures should be dictated in a more comprehensive manner;

22 **WHEREAS**, in 2014 the Parks and Recreation Advisory Commission (PARC);
23 conducted a comprehensive survey with 70% of the Community Garden Program members about
24 the program and its policies and procedures;

25 **WHEREAS**, the results and recommendations from that survey were the basis for the

1 updated Policies and Procedures, and,

2 **WHEREAS**, the revised Community Garden Policies and Procedures were reviewed and
3 approved by Community Garden program members, the Municipal Tree Board, PARC, and the
4 Mayor’s Climate Task Force Water, Land Use and Food Security Committee,

5 **NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**
6 **CITY OF SANTA FE** that the City of Santa Fe Community Gardens Policies and Procedures,
7 attached herein as Exhibit A, are hereby updated.

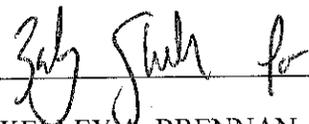
8 PASSED, APPROVED AND ADOPTED this _____ day of _____, 2015.

9
10 _____
11 JAVIER M. GONZALES, MAYOR

12 ATTEST:

13
14 _____
15 YOLANDA Y. VIGIL, CITY CLERK

16 APPROVED AS TO FORM:

17
18 
19 _____
KELLEY A. BRENNAN, CITY ATTORNEY

City of Santa Fe Fiscal Impact Report (FIR)

This Fiscal Impact Report (FIR) shall be completed for each proposed bill or resolution as to its direct impact upon the City's operating budget and is intended for use by any of the standing committees of and the Governing Body of the City of Santa Fe. Bills or resolutions with no fiscal impact still require a completed FIR. Bills or resolutions with a fiscal impact must be reviewed by the Finance Committee. Bills or resolutions without a fiscal impact generally do not require review by the Finance Committee unless the subject of the bill or resolution is financial in nature.

Section A. General Information

(Check) Bill: _____ Resolution: X _____

(A single FIR may be used for related bills and/or resolutions)

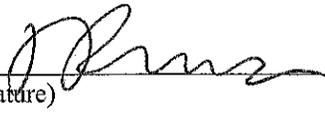
Short Title(s): **A RESOLUTION UPDATING THE CITY OF SANTA FE COMMUNITY GARDENS POLICIES AND PROCEDURES.**

Sponsor(s): Mayor Javier Gonzales, Councilor Peter Ives

Reviewing Department(s): Parks and Recreation

Persons Completing FIR: Rob Carter Date: _____ Phone: _____

Reviewed by City Attorney:  Date: 9-18-15

Reviewed by Finance Director:  Date: 9-18-2015

Section B. Summary

Briefly explain the purpose and major provisions of the bill/resolution:

This resolution would update the Community Gardens policies and procedures from Resolution 2009-53 with some changes in management and new Department wording.

Section C. Fiscal Impact

Note: Financial information on this FIR does not directly translate into a City of Santa Fe budget increase. For a budget increase, the following are required:

- a. The item must be on the agenda at the Finance Committee and City Council as a "Request for Approval of a City of Santa Fe Budget Increase" with a definitive funding source (could be same item and same time as bill/resolution)
- b. Detailed budget information must be attached as to fund, business units, and line item, amounts, and explanations (similar to annual requests for budget)
- c. Detailed personnel forms must be attached as to range, salary, and benefit allocation and signed by Human Resource Department for each new position(s) requested (prorated for period to be employed by fiscal year)*

1. Projected Expenditures:

- a. Indicate Fiscal Year(s) affected – usually current fiscal year and following fiscal year (i.e., FY 03/04 and FY 04/05)
- b. Indicate: "A" if current budget and level of staffing will absorb the costs
"N" if new, additional, or increased budget or staffing will be required
- c. Indicate: "R" – if recurring annual costs
"NR" if one-time, non-recurring costs, such as start-up, contract or equipment costs
- d. Attach additional projection schedules if two years does not adequately project revenue and cost patterns
- e. Costs may be netted or shown as an offset if some cost savings are projected (explain in Section 3 Narrative)

Finance Director: _____

X Check here if no fiscal impact

Column #:	1	2	3	4	5	6	7	8
	Expenditure Classification	FY _____	"A" Costs Absorbed or "N" New Budget Required	"R" Costs Recurring or "NR" Non-recurring	FY _____	"A" Costs Absorbed or "N" New Budget Required	"R" Costs – Recurring or "NR" Non-recurring	Fund Affected

Personnel*	\$ _____	_____	_____	\$ _____	_____	_____	_____	_____
Fringe**	\$ _____	_____	_____	\$ _____	_____	_____	_____	_____
Capital Outlay	\$ _____	_____	_____	\$ _____	_____	_____	_____	_____
Land/ Building	\$ _____	_____	_____	\$ _____	_____	_____	_____	_____
Professional Services	\$ _____	_____	_____	\$ _____	_____	_____	_____	_____
All Other Operating Costs	\$ _____	_____	_____	\$ _____	_____	_____	_____	_____
Total:	\$ _____	_____	_____	\$ _____	_____	_____	_____	_____

* Any indication that additional staffing would be required must be reviewed and approved in advance by the City Manager by attached memo before release of FIR to committees. **For fringe benefits contact the Finance Dept.

2. Revenue Sources:

- a. To indicate new revenues and/or
- b. Required for costs for which new expenditure budget is proposed above in item 1.

Column #:	1	2	3	4	5	6
	Type of Revenue	FY _____	"R" Costs Recurring or "NR" Non-recurring	FY _____	"R" Costs – Recurring or "NR" Non-recurring	Fund Affected

_____	\$ _____	_____	\$ _____	_____	_____	_____
_____	\$ _____	_____	\$ _____	_____	_____	_____
_____	\$ _____	_____	\$ _____	_____	_____	_____
Total:	\$ _____	_____	\$ _____	_____	_____	_____

3. Expenditure/Revenue Narrative:

Explain revenue source(s). Include revenue calculations, grant(s) available, anticipated date of receipt of revenues/grants, etc. Explain expenditures, grant match(s), justify personnel increase(s), detail capital and operating uses, etc. (Attach supplemental page, if necessary.)

None

Section D. General Narrative

1. Conflicts: Does this proposed bill/resolution duplicate/conflict with/companion to/relate to any City code, approved ordinance or resolution, other adopted policies or proposed legislation? Include details of city adopted laws/ordinance/resolutions and dates. Summarize the relationships, conflicts or overlaps.

This resolution would update existing policies and procedures adopted for Community Gardens.

2. Consequences of Not Enacting This Bill/Resolution:

Are there consequences of not enacting this bill/resolution? If so, describe.

Community Garden program will be suspended.

3. Technical Issues:

Are there incorrect citations of law, drafting errors or other problems? Are there any amendments that should be considered? Are there any other alternatives which should be considered? If so, describe.

None

4. Community Impact:

Briefly describe the major positive or negative effects the Bill/Resolution might have on the community including, but not limited to, businesses, neighborhoods, families, children and youth, social service providers and other institutions such as schools, churches, etc.

Community Gardens across the country have provided opportunities for neighborhoods and families to participate in a wholesome outdoor agrarian activity: reconnecting communities, providing educational and outdoor activities as an added park feature in the urban setting.

CITY OF SANTA FE
PARKS AND RECREATION DEPARTMENT
COMMUNITY GARDEN PROGRAM
POLICIES AND PROCEDURES

PART 1. GENERAL PROVISIONS

1.1 Applicability and Intent

- a. These policies apply to the operation and management of the Community Garden Program under the Parks Division.
- b. These policies are intended to benefit the residents and volunteers of the City of Santa Fe who participate in the Community Garden Program while protecting the general well-being of the public.

1.2 Definitions

- a. *City* means the City of Santa Fe
- b. *Division* means the ~~[Parks, Trails and Watershed Division of the Public Works Department]~~ City Parks Division
- c. *Garden [Organization] Association* means the collective gardeners in any one City garden organized to deal collectively with that garden's operations.
- d. *Garden Coordinator* means the person elected by the members of the Garden Association to coordinate garden activities and liaison with the City.
- e. *Garden Plot* means the land assigned to an individual or group to be used for gardening purposes.
- f. *Member* means the individual gardeners of the Garden Association.
- g. ~~[Parks and Open Space Advisory Commission (Resolution No. 2007-22)]~~ Parks and Recreation Advisory Commission (PARC) means the city advisory committee charged with advising the Governing Body about [with] parks and recreation related issues.
- h. *Garden Council* means a group of volunteers (including at least one member of the ~~[Parks and Open Space Advisory Commission]~~ Parks and Recreation Advisory Commission (PARC) and other interested individuals or representatives of interested organizations and groups) organized to oversee the City's Community Garden Program and provide advice and resources to the City and the Garden Associations.

1.3 Responsibility of the City/Division

- a. The City will provide the land for the garden
- b. The Division will conduct at least one public input meeting with the neighborhood and interested participants prior to initiating the garden program.
- c. The Division will determine the appropriate location for the garden based upon interest of potential participants, water source availability, nature of the park, accessibility and other factors.
- d. The Division will provide frost-free water service access to the garden. The City/Division reserves the right to cease water service if the City Manager determines that a water emergency exists necessitating such action.
- e. The Division may require return of the garden plot by giving 30 day notice if the garden area is required for another use.



- f. The Division will ensure that staff does not use the Garden Association's water or allow any other to use their water without establishing a system to measure the amount of water used and charge the respective user.
- g. The Division will respond within 24 hours to reports of water leaks in the garden and will adjust the lost water from the Garden Association water bill.
- h. The Division will maintain the area around the outside of the garden.
- i. The Division will provide information related to the garden program annually to the Garden Coordinators and all members via email and on the Parks website, including: Resolution 2009-53 and other City/Division policies that affect the garden; contact information for appropriate Division staff; and the annual Community Garden Program financial report.
- j. The Division will ensure that Garden Association rules and procedures are enforced through monthly garden visits.
- k. The Division will actively advertise the gardens and promote signing up annually from March-May.
- l. The Division will provide trash receptacles and pickup at each garden.
- m. The Division will create appropriate signage for the gardens that explains the program including how the plots may be leased that the produce belongs to the gardeners, and contact information on how to lease a plot.
- n. The Division will keep accurate records of the amount of water the Garden Association uses monthly and accurately charge the Garden Association for the water use.
- o. The Division will establish an estimated water fee for each garden (depending on the number and size of the plots) which members will pay upfront as part of the Application Process. Funds that remain at the end of the year will be rolled over and applied to the garden the following year. If additional funds are needed, the Division will be responsible for collecting those funds from the members.

1.4 Responsibility of the Garden Council

- a. The Garden Council will oversee the City's Community Garden Program and provide advice and resources to the ~~[Division and the Garden Organizations]~~ Community Garden Programs and other urban agriculture initiatives. One of the principle functions of the Garden Council will be to identify and obtain, in coordination with the Parks Division, education, training and other support services and resources for these programs via grants, donations and partnerships, equipment and labor.
- b. The Garden Council will meet at least two times annually to elect officers, review urban garden/agriculture programs and provide guidance, support, and resources.
- c. The Garden Council will create and manage an on-line space for the Garden Associations and other community garden/urban agricultural programs to communicate and share information.
- d. A representative from the Council will report to the Parks and Recreation Advisory Commission (PARC) meeting as requested by the Chair.

1.5 Responsibility of the Garden Association

- a. ~~[The Garden Organization shall enter into a license with the City for use of the Park land upon approval of the Public Works Director.]~~
- b. The Garden Association members are responsible for paying for all water used in the garden.
- c. The Garden Association will meet annually to elect their Garden Coordinator.

- d. The Garden Association will conduct at least two work days per year to maintain and clean up garden common areas (walkways, edges, and areas around the plots).

1.6 [~~Responsibility of the Garden Coordinator~~] Responsibility of the Garden Coordinator

- ~~a. One garden plot may be assigned per family or household.~~
- ~~b. All improvements and services to the garden will be provided by the gardeners.~~
- ~~c. Each applicant must be 18 years or older.~~
- ~~d. The plot must be worked by the person(s) or family whose name is on the application.~~
- ~~e. All gardeners become members of the garden organization upon assignment of their garden plot.~~
- ~~f. Produce may not be sold or put to any commercial use.~~
- ~~g. Walkways, surrounding areas, and the garden plot must be kept clean and neat; trash and debris must be put in appropriate containers if available. If no containers are provided, each gardener must remove the trash.~~
- ~~h. No pesticides which are poisonous to humans or are in poisonous concentrations, before or after application, may be brought or used in the garden area.~~
- ~~i. Pesticide applications, if requested, shall comply with the City's Integrated Pest Management Ordinance (IPMO) set forth in Article 10-7 SFCC 1987.~~
- ~~j. No herbicides may be used in the garden area.~~
- ~~k. The garden plot must be returned in as good or better condition than when it was assigned.~~
- ~~l. No illegal drug plants shall be grown.~~
- ~~m. The City may require return of the garden plot, by giving 30 days notice, if the garden area is required for another use.~~
- ~~n. The gardener is subject to all applicable rules of the City.]~~
- a. The Garden Coordinator will coordinate garden activities with the members and liaison with the Division.
- b. The Garden Coordinator will be elected by the members of the Garden Association at their annual meeting.
- c. The Garden Coordinator will organize the annual meeting to elect officers and make decisions about how the garden will function, including compost and water management.
- d. The Garden Coordinator will implement the Garden Association Application Process outlined in Section 2 and provide the application forms and collected fees to the Division.
- e. The Garden Coordinator will participate in the Garden Council on-line virtual space and organize and maintain the Garden Association's section
- f. The Garden Coordinator will organize at least two work days per year to maintain and clean up garden common areas (walkways, edges and areas around the plots).
- g. The Garden Coordinator will read the garden water meter at least monthly and immediately communicate the amount of water used to the garden members. This will help the Garden Association take remedial action of overuse of water in a timely fashion.
- h. For taking on this responsibility, Garden Association members' fees will be calculated to pay for the Garden Coordinator's plot and water.

1.7 Responsibility of the Members

- a. Members will provide all improvements and services to the garden.
- b. Members will have something planted in their garden plot on or about May 30 or within 15 days of being assigned an unused plot.
- c. Each member will pay his/her percentage of the total water used by the Garden Association. Members will pay an upfront fee as part of the Application Process. At the

- end of the season, they will pay additional fees if necessary for the amount of water used by the Garden Association.
- d. Members will do everything possible to make the most efficient use of water including watering at appropriate times, using as little water as possible and mulching their gardens.
 - e. Members will be on watch for water leaks and will report them immediately to the Parks Division at 955-2106.
 - f. Members are responsible for keeping the garden common areas (walkways, edges, areas surrounding the plots) clean and neat. To achieve this, members will participate in garden Association workdays. If they cannot attend the work days, they will coordinate with the Garden Coordinator to do work day type tasks on their own schedule.
 - g. Members will attend an annual Garden Association meeting to elect their Garden Coordinator, plan for communal workdays, and make decisions about how the garden will function, including compost and water management.
 - h. Members will keep their garden plots free of weeds and debris.
 - i. Members will put trash and debris in appropriate containers (non-compostable trash in the trash receptacles and compostable waste in the compost).
 - j. Members will not give out the water spigot lock combination except to someone who is taking care of their plot.
 - k. If a member must abandon his/her plot for any reason, s/he will notify the Garden Association Garden Coordinator.
 - l. Members will pick only their own crops unless given permission by another plot user and approved by Garden Coordinator.
 - m. Members will not bring pets into the garden unless they are service animals.
 - n. Members will return the garden plot in as good or better condition than when it was assigned, including cleaning out all plants and debris and mulching it for the winter.
 - o. Members will not bring to the garden or use pesticides that are poisonous to humans or animals or are in poisonous concentrations, before or after application. Pesticide applications, if requested, shall comply with the City's IPM Ordinance set forth in Article 10-7 SFCC 1987.
 - p. Members will not use herbicides in the garden area. Please refer to Item "O" above.
 - q. Members will not grow illegal drug plants.
 - r. Members will abide by all other applicable rules of the City of Santa Fe.

PART 2. APPLICATION PROCEDURES

2.1. Application Procedure

- a. Applicants wishing to participate in the Community Garden Program as a gardener [may] will make applications to the [Division] Garden Association's Garden Coordinator.
- [b. Garden plots will be assigned by the Garden Organization's plot application officer on a first come, first served basis. Assignment will be issued by the Garden Organization subject to final approval of the Division.
- c. The application number will indicate the order of the plot assignment. Each applicant is allowed to choose from available plots.
- d. The application officer will provide a plot map showing the location and identifying symbol for each plot. As applicants choose their plot, their names will be entered on their application.
- e. The "assignment begins" date shall be the assignment date. The "assignment ends" date shall be left open. A gardener may keep the plot indefinitely if the gardener follows the policies and makes intensive gardening use of the plot.]

- b. Only one garden plot will be assigned per family or household. If there are empty plots still available after the May 30th planting date, a family or household may apply for and be assigned a second plot. However, the following year, the second plot will again be open to another family or household.
- c. The plot must be worked by the person(s) or family whose name is on the application.
- d. Applicants must be 18 years or older.
- e. Garden plots will be assigned by the Garden Association's Garden Coordinator.
- f. Each applicant will be allowed to choose from available plots.
- g. The Garden Coordinator will provide a plot map showing the location and identifying symbol for each plot. As applicants choose their plot, their names will be entered on their application.
- h. The "assignment begins" date shall be the assignment date. The "assignment ends" date will be left open. A member may keep the plot indefinitely if he or she follows the policies and makes use of the plot throughout the season.
- i. An applicant becomes a member of the Garden Association upon assignment of their garden plot.
- j. The applicant will pay an upfront fee as part of the Application Process. At the end of the season, they will pay additional fees if necessary for the amount of water used by the Garden Association in excess of the projected prepaid amount.

PART 3. INFORMATION

3.1 Information regarding the City of Santa Fe Community Garden Program is available from the [~~Public Works Department Parks, Trails and Watershed Division~~] Parks Division located at 1142 Siler Rd. Bldg C., Santa Fe, NM 87504 (955-2106) during business hours or from the City's website at www.santafenm.gov. Copies of these policies and other related information will be provided by the Division at a price determined by the City.

PART 4. AMENDMENTS TO THESE RULES AND PROCEDURES

4.1 Amendments to these policies may be approved by the City Manager upon recommendation of the Division except those related to: water, illegal drug plants, herbicides and pesticides which require approval of the Governing Body.

Originally Adopted: _____, 2015 by Resolution No. 2015-__