

**Garden Member Agreement
Community Garden Program
Everett N. “Eddie” Souza Community Garden
Community Garden at Copper Place**

Revised November 18, 2024

Guiding Principles

The City of Santa Clara Community Garden Program (Program) Garden Member Agreement support and promote safe garden practices, garden aesthetics, fairness & equity, environmental stewardship, and creation of a community of gardening neighbors. While the Garden Member Agreement applies to the Program as a whole, the Garden amenities are site specific and address the particular differences at each community garden based on their size, shape, location, development purpose, land use restrictions, such as Covenants, Conditions and Restrictions, as well as adjacent neighborhood concerns.

Program Purpose

The Community Garden Program is managed by the Parks & Recreation Department. Each Community Garden is a City owned and operated public facility with individual raised garden beds where members of the general public are able to reserve a garden bed for the purpose of growing fruits, vegetables, flowers, herbs, and other plants according to the Garden Rules enumerated below.

Each Community Garden is intended to be a beautiful, safe, and peaceful park space for participants, visitors, and staff and neighbors. Individual gardeners have rights and responsibilities that help the Program function.

Program Membership, Rules and Definitions

Program Membership includes access to the community garden, one raised garden bed filled with soil, use of water, access to educational classes, and proportionate yield from the community orchard and compost bins.

- A. A Primary Garden Member may be defined as an individual, a head committee organizer, or an entity having sole access to the garden bed.
- B. The Primary Garden Member may identify a Secondary Garden Member who will have equal access to the garden bed. Both the Primary Garden Member and Secondary Garden Member are defined as “Garden Members” and must be Santa Clara Residents.
- C. One household, group or organization cannot rent more than one garden bed. Two households or more may share one bed upon request.
- D. To be granted a Garden Membership, you must complete the following:
 - a) Submit a Garden Application online or in person and receive approval.
 - b) Sign the Release of Liability & Assumption of Risk Agreement.
 - c) Pay annual fees and security deposit; and,
 - d) Attend an orientation and three (3) Garden Member Meetings in a program year.
- E. A Garden Member is allowed to bring guests to show them their garden bed.
- F. Garden Membership is for one year (March 1– Feb. 28 or 29) with registration happening in February for each subsequent year.

- G. Applications are accepted year-round. New Garden Members admitted into the program before Nov. 1 will join the current program year at a pro-rated rate. New Garden Members admitted after Nov. 1 will join the new program year at a prorated rate.
- H. Renewal applications are emailed to current Primary Garden Members in good standing (see “Rules and Regulations”) in December for the following membership year. If the signed rental application, agreement, and annual dues are not received by the due date, the bed will be made available to those on the waitlist. Membership renewal payments can be made online upon request.
- I. Memberships can be renewed for a maximum of three (3) years. After the three-year term limit, eligible participants can join for the waiting list.
- J. During registration, returning and new applicants will be required to provide proof of residency in the form of a government issued photo I.D., and a copy of a current utility bill or vehicle registration. Other forms of proof of residency may be considered subject to approval by the City.
- K. Payment in full is to be made by cash, check, VISA/Master Card/Discover/American Express, or money order, payable to the City of Santa Clara.
- L. Garden Membership does not grant ownership rights to a garden bed, and Members are prohibited from selling, transferring, or subletting their garden bed. If a Garden Member is unable to care for their assigned bed, the member will forfeit the bed and the transfer of the bed will be managed by the City.

Waitlist

If the number of applicants exceeds the available number of garden beds, a “waitlist” will be established. The Garden Coordinator maintains the waitlist. The waitlist class can be found on the City’s Community Garden page at SantaClaraCA.gov/CommunityGarden.

Any applicant not assigned to a garden bed will be placed on the waitlist in accordance with the program priority and eligibility qualifications for the specific garden location. Garden Members whose 3-year term limit has expired may join the waitlist.

Administrative Procedures

The City of Santa Clara Parks & Recreation Department is responsible for administering the Community Garden and enforcing the Garden Member Agreement. City staff duties include garden inspection, policy enforcement and interpretation, maintenance of physical facilities, organization of volunteer work meetings, maintenance of a current approved membership list and waitlist, and coordination of recreational and garden community activities.

The Garden Membership Agreement may be amended by the City at any time. Garden Members are subject to the Garden Member Agreement as amended regardless of notice of any such amendments; but, when possible, the City will notify Garden Members of changes as appropriate (i.e., bulletin board, garden member meetings, email, etc.).

Community Garden Coordinator:

Derek Bryant
Recreation Coordinator
969 Kiely Blvd., Santa Clara, CA, 95051
Communitygarden@santaclaraca.gov
408-615-3743

PROGRAM RULES AND REGULATIONS

The Community Garden Program rules and regulations are intended to set expectations for program participation. Failure to comply with the rules and regulations may result in loss of the assigned garden bed without refund and restriction from future participation in the program.

Garden Member waives all claims for personal or property damage against the City, its officers, agents, volunteers, or employees, arising directly or indirectly out of this policy. Garden Member further agrees to indemnify City against any such claims made by persons coming into the Community Garden premises at the actual or implied invitation of the Garden Member. The City is not liable for loss or damage to personal property, vandalism to the garden bed, and/or destruction of crops due to disease, pests, rodents, or inclement weather.

City reserves the right to inspect any garden bed at any time.

City Responsibilities

- A. Assign garden beds to individuals, groups, and community organizations as appropriate and based on priority criteria.
- B. Provide garden bed, water, hoses, trash receptacles and limited supplies such as large tools for gardeners' use.
- C. Work to diminish "pest" problems (e.g., rodents, squirrels, etc.), but will not guarantee that pests will not invade the garden.
- D. Perform periodic general cleanup and maintenance of common spaces, along fences and non-garden bed landscaping. Garden bulletin board is used to post notices regarding scheduled work.
- E. Provide access to limited supplies and large tools for gardeners' use.
- F. Maintain demonstration fruit trees and make tree fruits available for Garden Member enjoyment and consumption on site.
- G. Assist in the management of apiary (beehives); prevent members from killing, harming, or poisoning honeybees, orchard bees and native pollinators.
- H. The City is not responsible for the theft of crops, tools, or personal belongings.
- I. Adhere to the Santa Clara County Health Orders and protocols for public safety in a community garden setting.

Garden Member Responsibilities

The Primary Garden Member on the registration form is solely responsible for the maintenance of the assigned garden bed, the borders outside of the of the garden bed, and for payment of all associated program fees and repair of damage. All Garden Members are to supervise their own minors and guests while in the Community Garden to ensure guests are following all rules and regulations.

Garden Members must:

- A. Attend three (3) mandatory garden member meetings within the program year to learn about upcoming events, communicate concerns, share ideas, build relationships, and clean common spaces.

- B. Host one (1) Second Sunday Garden Share within the program year. Garden Coordinator will share signup sheet at the beginning of each program year. The signup sheet will be available at bulletin board.
- C. Ensure the gate is closed and locked upon leaving for the day. Close the gate upon entering the garden and do not permit entry to individuals who are not Garden Members. Providing the garden key to anyone not listed on the Membership Application may be cause for immediate termination.
- D. Supply their own tools, seeds, plants, equipment, and other supplies necessary for gardening.
- E. Contact the Garden Coordinator if unable to tend to the garden bed for an extended period (longer than five weeks).
- F. Inform the Garden Coordinator of any changes to their contact information, including home address and telephone number.
- G. Inform the Garden Coordinator if you wish to discontinue your garden membership, in writing, so that the bed may be reassigned to the next person on the waiting list.
- H. Report conflicts among Garden Members, maintenance issues, or unauthorized guests to the Garden Coordinator.
- I. Adhere to the Planting Guidelines (page 6)

Garden Members must not:

- A. Bring vehicles into the Community Garden area at any time.
- B. Bring unleashed pets into the garden. No pets allowed in the Community Garden, except for service animals.
- C. Enter another Garden Members bed without permission.
- D. Remove any item (crop, plant, tool, etc.) that is not yours. This is considered theft and cause for permanent restriction from participation in the Garden Program.
- E. Bring illegal substances, firearms, weapons, or alcoholic beverages into the Community Garden.
- F. Smoke any item in the community garden including, but not limited to cigarettes, e-cigarettes, cigars, or marijuana.

Code of Conduct

All Garden Members and guests shall conduct themselves as responsible individuals, and with consideration towards others. The garden is within a public park facility; Garden Members will not behave or display items that may be deemed offensive or inappropriate to children or families.

Hours of Operation

Sunday-Saturday, 6 a.m. to ½ hour after sunset, year-round.

NOTICES, VIOLATIONS, AND PROCEDURES:

Contacting You

It is your responsibility to keep the Garden Coordinator informed of any changes of address, phone numbers, or email address. Important information (renewal packets, etc.) will be emailed to your registered email address. Notices to individual Garden Members may be mailed, sent

via email, attached to a post in the garden bed, or by phone. General notices will be posted on the bulletin board.

Inspections

Adherence to established rules and regulations is critical to ensure the Community Garden remains in quality condition. Periodic checks will be made to all garden beds and spaces to ensure proper care.

Vacations and Extended Absences

Garden Members who may be away for any extended length of time must attend to weed removal and other maintenance rules or compliance deadlines during their absence. Garden beds should have plants growing all year-round.

Abandonment

Any garden bed that appears to be abandoned will be sent an "Abandonment Notice". The Garden Member will have fifteen (15) days to restore the bed. If progress has not been made, the garden bed will be reassigned, and the deposit will be forfeited and any fees for damage assessed.

Vandalism and Theft

The City is not responsible for the theft or vandalism of personal belongings. Vandalism and/or theft within the garden community will not be tolerated. These acts are cause for immediate termination from the Community Garden Program and forfeiture of deposit. Report any alleged misconduct, vandalism, or theft to the Garden Coordinator for review and investigation as necessary. If you observe an intruder in the community garden area, please contact the Santa Clara Police Department at 408-615-4700.

Termination (Eviction) Based on Violations

When a garden bed is found to conflict with the rules and regulations, the Primary Garden Member will be notified of the violation(s). Notification of a violation shall be transmitted via letter from the City to the Primary Garden Member as follows:

- a. Notification #1: The first email and/or phone call will serve as notice of the violation and provide the date (15 days from date sent) that the garden bed will be checked for compliance.
- b. Notification #2: If, after those 15 days, the garden bed is found to still be noncompliant, an email and/or phone call will be sent to the Primary Garden Member advising them that compliance must occur by the date provided (15 days from date sent).
- c. If Garden Member fails to comply, then garden bed will be immediately forfeited with no refund of fees and deposits.

If a Primary Garden Member receives three (3) separate notifications of noncompliance within a six (6) month period, then any subsequent violations within that same six (6) month period will result in forfeiture of garden bed with no refund of fees paid. The Garden Member will not be able to join the waiting list for a calendar year.

Upon any termination due to violations between a Garden Member and the City, a Garden Member will not be entitled to a refund of any fee paid to the City, nor will they be entitled to any payment or reimbursement from the City for any materials planted, growing, or otherwise

located within the Community Garden or for any improvements made on the premises. All or any part of such material and improvements shall become the property of the City.

Appeals

All evictions are reviewed by the Garden Coordinator. Garden Member grievances will be presented to the Garden Coordinator. Garden Members may appeal in writing to the Director of Parks and Recreation, whose decision will be final, with relevant documentation such as pictures and statements of facts related to the circumstances.

Director of Parks and Recreation:

Damon Sparacino
Director of Parks and Recreation
1500 Warburton Ave.
Santa Clara, CA, 95050
408-615-2260

GARDENING GUIDELINES

Organic Gardening

The Community Garden Program adheres strictly to the gardening principles, concepts, and practices popularly called “organic.” Products simply labeled “organic” or “natural” are not allowed unless they are approved by the U.S. Department of Agriculture’s (USDA) National Organic Program or by the Organics Materials Review Institute (OMRI). To see if a substance is allowed in a community garden check the USDA National Organic Program National List, Subpart G, 205.601 and 205.602 or the OMRI Web site (www.omri.org).

Planting Guidelines

- A. Garden Members may grow fruits, vegetables, herbs, flowers, and edible weeds in their bed. Edible weeds must be harvested and not allowed to go to seed.
- B. Due to the three (3) year term limit and garden bed design, seasonal or annual crops are encouraged. The following crops are prohibited:
 - a. Water-intensive crops: taro, rice, sugar cane.
 - b. Invasive crops and weeds: Bamboo, Japanese Honey Suckle, English Ivy, Passionflower, Bermuda grass, Morning Glory, Mint.
 - c. Trees or permanent plants: fruit trees, grape vines, rose bushes, blackberry, or raspberry bushes, etc.
 - d. Any government regulated illegal plants: cannabis, tobacco, etc.
 - e. Poisonous plants.
- C. Crops that produce “runners,” or spread from the roots, should be constantly managed or grown in a container above the soil surface. These plants are, but not limited to, strawberries and the mint family. Garden Member may be asked to remove the plant if it is not properly contained. Staff reserves the right to remove the plant if it threatens the integrity of the bed.
- D. Garden Members are encouraged to plant a variety of crops (at least two). The exception is growing a cover crop for the duration of the winter. Garden beds should be used year-round and soil should not be bare.
- E. Garden beds and borders are not to be used to store materials/tools.

- F. Diseased plants (such as whitefly or powdery mildew) are to be treated or removed within five (5) days of written notification from City. Gardeners are urged to notify the Garden Coordinator immediately if they suspect diseased plants in another person's garden bed.
- G. Respect the need of your neighbors' plants for sunlight. Do not plant crops in a way that will cause excessive shading to nearby beds.
- H. Trellises, arbors, or fencing around the bed is permitted so long as they follow these guidelines:
 - a. Must be installed inside the bed.
 - b. May not be more than six (6) feet high from the soil surface.
 - c. May not shade a neighbor's bed.
 - d. May not be installed permanently or anchored into the garden bed.
- I. Any drilling into the garden bed with nails or screws are absolutely prohibited.
- J. All fencing and trellis material must have a pleasant appearance, be an earth tone/neutral color, and be non-toxic and non-rusting.
- K. Tires or any toxic materials are not permitted in the garden.
- L. Vining plants should be either trellised or may hang over the sides of the garden bed but cannot lie across the ground or obstruct pathways. The Garden Coordinator or City representative has the right to trim excess plants overhanging into the walkway without prior notification to the Garden Member.
- M. Garden Members are to keep their garden beds clear of all waste materials including, but not limited to, plastic, weeds, dead plants, and decaying fruits or vegetables.
- N. All disease-free, non-invasive organic waste should be added to the compost area. All other waste materials must be disposed of in the provided receptacle.
- O. Each garden bed has been provided an ideal soil profile that should produce a healthy harvest. No major amendments or modifications are needed. Accepted soil amendments include: chicken or steer manure applied once a year, raised bed or potting soil applied twice a year.
 - a. No limitations to adding compost.
 - b. No sand or gypsum amendments allowed.
- P. Soil should stay in the bed and be cleaned up if spilled on to the decomposed granite pathways. Soil level should not mound over the edges of the boxes.
- Q. The Community Garden is a publicly maintained City property and there is no presumption of privacy.
- R. No attachments to the City's fencing are permitted. No Garden Member shall use the City's perimeter fencing as a trellis or to hang garden equipment.
- S. Garden Members are to manage weeds and plants growing from the sides and around the borders of the Garden beds up to two (2) feet away from their Garden Beds.

Chemicals and Fertilizers

The Community Garden is located on City of Santa Clara property and therefore obligated to follow its policies. The City of Santa Clara prohibits the application of chemical pesticides on its property unless approved in writing by the City's Integrated Pest Management (IPM) Coordinator and is applied by a trained, certified technician. Any Garden Member who believes their bed has a pest problem that would justify the use of chemical pesticides should contact the Garden Coordinator for a consultation. Garden Members must consult with the Garden Coordinator before using any herbicide, including those on the "less-toxic" lists.

The following table indicates allowed and prohibited substances:

PEST AND DISEASE CONTROL	Allowed	Prohibited
	<ul style="list-style-type: none"> - bacillus thuringiensis (Bt) - Soap Spray - Horticulture pepper/onion spray - sulfur - wood ashes - sour mil solution - dormant oils - micro-cop or equivalent nematodes (orchard use only) - diatomaceous earth (DE) <p>*Pyrethrin is a naturally occurring insect-killing chemical taken from chrysanthemum flowers. In the flowers, these bug-killers exist as a mixture of six (6) separate chemicals that together are called pyrethrum or pyrethrins. Pyrethrins (without piperonyl butoxide or other enhancers) are permitted for use on organically grown crops.</p>	<ul style="list-style-type: none"> - baking soda - borax, boric acid - sluggo - wood ashes - ladybugs - tanglefoot - marigolds - beneficial - Pyrethrum*
FERTILIZERS	Allowed	Prohibited
	<ul style="list-style-type: none"> - cotton seed - kelp - compost - manure - blood, bone, horn, and hoof meals - liquid fish or seaweed - fertilizers classed as "organic" 	<ul style="list-style-type: none"> - ammonium sulfate - ammonium nitrate - muriate of potash -superphosphates - highly soluble chemical fertilize - Ozmicote - Nonorganic Miracle Grow

Water Use

Hoses

The City follows all drought related proclamations and regulations and encourages conservation of water. The quantity of water used in the Garden Program determines future fees. Excessive water use may be defined as any of the following: water allowed to leave the defined garden bed, water allowed to run off into the pathway, unattended water hoses left running for extended periods of time. Garden Members not adhering to a watering schedule or who continue to use water in excess may be terminated from the program then garden bed will be immediately forfeited with no refund of fees and deposits.

Garden hoses must be drained before they are put away. Garden hoses and irrigation may be turned off according to wet weather systems and maintenance.

Standing Water

To reduce the breeding of mosquitoes and the spread of West Nile Virus, no stagnant/standing water is allowed, including but not limited to water in containers and buckets.

Additional Resources

Use these websites and resources to address common garden issues and questions. If you have a specific issue, contact the Garden Coordinator to point you in the right direction.

Santa Clara County Master Gardeners - <https://mgsantaclara.ucanr.edu/>

UCCE Integrated Pest Management - <http://ipm.ucanr.edu/>

Santa Clara Master Composters - https://cesantaclara.ucanr.edu/Home_Composting_Education/

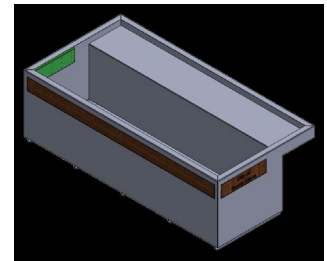
Valley Verde Plant Nursery - <https://www.valleyverde.org/>
Summer Winds Nursery – Cupertino & Campbell - <https://www.summerwindsnursery.com/>
Yamagami's Nursery – Campbell - <https://www.yamagamis.com/>
South Bay Green Gardens Workshops - <https://www.southbaygreengardens.org/>
Silicon Valley Seeds - <https://siliconvalleyseeds.org/svs/>
Santa Clara City Library Seed Share - <https://www.sclibrary.org/books-more/lending-library/santa-clara-seed-share>

APPENDIX B
Community Garden Fee Schedule & Amenities
Community Garden at Copper Place
3450 Copper Place

Community Garden at Copper Place Background

The City of Santa Clara has established a 0.27 Acres mini park and Community Garden within the Community Facilities District 2019-1 (Lawrence Station) at 3450 Copper Place. The Garden is divided into raised garden beds where local residents will be able to reserve a garden bed for purposes of growing fruit, vegetables, flowers, herbs and other plants.

Community Garden at Copper Place features custom steel fabricated raised garden beds. There are both standard and ADA access models. They come with many advantages to maintain the beauty and quality of the park for the next 20 years. Raised garden beds, or “garden boxes,” keep pathway weeds from your garden soil, prevent soil compaction, provide good drainage, and serve as a barrier to pests such as slugs and snails. The sides of the beds keep your valuable garden soil from eroding or washing away during heavy rains. In the Santa Clara County microclimate, gardeners can plant earlier in the season because the soil is warmer and better drained when it is above ground level. The custom beds are slightly raised off the ground and have a solid bottom so they may be moved in the rare case major underground utility work is needed.



Copper Place Garden Member Eligibility & Priority Categories

- A. City of Santa Clara Residents living within the Community Facilities District (CFD).
- B. City of Santa Clara Residents who receive Cal Fresh (WICC, SNAP) benefits.
- C. City of Santa Clara Residents with children in the Santa Clara Unified School District (SCUSD) boundaries and Residents aged 55 and up.
- D. All other City of Santa Clara Residents over 18.

Each of the Priority Categories will be weighted in the order listed per application.

Copper Place Annual Fees

The City will charge an annual membership fee to defray the costs of water, maintenance, and administration of the Community Garden Program.

Bed size (approximate)	Annual Use Fees	
	Individual 3Hx4Wx8L. Raised Bed	ADA or 55+ 3Hx4Wx8L Raised Bed
Deposit (refundable)	\$50	\$50
CFD Participation fee (March 1 – Feb 29)	\$55	\$55
Resident Participation Fee (March 1 – Feb 29)	\$80	\$55

Non-resident Participation fee (March 1 – Feb 29)	\$360	\$360
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Membership fees are *non-refundable* and *non-transferable*. Mid-year rentals (on or after March 1) will be prorated accordingly (full deposit required). Payment plans and financial assistance may be available upon request. Membership fees may increase after each program year.

Community Garden at Copper Place Security Deposit

A one-time \$50 access, cleaning and compliance deposit will be collected for each garden bed to encourage Garden Members to keep their garden bed active, weed-free, and to comply with the Garden Member Agreement. Deductions to deposits (due to maintenance performed by City Staff or lost keys) will be tracked by the Garden Coordinator and applied at the time your Garden Membership ends. The remaining balance of the deposit is refundable when the bed is vacated and key is returned, pending approval from the City. (Please see “Termination.”)

Community Garden at Copper Place Amenities

The Community Garden is full of amenities. These amenities were placed for members’ use and should be maintained properly to ensure its longevity.

1. General Common Areas
 - a. Be sure to clean up after yourself and ensure waste is placed into proper waste containers. Only waste originating from the Community Garden can be disposed in the waste containers. Trash should not go in the organic waste bins
 - b. No pets are allowed in the Community Garden, with the exception of Service Animals.
 - c. Pick weeds around the borders of your garden bed.
2. City of Santa Clara Display Garden areas
 - a. The designated demonstration beds should not be maintained by anyone, but the staff or volunteer appointed by the City staff.
 - b. The fruit trees on site will be maintained (pruned, treated and fertilized) by City Staff. Garden Members may pick ripe fruit and consume on-site only. Hoarding fruit from trees to take home is prohibited.
3. Green Waste
 - a. All organic waste should be chopped and deposited in the green waste bins.
 - b. Weeds and diseased plants should be deposited in the green waste bins.
 - c. Any compost bins on site will be maintained by City staff or volunteers. Garden Members are welcomed and encouraged to turn compost piles frequently.
4. Restrooms
 - a. Access is located at the Sport Court- Mini Park D – 2980 Feliz Road.
5. Parking lot
 - a. Public parking is located on Copper Road and La Rambla Avenue.
 - b. Do not park in the staff parking area, the commercial business parking lot, or on the private streets in the Copper Place community. Violators could be towed.
6. Water use
 - a. There are garden bibs and hoses for Garden Members to share.
 - b. Drain and hang hoses after each use.
 - c. Consult with Garden Coordinator before tampering with irrigation or hoses.
 - d. For more see “Water” in “Planting Guidelines” Section.

7. Tool Shed and Storage
 - a. The Garden Shed and its contents are reserved for Contracted Garden Partners and community events.
 - b. Please return tools cleaned and promptly when you are through using them, so they are available to other gardeners. Please report missing or broken tools to the Garden Coordinator. Tools are used and maintained at the gardener's own risk. Tools are for garden use.
8. First Aid
 - a. In case of an emergency, call 9-1-1.
 - b. There is a First Aid box on site, in case of a minor injury.
9. Garden Access
 - a. Primary and Secondary Garden Members will access the garden with a key or lock box. If the Secondary Garden Member lives in another household, he/she/they must fill out a registration form to receive a key.
 - b. Do not share or copy the Garden Key or lock box codes with unauthorized individuals.
 - c. Report lost or stolen Garden Keys immediately to the Garden Coordinator.
 - d. Garden keys and lockbox codes will be changed periodically.
10. Bulletin Board
 - a. The Community Garden Bulletin Board is for the purpose of posting Community Garden related information only. Any items posted by the City will be clearly identified with a City Logo. All items posted on the bulletin board must contain the date posted and the name and bed number of the Garden Member. Items not in compliance, or inappropriate, will be removed. All items will be removed after 30 days.