

Farmers Market Advisory Council (FMAC)

December 7, 2020 Meeting, 530-7pm

FMAC members in attendance: Melanie McQuinn, Janice Lilly, [Mara Lea Rosenbarger](#), Whitney Schlegel, Michael Gleeson, Cortland Carrington, Suzanne Mann, Lynn Schwartzberg, Becky Vadas (over Facebook live)

FMAC members absent: None

Farmers Market staff in attendance: Leslie Brinson, Sarah Mullin

Members of the public in attendance: Elaine Gaul, Samuel Dove, Jim Shelton

Call to Order

Meeting was called to order at 5:30pm

Approval of Minutes

November minutes were approved by unanimous consent.

Old Business

Price Schedule Update

Leslie let the group know that a price change would not be going to the board in December. Staff has been asked to look at how a percentage increase would apply to future plans for vendor pricing. Leslie asked for some help in running numbers and applying the percentage model to the already outlined 4 year vendor pricing plan. Janice agreed to help with this project. Leslie also suggested that if the FMAC wanted to help or provide support for small businesses and new farmers there was a Diversity Fund that was created at the end of 2019. This money can be used at the discretion of the staff or FMAC and perhaps could become the source of a financial support to vendors. Leslie suggested that the FMAC could create an application or process for vendors to come to them if support is needed.

Vendor Handbook Update - Complaint Policy

Discussing the Fishers Farmers Market behavior policy, which we're considering using as a model, Janice said that the 21 day investigation in addressing farmers' market issues was more associated with what vendors bring to the market. Behavior in the market would be addressed immediately, but it could be stated more clearly. What Janice liked about the Fishers policy was that if there is a complaint, it has to be in writing, it cannot be anonymous, and it has to be submitted within 14 days of the incident.

Melanie McQuinn said that the other two markets in town have a well-developed code of conduct and the BCFM just has 2 sentences. She thinks it could be better developed. Fishers distinguishes between behavior and product related complaints. She says the Fishers market really doesn't address the concerns she has - harassment and intimidation at the market. Part of the reason she didn't attend as a new vendor in 2020 is because if she were to get harassed

and had paid for her booth up front, then she may have to leave the market because there's no enforceable policy. She'd be more inclined to go to one of the other markets in town. An enforceable grievance process needs to be in place.

Mara Lea Rosenbarger asked how Leslie or Sarah envisioned using the Fishers policy. She remembers that during the protests, there was law enforcement present, but in years prior, there wasn't. Leslie responded that there are so many what-could-happens. If there is someone in the market having a confrontation, people would be asked to move on. She said that if there is an argument it would be addressed at that time. Mara Lea asked if, behind the scenes, the BCFM has their own protocols in place. Leslie responded, there are customer rules. Those rules weren't in place in 2019 and were instated in 2020. Those now help guide staff's response. That's one place that we're heading in the right direction. The challenge is when staff don't see it or hear an incident and it doesn't disrupt other people's business. The Fishers policy helps address these cases. If there's something happening that's causing a scene, staff will address it right away. There may be conversations after the market day, as well. Many of the things that were reported in 2019 were after the fact or in conversations outside of the market, either in person or on social media and people didn't feel comfortable coming forward because of repercussions they might face. She likes that this policy addresses electronic communications and what happens outside of market hours, which isn't something the BCFM addressed in the past. Some additional language was added in the 2020 handbook and will continue to be adjusted in 2021. We've tried to learn from 2019. This is another step in that direction. Mara Lea said it's a huge task and the question is enforcement. How do you build confidence that you will do it and that you have protocols in place to help you do it, so that you're not caught each time because there could be so many different things. It's so unpredictable. Leslie said, staff aren't mediators, police officers or social workers and we don't know how to address a lot of that behavior or what control we have. We relied a lot on our legal department to help guide us through that in 2019. Generally, these would be situations we talked out, but in 2019 there were no conversations to be had because everything was so volatile. Even having conversations with vendors or customers, or at an FMAC meeting was difficult because there was so much emotion, and rightfully so. We didn't know how to handle a lot of that and we were learning as we went. She can't guarantee that she'll handle every situation in a way that makes both sides comfortable, but she can promise that we're working on it and we'll do the best we can. Mara said that she's worked in a lot of schools and they have crisis management teams that meet regularly and update protocols for different situations. That's asking quite a lot of the market staff, but it would be helpful to know what we have in terms of that kind of thing. That might be helpful to rebuild confidence to let the public know that everyone's been involved in readiness training.

Melanie said that 2019 staff perhaps was put in a tough situation because there weren't processes in place. She said she's talked to a lot of vendors who left and it gave her a lot of concern. She said she compared changes from the 2019 and 2020 handbooks and based on what she's heard from other vendors, the grievance process with the Human Rights Commission did not work in 2019. She doesn't feel comfortable applying to this market without a grievance process in place.

Janice asked if we've heard anything from vendors regarding these concerns. Leslie said that she hasn't had any vendors reach out specifically about a grievance process. She said that she has heard them express concerns that they don't want what happened in 2019 to happen again, but they haven't specifically reached out about a grievance process. Sarah Mullin said she hadn't heard anything specifically about a grievance process from vendors either. Leslie said she thinks it's a good thing to have. Janice said that she can imagine how strong her concern would be if, as a new vendor, she just moved to town in 2019 amidst all that was happening. She said that she can see the benefit of a policy like the one that Fishers has is that the issue is being handled by market staff rather than sending it to something like the Human Rights Commission. She doesn't know where the City and the Legal department will be with that, but she likes the notion that it's directed to the people working in the market. She also likes the record keeping aspect. She's not sure what kind of record keeping went on in 2019, but it seems important to keep these records. Leslie said she also liked that a summary would be given to those involved and kept on file. She said she did add to the policy that we would consult with our Legal department, the Health Department, the police department, and the Human Rights Commission if needed depending on what the complaint was.

Melanie said the grievance process needs a lot of work. The other part of the handbook is what vendors can expect from the City. The first is that it has a policy and that a vendor can expect that the City is going to do something if she or her staff is being harassed and that her interests are protected in the market.

Cortland asked Leslie, if, say a group of protesters not affiliated with the market, came in and started targeting a vendor, are they legally allowed to protest or is that considered a private venue. Is it a trespass situation? Leslie said that the new customer rules say that protesting is not allowed in the market so they would be asked to leave. That wasn't a customer rule in 2019, but they outlined more specifically what protest means in 2020. Those rules are on the farmers' market website. Cortland said that he likes the Fishers policy. There are a few weak spots in it, as has been pointed out, but it's a step in the right direction. The one thing he doesn't care for is the phrase, "with no redress." He thinks everyone should be able to appeal to the FMAC or the Park Board. There are so many varied situations that come up. It's almost impossible to write a policy that can foresee so many different possibilities. Sometimes simpler is better, because it gives you a little more flexibility instead of being hemmed in. With a little cleanup he thinks something similar to the Fishers policy would be a good addition to the handbook.

Leslie said that the FMAC doesn't need to vote on this. She and Sarah will take the feedback the FMAC has offered to help inform what we send to be reviewed by the legal department. If any members have concerns or find something they'd like to add in the next few weeks, let her know. BCFM will definitely have a grievance/complaint policy and what you've provided today will inform that. Cortland asked a clarifying question - is the City's position that they'll probably put some modified version of the Fishers policy in the handbook? Leslie said that is correct. We'll look at Melanie's concerns and the wording around the 20 day time frame and get something in the handbook.

No further comments on the handbook.

2021 Meeting Dates

Leslie said that the FMAC doesn't have to change dates, but it can look at another Monday. Michael Gleeson said that one of the advantages of changing is that we'd be in better sync with the Parks Board. Leslie said that you have to meet on the first Monday of the month if you want to affect that month's Park Board meeting and the first Monday "falls weird" on several months. Cortland said that maybe no change would be best. Leslie said yes, just note that you'll be working toward things that will be addressed at the next month's Park Board. She said that there aren't that many times when actions from the FMAC need to go in front of the Park Board, but it is something to note. We'll just stick with the 3rd Monday of every month if that's okay with the group.

New Business

Coordinator Job Description

Leslie sent the description out to the group and asked if anyone had any opinions or saw anything they wanted to change. Janice said that the only thing she thought about was that the preferred education listed was in Recreation or Education and she thought Agriculture should be added. Leslie said that they'd already made a note of that. There was no other input.

BCFM 2021 Timeline

Leslie said that they've updated the Food & Beverage RFP and farm vendor applications are finalized and they will be sent out in January. The farm vendor and food & beverage contracts will go to the Park Board at the end of January for approval. Applications would be due mid-February and the space reservation meeting will be held the first week of March, most likely virtually. Sarah mentioned that the timeline had been switched from previous years. This year the application and contract will not go out together and March is a little more difficult for vendors to attend a space reservation meeting, but it makes more sense in our tight timeline to have it then. She said she's interested to hear what the vendor representatives in the FMAC think of that timeline. Cortland said the timeline does not affect him. Whitney Schelgel also commented that she didn't have a problem with that timeline. Melanie said she doesn't have a problem with the timeline. They're just looking to see what's in the handbook and the contract, so reading the fine print will be critical for them. Cortland asked if the farmers market expects more vendors than spaces in 2021. Leslie said that they do not expect that to be the case. Leslie said that in the past, we didn't usually accept applications after the season began. That may loosen up as long as there is space available and the vendor meets the criteria. Based on what we assume will be a very similar start to market as we ended it, there could be an opportunity for vendors to join later.

Janice asked if there are discussions happening about special market events next year. Leslie said that we are working through that. We have some plans A, B, and C. Her guess is that we'll open the market similar to the way we closed it, with limited interactions, no info alley,

entertainment, sampling or tastings, and hopefully we'll be able to gradually open things back up as vaccines and health department regulations change.

Cortland asked if a space reservation meeting is even really necessary. Is there a way it could just be done over email? Leslie said it's an interesting question and one that she and Sarah have talked about. It kind of goes back to the point system. We're looking at ways of not getting rid of, but trying to simplify the points system. Once we see how many applications we have it may be easier to determine. It won't be necessary in April. We can most likely place vendors by using their top 3 preferences.

Public Comment/Unrelated to the Agenda

Rebecca Vadas, a FMAC member, commented on Facebook, "Everyone was relieved this year that we did not have any protest issues."

No other public comment.

Cortland brought up one non-agenda item - the diversity money that's available. Is there a way it can be advertised to help vendors, persons of color, people that are new to farming or financially disadvantaged? Leslie said it can be used however we see fit. It was something that the Broadening Inclusion group was going to work on, but then that didn't work out. It is a one-time \$3,000 or \$5,000 donation. It can be used however we choose to use it, if someone has suggestions on how we can get that info out there or encourage its use, she is open to hearing them. The hard part is that it might be hard to sustain funds over time. She is not sure if we could get additional funds after the existing fund is gone.

Cortland asked again for public comment. There was none.

Michael Gleeson motioned to adjourn the meeting. Cortland seconded the motion. December meeting adjourned by unanimous consent.