

**BELLINGHAM FARMERS MARKET
VENDOR HANDBOOK
January, 2008**

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POLICIES AND PROCEDURES

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Section 1

FARMER'S MARKET SEASON AND FEE SCHEDULE

1.1 Season

The exact dates of the Market season will be determined on a yearly basis.

1.2 Membership Fees

A. Vendor Membership

Annual Membership fees will be assessed yearly. If for some reason your application is denied, your annual membership fee will be returned. Additional fees may be required for special sales categories such as live plants and eggs.

B. Application Fee

All applications must be submitted with a non-refundable fee. Applications must be postmarked by January 31st or hand delivered to the Market Manager by January 31st. Applications after this date will be assessed a \$50 fee.

C. General Membership

1. Annual membership fee for Supporter membership (see Section 2.2) is \$100.00
2. Annual membership for a Patron membership (see Section 2.2) is \$25.00.

1.3 Stall Canopy, Parking

A. Full stalls are 10' X 10'; half stalls are 5' X 10'.

B. Parking spots are assigned, where available.

1.4 Stall Fee Schedule Percent of Daily Sales

A. Farmers, Crafters – one stall or less 6%

B. Farmers – more than one stall 7%

C. Processors, Seafood, Other – one stall or less 7%

D. Processors, Seafood, Other – more than one stall 8%

E. Contract Vendors, Service Providers 9%

F. Contract Vendors 10%

G. Half Stall – % based on above categories.

Note: The daily stall fee is either: the current minimal stall fee of \$26, or the percent of gross revenue (less any sales tax collected), whichever is greater.

1.5 Product and Service Orders

Vendors, who take product or service orders at the Market, must report these as part of their gross sales.

1.6 Stall Payment

A. Stall rental fees shall be paid at the end of each Market day.

B. When making payment, vendors shall submit a form provided by the Market Manager. This form will include their category or subcategories (Farmer, Crafter, Contract Vendor), their business name; their day's exact gross sales (less any sales tax collected), their stall fee or commission due the Market and stall size. Manager will collect the amount due. Vendors should make payment with checks made payable to: Bellingham Farmer's Market Association.

C. Any fees delinquent beyond a one business-week will disqualify a vendor from selling at the Market until such fees are brought current. Vendors with stall fees outstanding as of December 31 will receive no seniority points for the season just completed and will not be considered for a permanent stall assignment for the following season.

- D. Pick-up of CSA shares and other orders at Market
 - 1. Pre-ordered, pre-paid, pre-packaged orders, including CSA shares, may be picked up at the Market exempt from Market fees.
 - 2. “Pick-your-own” CSA shares, credit accounts and other pick-ups where items are selected from displayed product must be reported in day’s gross sales.

1.7 Educational/Non-Profit Community Groups

Educational/non-profit community groups may be granted space on a revolving basis.

- A. Only one community group per day will be granted space. The Market Manager will schedule them on a first-come, first-assigned basis.
- B. Community groups must comply with the same rules as regular Market members.
- C. Community groups will be notified in advance by the Market Manager of Market procedures, rules and hours.
- D. Community groups are not allowed to merchandise, but may accept donations.

1.8 Entertainers

Entertainers may be granted free space as directed by the Market Manager (see Sect.10).

Section 2

MEMBERSHIP AND PRODUCT GUIDELINES

2.1 Vendor Members

All vendor members in good standing (who have paid this year’s dues and who reside in Whatcom or Skagit counties) have voting privileges.

A. MEMBER CATEGORIES

1. FARMERS

- a. Farmers are persons who raise produce (vegetables, fruits), herbs, flowers or nursery crops from seed or plants and care for, cultivate and harvest the crops offered for sale at the Market. Also in this category are beekeepers, egg farmers, shellfish growers, poultry and livestock producers and farmers who produce minimally-processed “value added” items made entirely of their own raw product (such as garlic braids, dried mushrooms, apple chips, dried flower arrangements, etc); which must be approved by the Board but are not juried. The location of the farm and residence must be within Whatcom or Skagit counties.
- b. Farmers wishing to add any handcrafted items and/or processed farm items which are NOT made **entirely** of their own raw product (such as jam, lotions, herbal oils, and other products that contain off-farm ingredients) must make **at least 80%** of their gross annual BFM sales from their “A” category products. The other 20% may come from a **combination** of processed & handcrafted items, must be reported separately, and will not be included in sales point tally. All processed farm items must be made from scratch by producers’ own hands and be Board approved. All handcrafted items must be juried according to Craft category rules.
- c. Wild Mushroom Collectors: Wild mushrooms may be sold at the Market. To do so, a vendor must receive specific authorization from the Board. Such authorization will be specific for, and must be obtained for, each variety of mushrooms to be sold. Vendors selling wild mushrooms must meet all

requirements of the Whatcom County Environmental Health Department and the Washington State Department of Agriculture.

- d. Plant growers must be in possession of plants for at least 60 days prior to sale at the Market. Plant receipts may be requested at any time by the Market Manager to verify length of possession.
- e. Seafood vendors who wish to sell product they did not raise, grow or catch will be given special oversight by the Board and are subject to Board approval.

Eastern Washington Farmers: Two farmer vendors from Eastern Washington may be admitted to the market each season. These farmers will be allowed to sell only stonefruit that cannot be produced in reliable quantity or quality in Whatcom and Skagit Counties. The market manager will maintain a current listing of these acceptable crops. To avoid potential conflicts, a check box will be included on the farmer vendor application to determine if local farmers may be providing items historically provided by Eastern Washington farmers. If a local farmer does apply to sell said products, the board, in conjunction with the farm committee, will gather information to determine whether the thresholds for “reliable quantity and quality” appear to have been met. If so, the Eastern Washington farmers will be notified at the time of their application acceptance of the changes in the list of allowable crops. Eastern Washington farm vendors are not eligible for seniority points, are placed at the membership committee’s discretion, and are NOT permitted to sell any products grown by other farmers.

2. FARMER/PROCESSORS

- a. A Farmer/Processor shall be a farmer with processed farm products, the majority (measured by value, volume or weight) of which ingredients have been grown or raised by the farmer, not subject to the 20% restriction described in the Farmer category, section B, above. Prospective Farmer/Processors must first discuss their plans with the Market Manager, describe their products, facilities, licensing status, etc. on application, include a sample of the proposed products, and meet Board approval. The location of the farm, residence, and processing facilities must be within Whatcom or Skagit counties.
- b. Farmers/Processors wishing to add any handcrafted items which do not include farm product must make at least 80% of their gross annual BFM sales from their “A” category products. The other 20% may come from handcrafted items, must be reported separately, and will not be included in sales point tally. All handcrafted items must be Board approved and juried according to Craft category rules.

3. CRAFTERS

Crafters are persons who craft with their own hands the products they offer for sale at the Market. To qualify as a crafter, a majority of the tools and equipment used by the crafter to produce the products must require skills, personal handling, and/or guidance by the crafter. A crafter, to qualify for and maintain Market membership must be successfully juried. Crafters must reside in and craft the majority of their product in Whatcom or Skagit County.

4. PROCESSORS

- a. Processed Food Vendors are vendors offering fresh food product that they have processed themselves into the product being offered for sale at the market. These products are prepackaged. Upon approval of the board, these vendors may also offer items that they do not process. Such non-processed items are specifically limited so as not to compete with locally handmade processed items.
- b. Concessionaires are Prepared Food Vendors are vendors offering fresh food products that they have processed themselves into products being offered for sale at the market. These products are ready-to-eat and intended for consumption at the Market. Upon approval of the board, these vendors may also offer packaged foods and items that they do not process. Such non-processed items are specifically limited so as not to compete with locally handmade processed items.
- c. Processors (both Processed Food Vendors and Concessionaires) are not eligible for seniority points and are placed at the membership committee's discretion.

5. SERVICE PROVIDER AND ALL OTHER MISCELLANEOUS

- a. Service Providers and all other Miscellaneous are vendors offering special services and other non-food items to customers at the Market (i.e. Massage, face painting, plant fertilizer, etc.) For service for sale on site.
- b. Service Providers and Miscellaneous vendors are not eligible for seniority points and are placed at the membership committee's discretion.

6: NONPROFIT-MANAGED FARMS

It is widely recognized that farming is a complex and risk inherit enterprise that presents considerable barriers to entry, especially for persons with non farm backgrounds. Further, it is sometimes the case that having gained an initial foothold in the farming business further progress can be exceptionally difficult for those with limited skills or training and / or capital. It is in part due to these conditions that an increasing number of nonprofit entities are creating programs that support new and existing farmers to some degree as a buffer against the harsher financial and operational realities of farming for a living, thereby making it more likely such farms will succeed in the longer term.

In recognition that certain farms otherwise eligible to participate in the BFM may be owned or managed by registered not for profit organizations, and that such arrangements may be beneficial to local agriculture generally, the BFMA sets forth the following policies:

1. Farms whose ownership or management is primarily under the direction of a nonprofit organization may be approved, on a case-by-case basis by Board approval, for membership in the BFMA provided that:
 - a. Said farms comply with all other existing Market guidelines applicable to farms selling in any Markets operated by the BFMA (geographic location, product type, reselling, and etc.) Nonprofit farms will offer for sale only those products grown on the subject farm
- no pooling of product from other farms, local or otherwise, will be allowed. Reselling product originating from farms other than the subject farm is strictly prohibited.

- b. That the nonprofit entity offering the support is a registered 501(C)3 organization.
- c. That the operation of nonprofit managed farms will not occur to the detriment, either through unfair competition or some other means, to the for profit farms in the Market.
- d. Up to 5% of the stall spaces reserved for farmers may be allocated to nonprofit managed or owned farms.

At the time of application all farms owned, managed, or both by registered nonprofit organizations will provide the BFMA with copies of the non-profit's 501(C)3 documentation and any written management agreements negotiated by the parties. All nonprofit affiliated farms will be subject to on farm inspections consistent with Market policies.

B. REQUIREMENTS

1. All vendors must meet all state, county and local requirements. Prior to selling at the Market, processors will supply a copy to the Market Manager of all necessary permits and business licenses. These documents must be visibly displayed at the vendor stall daily. The production facility must be located in Whatcom or Skagit County.
2. Prospective contract vendors shall first discuss their plans with the Market Manager and then apply in writing to the Board. The application shall describe product, facilities (as applicable), licensing status, etc.
3. Vendor Application Approval Criteria
Before approval of all submitted applications, the following criteria must be met. The Membership Committee will verify these criteria.
 - a. Applicant must reside in Whatcom or Skagit County.
 - b. Applicant has no outstanding/delinquent fee from previous season.
 - c. In previous season(s), applicant has abided by the Rules & Policies of the Bellingham Farmers Market Association, which are stated in the Handbook and Bylaws (not applicable to new applicants).
 - d. New Farmer applications must submit to Section 2.1.A4.
 - e. Applicants must have a valid and current business license.
 - f. NO COMMERCIAL ITEMS, NO IMPORTED ITEMS, AND NO SECOND HAND ITEMS SHALL BE SOLD BY ANY VENDOR AT THE MARKET.
 - g. NO FRANCHISES ALLOWED AT THE MARKET.

2.2 General Members

General Members do not have voting privileges.

A. Honorary Member

Comprised of persons who have rendered notable service to the Bellingham Farmer's Market Association, to agricultural interests in general and who may, by unanimous vote of the members present at any regular or duly called meeting, be elected to honorary membership. Honorary members shall pay no dues to the Market.

B. Supporter Member

Comprised of business and corporate sponsors who are interested in furthering the Market's goals and mission.

C. Patron of the Market Member

Comprised of any and all persons who are interested in furthering the Market goals and mission.

2.3 Agents

A. An employee may sell a vendor member's produce or product.

2.4 Reselling

A. No person may resell an item that is currently being grown by vendors in the market and offered for sale in any given week by vendors in the market (i.e. tomatoes, garlic and all agricultural products). Exceptions and appeals may be made to the Board at its next regular meeting. A maximum 25% of total space may be used to sell "resell items". Sales from resell items are not included in sales point calculation. All resell sales must be recorded at the end of the market day on stall slip. The vendor must provide the name, address and phone number of all farms that he/she represents to the Market Manager at the beginning of the season or no later than one week before the market day in which the reselling will occur.

2.2 General Members

General Members do not have voting privileges.

D. Honorary Member

Comprised of persons who have rendered notable service to the Bellingham Farmer's Market Association, to agricultural interests in general and who may, by unanimous vote of the members present at any regular or duly called meeting, be elected to honorary membership. Honorary members shall pay no dues to the Market.

E. Supporter Member

Comprised of business and corporate sponsors who are interested in furthering the Market's goals and mission.

F. Patron of the Market Member

Comprised of any and all persons who are interested in furthering the Market goals and mission.

Section 3

COMMITTEE FUNCTIONS & RESPONSIBILITIES

3.1 Purpose of Committees

Committees of the Board serve two principal purposes; (1) to present ideas and suggest possible solutions of governing the Market to the Board of Directors and; (2) to enhance the communication between the Board and Market Manager who would implement such policies as the Board directs.

A. Committee minutes are to be kept and turned in at the next scheduled Board Meeting for Board review.

B. Those committees requiring funding must submit budget proposals to the Budget Committee by mid-February.

3.2 Education and Festivals (1pt)

A. Will increase public awareness by educating the public regarding local agriculture issues through educational programs and workshops.

B. Will network with community groups to avoid duplication of programs.

C. Will Advise, implement, and make recommendations to the Board concerning Market celebrations and other events involving or having an impact on the Market.

- D. Will be in charge of Entertainment, within the context of Festivals.
 - E. Will report monthly with Market Manager to allow coordination with Advertising Committee.
- 3.3 Site (1pt.)**
- A. Develops, for Board consideration, recommendations and budget estimates for maintenance, repairs and improvements/additions to Market facilities.
 - B. Supervises Market maintenance, repairs and improvements as directed by the Board.
 - C. Advises and assists vendors who desire to install temporary displays, modified stall tables, temporary enclosures, etc.
- 3.4 Long Range Planning (1pt.)**
- A. Developing and maintaining a mission statement.
 - B. Review and update business plan for the Market, which will describe long range goals regarding market location, management structure, capital improvement budget and community relations.
 - C. Developing and maintaining short range plan (extending through current lease expiration) that addresses Market options in facilities, location, timing and negotiations.
 - D. Members to this committee are appointed by the Board of Directors.
- 3.5 Craft (1pt.)**
- A. Advises the Board and makes recommendations relating to the Markets craft jury process and procedures.
 - B. Recruits jurors and supervises the jury process as directed by the Board.
- 3.6 Membership (1pt.)**
- A. Providing for Board consideration draft policies/decisions/action that, in the committee's view, are required to ensure an optimal mix of vendors and products at the Market.
 - B. In conjunction with the Site Committee, by early February, develop annual Market map/floor plan delineating general stall assignment by vendor category and half/full booths. This plan will provide optimal product mix throughout the market and be submitted to the Board for approval.
 - C. Maintain a current, accurate annual membership list and act for the Market to acknowledge births, illness, deaths and other events within the Market vendor community.
- 3.7 Budget (1/2 pt.)**
- A. Prior to the Spring General Membership Meeting, develop the Market's annual budget and submit to the Board for approval.
 - B. Perform analyses and projections of Market finances and make periodic reports and recommendations to the Board.
 - C. The treasurer is appointed chairperson of the budget committee.
- 3.8 Policy & Bylaws (1/2 pt.)**
- A. Works with the Board and other committees to annually review the Market's Vendor Handbook of policies and procedures, Articles of Incorporation and Bylaws. Draft proposed revisions and rationale for changes for Board and /or membership consideration and approval at the Spring General Membership meeting.
 - B. Acts as "custodian" of Vendor's Handbook, provides annually updated handbook to the Board for approval prior to the Spring General Membership meeting.
 - C. Provides immediate notice of interim changes in the Handbook to the membership
- 3.9 Advertising (Chaired by the Market Manager) (1pt.)**

- A. Develops, for Board consideration annual advertising schedule and theme for consistent and effective marketing to Whatcom County and surrounding area.
 - B. Develops an itemized advertising budget to be submitted to the Budget Committee and approved by the Board of Directors.
 - B. Investigates media options and deadlines to assist in implementing the schedule.
 - C. Provides weekly updates between Advertising Committee and Market Manager regarding newspaper and radio ads for that week's Market.
 - D. Coordinates on a monthly basis with the Festival Committee for advertising. (See Section 1.2, E).
 - E. Prepares and conducts customer survey periodically to evaluate the effectiveness of the advertising program.
 - F. Establishes program for, and manages the merchandising of, products designed to promote the Market.
- 3.10 Newsletter (1pt.)**
- A. Publish at least two newsletters that will be circulated or distributed to the BFM customer mailing list and vendors.
 - B. Notify membership of submission deadlines for each issue.
 - C. The editor reserves the right to edit any submissions.
 - D. Articles may be submitted to Market Manager or Committee Chair.
 - E. Advertising space may be offered to vendors. Committee will create advertising scale to be approved by the Board.
- 3.11 Staff (1/2 pt.)**
- A. Formulate and implement a plan for hiring new staff, when needed, upon approval of the Board. After submission of candidates, from the committee to the Board, the final interviews and hiring will be done by the Board.
 - B. Formulate a Job Description and Evaluation Criteria, to be submitted to the Board for approval.
 - C. Staff evaluations will occur bi-annually
- 3.12 Fundraising (1pt.)**
- A. Considers and implements ways to access the community to raise funds to build our Capitol Improvements Fund. All plans must be approved by the Board.
- 3.13 Farm Committee (1/2 pt.)**
- A. Reviews farmer related issues and makes recommendations to the board.
 - B. Develops farmer leadership by recruiting farmers to serve on the board.
 - C. Recruits farmers to vend in the market.
 - D. Researches new crops that could be included in the market mix.
 - E. Makes recommendations to the board regarding farm site visits.
- 3.14 Ad Hoc/Single Tasks**
- A. On an as needed basis to be determined by the Board. Points assigned by the Board based on the amount of work required.

Section 4

REGULATORY POLICIES

- 4.0 The policies outlined in this handbook apply to all markets governed by the Bellingham Farmers Market Association. The Policy & Bylaws Committee will draft

all new policies and revisions of current policies, with input from other appropriate committees. The committee will submit said drafts to the Board for consideration and final approval. When the Policy & Bylaws Committee deems it appropriate, the Market Manager will solicit written input from the membership to be taken into consideration by the Board before the draft policy is voted on. In all cases the membership will be notified of new policy language within two weeks of its adoption. (For information regarding Bylaws creation and adoption, see Article XI of BFMA Bylaws.)

4.1 Alcohol/Drugs

No alcohol or drugs are permitted on the premises. If the Market Manager believes a vendor is intoxicated or under the influence of drugs, he/she has the authority to ask the vendor to leave the market immediately.

4.2 Behavior

All vendor members, their children and staff, whether at the market site, board meetings, committee meetings or market functions, will behave toward Market customers, Market members, staff and volunteers in a professional manner which fosters a sense of Market community and camaraderie, a spirit of cooperative involvement and which promotes the Market as a whole to the community of counties it represents and serves. Any problems relating to behavior; see Section 5.1 – Enforcement of Market Policies.

4.3 Discrimination

Members of the Market, Market employees and other persons selling at the Market or participating in Market functions, whether dealing with customers of the Market or with other Market members, shall not discriminate against any individual in regard to selling of products, hiring, promotion, discipline, or any other matters because of age, gender, race, creed, color, national origin, sexual orientation, or the presence of any physical, mental or sensory disability.

4.4 Firearms/Fireworks

No firearms or fireworks permitted on the premises.

4.5 Health Practices

All vendors must adhere to sanitary procedures as outlined by the Whatcom County Environmental Health Department. Any vendor found selling contaminated foodstuffs or produce shall be suspended from selling operations until satisfactory clearance has been obtained from the Whatcom County Environmental Health Department. The Health Department will make unannounced inspections at the Market. Three Health Department violations in one Market year will result in a vendor review by the Board Executive Committee, and may result in the vendor's membership being terminated or not renewed.

4.6 Insurance

It is recommended that each vendor have his/her own product liability insurance.

4.7 Logo Use

Members wishing to use the Bellingham Farmer's Market logo must apply in writing to the Board of Directors.

4.8 Labeling

A. Use of the word "organic" is restricted to those who have in fact, been so certified by the Department of Agriculture. All vendors are required to advertise truthfully and to respond to customers' questions in a like manner. Under State law, organic growers selling less than \$5000 annually are not required to be certified to label their product "organic".

B. Eastern Washington Produce resellers must display a sign indicating product coming from Eastern Washington.

4.9 Pets

Pets are not permitted on the premises. Aid dogs are exempt from this rule.

4.10 Political/Religious Activities

The Market is not a forum for political or religious activities. Permits will not be issued to persons or organizations wishing to campaign or proselytize.

4.11 Poultry/Livestock

Poultry and livestock must be kept in cages. The cages will be kept clean and clean fresh water will be made available to animals throughout the market day.

4.12 Pricing

Pricing of goods sold at the Market is solely the responsibility of the individual vendor. "Dumping" is strongly discouraged. We suggest, for good community and vendor relationship, that produce not be priced below 80% of the prevailing Bellingham area retail price.

4.13 Quality

The Market strives to provide a place where fresh and wholesome products are sold. The Market Manager has the responsibility to cooperate with regulatory agencies in order to maintain quality control at the Market.

4.14 Radio/Cassette Players

No sound that can be heard outside an individual vendor's stall will be allowed.

4.15 Skateboards/Roller Blades/Bicycles.

No skateboards, roller blades or bicycle riding will be allowed on the premises.

4.16 Sexual Harassment

Sexual harassment is a practice that violates federal equal employment opportunity laws and violates the principles of the Bellingham Farmers Market. Therefore:

- A. It is the policy of the Bellingham Farmers Market to comply with the spirit and intent of federal equal employment opportunity laws and rules.
- B. Vendors and staff will be afforded a work environment free from sexual harassment.
- C. All vendors and staff shall project the necessary attitudes and behavior to ensure that sexual harassment does not occur.
- D. Vendors observing or having knowledge of incidents or practices within the Market, which are harassment, as defined within this section shall report their observations to the Manager or file a grievance with the Board.
- E. The Market will not tolerate instances where a vendor or staff is retaliated upon in any way for complaining of sexual harassment. Confidentiality will be maintained whenever possible.
- F. Violators of this policy shall be subject to disciplinary action in accordance with BFMA policy.

The following acts are considered sexual harassment:

- A. Promise of employment or continued employment made implicitly or explicitly predicated on sexual activity as a condition of employment.
- B. Implicit or explicit coercive sexual behavior to control, influence or affect any employee, contractor, customer, potential customer or vendor.
- C. Deliberate or unsolicited verbal comments, gestures or physical contacts of a sexual nature which are unwelcome or interfere with work performance or create an intimidating, hostile or offensive work environment. Sexual harassment exists when the behavior is repeated or unsolicited and is unwelcome.

4.17 Tobacco

Smoking and tobacco chewing are not allowed within the vendor stalls or spaces.

4.18 Hawking

To ensure that the experience of shoppers at the Farmers' Market is relaxing and enjoyable; and to ensure that all Market vendors have equal and uninhibited access to customers, hawking by vendors of their or other vendors' product is strictly prohibited. Behaviors which for the purposes of this policy fall under the description of hawking include, but are not restricted to:

Actively soliciting market customers with samples of product within the public areas adjacent to Market stalls or pop up canopies.

Yelling at, or raising of the voice towards potential customers not in the vendor's booth for the purposes of soliciting a sale

Impeding in any way the free motion of Market customers so as to offer them samples or solicit them to buy products

Any type of aggressive or animated behavior conducted outside a vendor's stall that is intended to gain the attention of potential customers.

Any behavior conducted outside the vendor's stall that redirects or blocks customer access to the adjacent stalls of other vendors.

Any behavior the Market Manager deems is inconsistent with the intent of this policy. The Market Manager's interpretation of this policy has no appeal on the day the infraction is issued, but may be appealed to the board of directors before the next scheduled meeting.

It is not the intent of this policy to limit a vendor's opportunity to offer market customers samples of products produced by the vendor within the vendor's designated stall space, so long as this activity does not conflict with the intent of this policy.

Section 5

COMPLAINTS/ APPEALS & DISCIPLINARY PROCEDURES

5.1 Enforcement of Market Policies

A. Market Site

The Market Manager will determine if any vendor is failing to adhere to the policies set forth herein. Such failure will result as follows:

1. 1st offense – verbal warning
2. 2nd offense – written warning
3. 3rd offense - expulsion from the market for that day**.
4. 4th offense – expulsion from the market for remainder of the season**.

**The vendor is responsible for packing his/her product and belongings when asked to leave the market. If the vendor does not pack, the Market Manager has the

authority to appoint others to help pack the vendor's products and belongings. The Market Association will not be held liable for any damage caused during such packing. The vendor is legally responsible for any damage that might occur while being escorted out of the Market.

B. All Other Market Gatherings (Off-Site)

The Market Manager, President or Chairperson (chair of the event) will determine if any vendor or participant is failing to adhere to the policies set forth here. Such failure will result in:

1. 1st offense – verbal warning
2. 2nd offense – expulsion from event, documented in writing via the minutes and written notice to offender, written by the person in charge.
3. 3rd offense – expulsion from events for remainder of the season, documented in writing via the minutes and written notice to offender, written by the person in charge.

C. Appeals can be handled as directed in 5.3,

5.2 Product Challenge

It is the intent of the Market to offer customers fresh, high quality goods and farm direct products. Products, deemed inconsistent with Market guidelines, may be challenged by any vendor, the Market Manager or Board Member. A challenge must be submitted writing to the Market Manager before action will be taken. The Challenge Process will be as follows:

- A. Vendor will receive written notice of the challenge.
- B. Vendor will be required to respond, in writing, to the challenge before the following Market day.
- C. Challenge to be resolved within one week of vendor response to the satisfaction of the Market Manager and two Board Members chosen by lottery.
- D. The disciplinary process will be:
 1. 1st offense – written warning
 2. 2nd offense – one week suspension
 3. 3rd offense – forfeiture of space (s) for the remainder of the season. In order to participate in the following year's Market, suspended vendors must make application to the Market's Board of Directors prior to the following season.

5.3 Member, Staff, and Board Rights

Should a vendor member, market staff person, or a Board member feel his/her rights as a member of the Farmer's Market have been violated, or feel that another vendor, the Market Manager, market staff person or Board member has acted outside of the authority of their position or in a way which has harmed the Farmer's Market as a whole, the following steps should be taken:

- A. The appeal or complaint must be in writing and include: a clear and specific description of the problem; the name (s) of the person (s) involved, including the person bringing the appeal; and a description of the way (s) in which the aggrieved person has attempted to resolve the problem, if applicable.
- B. Copies of the written appeal/complaint should be sent to the Board of Directors and to all persons involved in the matter.

5.4 Appeal

The President of the Board will acknowledge receipt of the appeal and recommend, within 14 days, a course of action for dealing with it. The course of action may include, but is not limited to:

- A. Mediation between the affected parties.
- B. Setting up a committee of the Board to hear the appeal from all sides and recommend a course of action to the Board.
- C. Determining that the appeal should be dealt with through other channels.

5.5 Unresolved Matters

If, after completion of the course of action, the matter remains unresolved, the President shall schedule a meeting of the Board within ten days.

5.6 Final Authority

The Board of Directors has final authority in deciding on the outcome of any appeal that is not resolved through mediation.

Section 6

STALL ASSIGNMENTS

A stall assignment questionnaire will be distributed to all vendors qualifying for a reserve stall.

6.1 Priority Stall Assignments

- A. Farmers: Since this is a farmer's market, the Market's mission is to support local sustainable agriculture, and farmers offer perishable product that attract regular weekly customers, they are given priority in stall assignments, and forty-five percent (45%) of all stalls are reserved for farmers, including seasonal farmers.
- B. Farmer/Processors: To facilitate the valuable contribution made by farmer/processors Ten percent (10%) of stalls are reserved for farmer processors.
- C. Crafters: In recognition of the fact that crafters are an essential part of the Farmer's Market and add variety and beauty to the market displays, up to twenty percent (20%) of the stalls may be reserved for crafters.
- D. Processors: Twenty-three percent (23%) of all stalls may be reserved for Processors
- E. Service providers: One booth may be reserved for the most senior service provider, who is providing a service for sale on site.
- F. Non-profits and educational groups: One booth may be reserved for non-profit organizations to offer educational material and do outreach to the public.

6.2 Stall Assignment Criteria (Crafters see Section 7)

Stall assignment is based on vendor seniority. Points are awarded according to the system described below.

- A. At the end of each season, The Market Manager will develop a list, separated by membership category, of each member's seniority by points.
- B. Points will apply separately to the stalls that are assigned to each category of membership.
- C. Farmer members are eligible for a reserve stall, and choose a stall based on their points accumulation. The number of reserve stalls is limited, so placement is made on a seniority basis.
- D. The minimum criteria for a reserve stall is to have sold for a minimum of 8 weeks the previous year and to have paid annual dues.

- E. The minimum criteria for a farmer's double stall is the following: for any period of time in the previous year that one's average daily gross sales were over \$1000, that farmer may apply for a double stall. The assignment of double stalls will be made by the Membership Committee and is based on availability in the season, and highest gross sales.
- F. Point System
 - 1. ACTIVE MEMBERS ACCRUE POINTS.
 - 2. Participation in the Market: .18 points for each sales day in the Market.
 - 3. Sales in the Market: One point for each \$5000 of gross revenue in the Market during the previous year (e.g. sales of \$500 earn 0.1 points; sales of \$2000 earn 0.4 points; etc.).
 - 4. Participation on the Board: One point for sitting on the Board and attending at least 80% of the meetings the previous year.
 - 5. Participation on Committees; A maximum of 1.5 points for serving on a committee (or committees) and attending at least 80% of the meetings the previous year (see committee list, Section 1 for point awards for each committee). Committee chairs will have the discretion to award full, partial or no points based on an individuals contribution to the committee.
 - 6. All accumulated points (See Section 6.2 E1) will be forfeited if a vendor is not active for two consecutive years. For farmers “active” is defined as being present at 15 or more sales days in the Market’s previous year. Crafters are defined as “active” if they are present 8 days in the market’s previous year.
 - 7. Transfer of Membership/Points: Membership and Seniority points may be transferred with the approval of the Board of Directors. They may only be transferred to a family member, or to a legitimate business partner who has actively participated in the business at the Farmer’s Market site. The definition/requirement to be a “Legitimate/Active Business Partner” is to have names of partners on Market Application and names on the Business License. Points cannot be transferred between categories.

6.3 General

- A. By early February, the Membership and Site Committees will devise a market map/floor plan delineating general stall assignments and size by vendor category. This plan will provide optimal product mix throughout the market and will be submitted to the Board for approval.

6.4 Roll Call

Senior vendors with reserve stalls who desire more space may go on roll call, and have priority over new vendors. Senior vendors may contact the Market Manager on a weekly basis, or may notify the Market Manager at any point during the season to be put on roll call for the remainder of the season. Double booth assignments will be made at the discretion of the Market Manager and the Membership Committee, taking into consideration the needs of the requesting vendor and the impact of such assignments on the Market as a whole.

- A. All vendors without reserve stalls will be placed on a Roll Call List according to their category.

- B. Stall assignments will be filled within each category first (contract vendors to contract vendor stalls, farmers to farmer stalls, etc.) Any stalls still available will be scheduled according to the order described below
1. Farmers with at least 80% of their daily sales being produce and having four or more seniority points at the start of the current season, in order of seniority. Such vendors shall be required to have sufficient produce, in the judgment of the Market Manager to provide a reasonable display for the market day.
 2. Other farmers and processors having four or more seniority points at the start of the current season, in order of seniority.
 3. Crafters having four or more seniority points at the start of the current season, in order of seniority.
 4. All other vendors, at markets discretion.
 5. Ties between senior vendors will be broken by the date of this year's first sale. Ties between new vendors will be broken by their date of application.

6.5 New Members

Newly approved vendor members will be placed on Roll Call in order of date of their paid-up membership.

Section 7

CRAFT VENDOR JURYING

7.1 Craft Jury

To assure quality crafts at the Market, all new craft vendors will be juried. The jury process is a set of criteria for determining eligibility to sell at the market. Work should be made by hand or with the appropriate tools, showing imagination, skill and the mark of the craft person's individuality. All works should be expertly executed without technical faults. Prospective craft persons not accepted at the jury session may reapply at a later session. Limitations may apply when determining the acceptance of a crafter, based on markets' current needs.

7.2 Jury Date

Jurying date for prospective craft vendors will be established by the Craft Committee and will be reported to the Board.

7.3 Items Not Acceptable for Jurying

Items made from kits, commercially available plans or transfers and items that are mechanically mass-produced are not acceptable.

7.4 Jury Process and Guidelines

- A. Yearly jurying will not occur for returning craft vendors. To be able to return as a craft vendor each year, every craft vendor must show an average daily sales of \$125 or more. Craft vendors who show an average daily sales of less than \$125 must re-submit their work to the jurying process. The craft vendor will retain any accrued points.
- B. Any qualifying returning crafters with new items they wish to sell must jury new items.
- C. The new prospective craft person will be juried by bringing a representative sampling of their work, in person, accompanied by a craft application. Samples of work must be limited to three items per craft, including any new items. In the event that more

craft vendors are needed for the market, a special jury session can be scheduled by the Craft Committee.

- D. Returning craft vendors will have seniority based on their previous market points. All successfully juried new craft vendors will be placed on the roll call list according to their jury score. Ties will be broken by the date of application.
- E. The craft jury will be comprised of a minimum of 3 jurors, chosen from the community. Jurors or their families may not be market members. They will be chosen by the Craft Committee and must be approved by the Board. A non-crafter market member will be present during the jurying process to answer questions. Jury Scoring:
 - 1. Market Enhancement (how the item will complement other vendors and overall Market environment).
 - 2. Originality of Design
 - 3. Quality of Execution
 - 4. Artist Involvement (what percentage of an item is actually made or extensively altered by the artist).
- F. Craft vendors may sell only those items that have been approved by the jury at the Market.
- G. Craft vendors are subject to the conditions of Section 11 (Vendor Inspection).

7.5 Jury Set-up and Scoring

- A. A score cutoff point will be determined by the Market Manager and a non-crafter Board member. Jury scores will be tallied by this team.
- B. A list of Crafters who pass jury will be submitted to the Board for approval.
- C. Notification of the jury decision will be mailed to all applicants within 3 weeks of the jury date.
- D. Each applicant will receive a score and be rated on each topic on a scale of 1 to 5 (1 = strongly disagree that item meets criteria of 11.4 E, 5 = strongly agree).
- E. Each juror will independently view and rate entries.

7.6 Craft Booth Assignments

- A. Crafters scheduled for the following market day who desire more or less space must call the Market Manager by the Wednesday before the scheduled market day. All Crafters scheduled must arrive at the market site by 9:00 a.m. Roll Call crafters need to call the Market Manager the Wednesday before the market if they wish to participate the following market day.
- B. Scheduled vendors have priority consideration for additional booth space based on accumulated market points.
- C. Weekly, four full stalls will be reserved for the top four vendors (based on seniority) participating on any given market day.
- D. Crafters with lower seniority are assigned space based on seniority and availability of space. Attendance is open to all crafters on a roll call basis per Section 6.4.

Section 8

SET UP – LOADING AND UNLOADING

8.1 Failure to Show (Reserved and Scheduled vendors)

A reserved space which is not claimed before 9:00 a.m. may be reassigned to another vendor for that day. If a vendor with a reserved space does not plan to attend, he/she is

required to notify the Market Manager the Wednesday before the Market, Vendors may cancel up to 10% of their vending days identified on the Final Schedule without incurring additional penalty if cancellations are made by the end of the day Wednesday prior to the scheduled vending day. If a cancellation is made after that Wednesday, then a late Cancellation Penalty will be incurred. Cancellations after the initial 10% of vending days identified on the Final Schedule will incur an additional Commitment Fee. This Commitment Fee must be paid by the vendor before the next vending day. This system applies to all three Markets.

Saturday Market: Late Cancellation Penalty \$20/Commitment Fee is equivalent to Daily Stall Fee

Wednesday Market: Late Cancellation Penalty \$15/Commitment Fee is equivalent to Daily Stall Fee.

A. Opt-Out Policy

If a vendor wishes to cancel his/her commitment to vend for the remainder of the season, a 30-day notice must be submitted in writing to the Market Manager. The vendor will be responsible for the stall fees, equivalent to 4 vending days, whether the vendor chooses to vend, or not during the 30 day period.

8.2 Roll Call

Any stalls remaining unscheduled by Friday will be made available for roll call. All vendors wanting roll call status will be required to call the Market Manager the Wednesday before the Market. If space is available they will be notified by phone on Friday. Roll call vendors must show up prior to 9:00 a.m. to receive stall assignment from the Market Manager. No stall assignments will be given after 9:30 a.m. See Section 6.4 for stall assignments.

8.3 Set-Up

On Market days, time prior to market opening is available for stall set-up by vendors. During this period, vendors may enter the market area for the purpose of readying their stall space for the day's sales. Except for sales to other vendors, no sales are allowed during set-up time. Due to insurance liability, vendors are required to remain completely set up in their stalls until market closing at 3 p.m. Any vendor leaving the market before 3pm will be assessed a \$50 fine, which is due before vending on the next market day.

8.4 Canopy and Table Set-Up/Take down

- A. Based on stall grouping, small teams of vendors will be assigned by the Market Manager to complete assigned tasks. All vendors are responsible for complete take down of canopies, market tables and other market property each market day.
- B. All vendors are required to participate in a rotating set-up schedule to be assigned by the Market Manager.
- C. After the set-up schedule is established, any new vendors will be assigned to participate in the set-up team on their second market day.
- D. Any vendor who cannot attend to takedown or set-up. or who is physically unable to participate; must provide an employee or volunteer in their place.
- E. Any vendor who does not abide by these rules will be subject to the following disciplinary process:
 - 1. 1st offense - \$50.00 fine, payable before next market day and a make up day.
 - 2. 2nd offense – loss of stall for one week.
 - 3. 3rd offense – loss of stall for remainder of season.

- F. All vendors erecting canopies at the three Bellingham Farmers Market sites (during normal periods of market operations, including the set up and break down periods) are required to have their canopies sufficiently and safely anchored to the ground from the time their canopy is put up to the time it is taken down. THE MARKET REQUIRES A MINIMUM OF 24 POUND WEIGHTS ON EACH OF THE FOUR CORNERS OF A CANOPY. Any vendor who fails to properly anchor his or her canopy will not be allowed to sell at the farmers market on that market day. If there are any insurance costs arising from a canopy, and it is found by the board of directors that there was negligence on the part of the vendor, any insurance costs (i.e. deductible payments) shall be passed on to the vendor).

8.5 Signs

All vendors must have a sign at their Market site. The sign must have the business name, location and may include the business logo. Additional signs are permitted as long as they do not interfere with neighboring stalls and are in good taste.

8.6 Vendor Displays

Table displays, temporary displays in front of stalls and signs must not block accessibility to adjoining stalls. Display and selling techniques must not impair other vendor's ability to sell. If a vendor feels his/her sales ability is compromised by a neighboring vendor display or selling techniques, he/she may verbally complain to the Market Manager, who will mediate a solution acceptable to both parties. If the complaint is not satisfied, the vendor may make a written appeal to the Board (see Section 9).

8.7 Stall Clean Up

Each vendor is responsible for cleaning his/her stall area (including tables and canopies) and removing their own boxes and garbage from the Market site. If this is not done to the satisfaction of the Market Manager, after an initial warning a vendor may be fined \$30.00 per instance, and may be excluded from participation in the Market. All vendors utilizing heat must have fire extinguishers in their booths.

Section 9

PROCESSOR APPLICATION/ACCEPTANCE GUIDELINES

- 9.1** The Market Manager will review each applicant to decide if the following criteria are met.

If so, the application will be forwarded to the Board for its approval.

9.2 Criteria

- A. Salability – The product should do well in a farmers' market setting.
- B. Compatibility – The product should be unique, and /or fill a niche in the Market's product mix.
- C. Stability – The applying vendor should have a business sense and an entrepreneurial outlook and be able to produce enough product to meet demand.
- D. Commitment – The prospective vendor should be willing to commit to specific Market days.
- E. Production – The prospective vendor should have a substantial "hands –on" contribution to the making of the product.

- F. Health Department Compliance — New and returning Processors should be in good standing with the Whatcom County Health Department. Applicants with previous violations will be reviewed by the Board and membership may be denied.

Section 10

ENTERTAINMENT APPLICATION ACCEPTANCE GUIDELINES

- 10.1** Prospective performers must register with the Market Manager on their first visit to the Market. Performers will check in with the Market Manager each Saturday they wish to perform to receive their location assignments. Busking will only be allowed at a fixed number of busking stations, determined by the Market Manager. The Market Manager may, at her discretion, remove or create new busking stations as she sees fit to preserve customer access to Market vendors or to otherwise promote easy customer flow within the Market. Under no circumstances may entertainers perform without the permission of the Market Director. Entertainers will not be charged a fee for the privilege of performing at the Market.
- 10.2** Purpose of Entertainers.
Entertainers are guests of the Market Association, invited to perform by the Market to add color and variety to the Market atmosphere and to enhance the sales environment for Market vendors. Entertainers are not vendors and may not participate in Market governance. Entertainers are permitted in the Market so long as they do not interfere with the commerce for which the Market is established and so long as they do not violate these rules.
- 10.3** Types of entertainment that will be accepted within the Market include: acoustic (non-electric), percussion and vocal musicians; children’s puppet theater, clowns, improv performers, jugglers and magicians. Amplified music may be accepted in certain circumstances at the discretion of the Market Manager.
 - 10.3.1** Performers cannot ask for money but may place a donation basket in one location. No passing of the hat or basket is permitted.
 - 10.3.2.** Entertainers will be limited to 30 minutes per location and may not exceed a total playing time of two and one half hours per Market day. The Market Manager can direct an entertainer to reduce his/her volume, relocate to another part of the Market, or in other ways modify their performance if in the Managers opinion such modification is needed to protect a vendors customer access, to preserve a comfortable listening environment for Market patrons, preserve the flow of customers throughout the Market, or to protect the publics safety. Playing from the curb is prohibited, or from Market owned benches and tables. Entertainers must bring their own props (chairs, etc.).
 - 10.3.3** Contracted Entertainment. The Market may from time to time, with the approval of the Board of Directors, place certain entertainers on contract with the Market. Contracted performers will be exempted from time and location restrictions according to the terms of their contract with the Market.
- 10.4** Violation of Rules. The Manager may bar an entertainer from performing at the Market for violation of these Rules for a length of time determined by the Manager.
- 10.5** Amplified groups or groups of more than 3 members may be restricted to selected locations within the Market at the discretion of the Market Manager.

Section 11

VENDOR INSPECTIONS

11.1 Purpose of Inspection

The purpose of inspections is to assure that products sold at the Market are vendor produced as required in the Bylaws (Section 2.2 A. 1,2,3) and that the vendor lives and works within the geographical boundaries established by the Bylaws. Inspectors will note production capabilities of the facilities they visit. If a discrepancy is apparent, the Market Manager may deny the vendor access to the Market. This decision may be appealed to the Board for final resolution.

11.2 A. The Board and/or Market Manager may request inspection of a vendor.

B. Vendor membership in the Market requires the vendor to submit to inspection.

11.3 C. The Market Manager has responsibility for vendor inspections, as needed in accordance with this policy.

D. The Market Manager may delegate authority to two knowledgeable vendor members to assist in inspections.

11.4 Inspection Process and Guidelines

A. The Market Manager will keep a record of inspections.

B. Vendors with a change of address, change of items, or change of other circumstances, must inform the Manager of such changes. Inspections may be required in these instances.

C. Vendors may be inspected when complaints have been received by the Market Manager.

D. If the inspection team cannot verify that a vendor produces his/her own product, membership may be denied by the Manager. The vendor may appeal to the Board of Directors.