

MCFARM

Market Rules and Regulations

Proposed Draft for 2010

(Bold Font indicates suggested changes.

Although there are many suggested changes, most of it does not affect the document with anything new. The majority of changes reflect the order of sections, the format, language clarifications, and the removal of sections that belong elsewhere. Note the new section regarding long distance growers.)

I. INTENT AND IMPLEMENTATION

These Rules and Regulations are meant to govern the operation, administration and management of the Certified Farmers Markets (CFM's) under the sponsorship and direction of the Mendocino County Farmers Market Association (MCFARM). All sellers must have a current Membership Card from MCFARM. **(suggest the removal of the last sentence above, "All sellers..." as it's already stated in the market rules and it doesn't seem to fit in this section)**

Move previous section IV. "OTHER MARKET RULES, POLICIES AND REQUIREMENTS" to section II. :

II. MARKET RULES

Vendors must conduct themselves in a manner that reflects MCFARM expectations. Producers, family members, employees, and others representing them at the market must abide by the following rules:

A. Attendance Notification: The Market Manager may require a one week advance notification of intent to attend the market prior to the first selling day of a member. All applicable documents must be provided to **the** Market Manager prior to selling at that market. The application and membership dues must be received by the Office Manager before a vendor may sell at the market.

B. Bags and Litter: Sellers using plastic **(remove "plastic")** bags **or other wrapping materials** for their customers shall ensure that such **(remove "bags")** materials do not litter the market. All vendors shall bring a trash receptacle for the convenience of their customers and for themselves. Before leaving the market, all matter in the selling area, including an area extending into the common customer traffic area, must be completely removed and taken with the seller.

C. Certificates: **Vendors with producers certificates must post the embossed copy at the market.** All applicable certificates must be visibly posted by each vendor. Producer certificates with two or more names listed as producer, must provide evidence of partnership or other legitimate business agreement. Copies of each certificate must be given to the Office Manager and the Market Manager of each market where the vendor intends to sell. One is the

limit for second certificates **in our association** (see state regulations **for other requirements**).

D. Food Coupons:

1. MCFARM is authorized as an organization to accept Food Stamps **with EBT devices at some of our markets. The managers of these markets will provide the necessary information regarding the acceptance and redemption of script for the specific foods allowed.**

2. **Certified Ag producers are encouraged to accept WIC coupons from customers, but must be registered with the state WIC program before accepting them and should post signs to indicate acceptance. Specific WIC regulations will be received by the state after registration. Vendors are responsible for marking each coupon with their registered number before redeeming the coupons at their own bank.**

E. Arrival and Departure: The arrival and departure times of the sellers are to be determined by the Market Managers. Vendors will be expected to abide by these hours (unless permission is granted for special circumstances) for the safety and integrity of the markets. **Late arrivals may be required to park outside of the market area and carry their products to their space.**

F. Pricing: All prices must be clearly marked or posted. Collusion and deceptive pricing practices are prohibited. Bargaining with the consumer is specifically allowed. Deliberate and significant undercutting of a competitor's pricing to gain market advantage is strongly discouraged.

G. Selling Space: Assignment of selling space will be at the discretion of the Market Manager. The Market Manager will attempt to assign sites so that vendors will have some consistency in their weekly location. **Non-Ag vendors may not be placed in the certified vendors' selling area, as per state law for CFM's. Vendors are expected to cooperate when space adjustments are requested by the Market Manager. Vendors are encouraged to communicate in a cooperative manner with their vendor neighbors to accommodate individual space needs.**

H. Setups and Safety: **Vendors should display products in a clean and attractive way, and should (this phrase was moved from elsewhere) minimize safety hazards.** All display tables frontage must be behind the setup line designated by the management. No boxes or produce displays may extend in to the common customer traffic area. Tables and other display fixtures must be sturdy, stable, and not overloaded. All canopies and umbrellas must be completely secured by weights or tie downs or they will be subject to immediate removal. Electric cords must be placed, marked and/or taped down in a way that greatly reduces the risks of tripping on them.

(I.-N. replaces V. Standards of Conduct and includes major language changes, thus it is all in bold, although the rules are basically the same)

I. Communication with Customers: Vendors should be honest, courteous, and conduct themselves at all times in a friendly and business-like manner. In addition, vendors should be knowledgeable about the product, how it is used, grown or produced, and

communicate this information clearly to customers.

J. Noise Factors: Vendors must refrain from playing radios other electronic music players during market sales hours and avoid the practice of loud hawking or shouting to promote products.

K. Appearance: Vendors must be presentable, wearing shirts and shoes during market hours.

L. Pets and Smoking: Smoking is prohibited in the market place or adjacent to your vehicle. Show courtesy by keeping your distance from the market and consider the wind direction if smoking. Keep your pets at least 20 feet from the market area and not in your vehicle if the vehicle is parked within the market place.

M. Respectful Conduct: Vendors must treat each other, staff, customers, and officials with respect. All members must comply with the decisions of the Market Manager, the Market Rules and Regulations, the MCFARM Bylaws, and other decisions of the association.

N. Complaints: Complaints or concerns regarding the market may be communicated to the Market Manager or the General Manager (President if the General Manager does not exist) If there are concerns regarding member rights, contact a Member Representative. Member opinions are requested in the annual MCFARM surveys. There are systems in place for resolving conflicts in a fair manner. Refer to MCFARM Bylaws for grievance procedure. Public complaints are not acceptable, as they waste valuable promotional dollars that affect all vendors.

III. ADMISSION OF A PRODUCER AND PRODUCTS TO A MARKET

(Remove the first paragraph below, and move it to the Market Manager's manual for training purposes)

The major goal of our association is to operate quality certified markets that enable farmers to sell local produce directly to consumers. It is our philosophy that an open market policy provides healthy competition and allows our markets to grow economically which benefit both the farmer and the consumer. More vendors and more products provide the consumer with additional choices and opportunities to support our markets. Admission of producers and their products shall be based on this philosophy.

(Substitute the above paragraph, with below paragraph)

Admission policies are based on support for local agricultural producers. In MCFARM's Articles of Incorporation, the first purpose of our association is to provide farmers markets for agricultural products that are produced in Mendocino and nearby counties. "Nearby counties" is specifically defined as Sonoma, Lake, and Humboldt counties. Admission of other products are also based on these locations.

A. Vendors with certified produce from Mendocino and nearby counties, specifically defined as Lake, Sonoma, and Humboldt, shall be accepted until all spaces are full. All products that are listed on their primary producer certificates shall be accepted at each market.

1. Market Managers shall use their reasoned discretion in determining acceptance of one second certificate, utilizing admission policies for the product.

2. Vendors must notify the market manager before the season begins in order to be assured a space in that market.

3. In order to be placed in the certified section of the market, any crafts sold by this produce vendor must be created from products grown on the farm , must not predominate by volume or value, and must be accepted by the Market Manager.

B. Managers of markets that may reach maximum capacity should give first priority to certified vendors from Mendocino County and nearby counties who have participated in MCFARM for 2 or more years and are members in good standing. Preference shall also be given to local vendors who are returning to that specific market from the previous season. Remaining spaces shall be filled by the manager using the following factors: **(Remove the 1st two factors below, as they aren't necessary if members accept criteria for long-distance growers)**

1. Locality of the farm/business

2. The need for that product in the market

3. The date of request for acceptance into the market.

(Change the last sentence above to, "Remaining spaces shall be filled by the manager by the date of request for acceptance into the market.

(Remove previous section C. below because: 1. It is more appropriately placed in the Market Manager's manual for guidance rather in our rules. 2. Much of it is no longer necessary. 3. The acceptance of a producer "from outside our neighboring county" in the last 3 lines may no longer apply)

Certified and non-certified Specialty Foods such as cheese, honey, and olive oil have historically been limited to a minimal number of vendors in each market. New vendors from Mendocino and nearby counties will not be excluded nor will products that are added to certificates for these growers. However, the Market Manager must inform the new vendor of the economic reality and the risks for both vendors. Competing vendors will be encouraged to meet with the Market Manager and a market representative if possible, to negotiate positive solutions such as alternate markets, alternate days, or second certificates and decide for themselves how to resolve it. If both parties decide to participate in the same market at the same time, it is imperative that both parties abide by market pricing regulations and compete in a fair and ethical manner. If the new producer is from outside our neighboring county, the Market Manager may exclude the product, but should make strong attempts to honor the philosophy of an open market, considering what is ultimately best for the market and consumer.

C. Long Distance Growers have limited access to MCFARM markets.

1. Market Managers have the responsibility to refuse admittance to any producers from out of the county, other than those from nearby counties (Lake, Sonoma, or Humboldt), or producers who are already members, unless the following conditions will be met:

- a. It is determined that the market will have ample space for the projected local producers.
 - b. The products will not directly compete with products from local producers nor significantly take away sales from local producers with other agricultural products.
 - c. The acceptance of the producer will enhance the market by bringing new products that are not grown in abundance locally.
 - d. The fuel distance will be mitigated by other factors such as fuel efficient vehicles, reasonable growing distance for the type of product, exceptional growing practices/products etc.
 - e. The origin of the products will be reasonably easy to monitor and the producer agrees to a site visit by a member of OC prior to acceptance. Any necessary expenses, such as fuel or lodging, will be provided by the producer who is applying to our markets.
 - f. Upon the Market Manager's recommendation to include the long distance grower, the participating vendors must vote with a 2/3 majority vote to allow that vendor's participation.
2. The Market Manager has the right to place limits on the products or the dates in which the long distance grower may participate. A two week notification is required by the Market Manager if later changes in the market indicate that it is no longer in the best interest of local producers or the Market Manager's time for the long distance grower's participation.
3. As an Ag Member, a long distance grower has the right to participate in MCFARM decision making. However, in the interest of preserving MCFARM's finances and staff time, exclusion of long distance growers or their products does not give them any rights to MCFARM's grievance procedures or special hearings.
- D. New Non-Certified **Ag** Producers will only be allowed in markets that have sufficient space to allow maximum participation from all certified producers who notify the manager before the season begins. Market Managers must have the latitude to use their discretion in considering market supply and demand for non-certified **Ag** products, but they have admission priority over other food products.
- E. Admission of producers of other food products such as processed food, wild seafood, seaweed, salt etc. is determined by market need, based on Market Manager discretion and has priority over admission of crafts. The following factors assist the manager in determining admission:
1. The food is harvested or caught in the region of Mendocino County or nearby counties.
 2. The food is grown or raised by the vendor and processed locally.
 3. It is a local business.

F. Admission of food to go is based on Market Manager discretion and available space. The market image, healthfulness of the product, and the inclusion of local ingredients are important factors to consider.

G. For the specific markets that accept crafts, admissions shall be based on Market Manager discretion. Market Managers should strive to keep the number of crafts vendors below 25% of the number of certified vendors. The following factors assist the manager in determining admission:

- 1. The majority of the work in the craft item is created by the local vendor.**
- 2. The person uses local products when possible.**
- 3. The product is unique and the quality is commendable.**

(Move this previous G and H to Market Manager manual)

G. Market managers should keep a list of vendors who requested admission, but were denied access to the market in order to fill a void if needed in the future.

H. The Office Manager and affected Market Managers should keep a list of names of producers who intend to attend specific markets in the future when their product is ready, as some products need several years to mature (e.g. olive oil, stone fruit, grapes). Membership dues each year of waiting and a letter of intent will ensure a space in the market of a Mendocino county **or nearby county** grower.

H. Producers of crops that take several years to mature may pay membership dues earlier to ensure a space in a market if the certified product is grown in Mendocino or neighboring counties.

I. Participating vendors who experience a crop failure will not lose their opportunity to be admitted to a market the following year. Payment of dues is not necessary for the year of non-vending, but it will ensure voting rights.

(suggest removing the current I-J, as there is already an appeal process in the bylaws)

I. Whenever a producer or product is excluded from a market, that Market Manager shall document the reasons for exclusion and provide a copy to the affected producer, the Office Manager, the member representatives, and to the President of MCFARM within seven days or the request for market access.

J. At the written request of an excluded producer:

1. Members of the Operating Committee shall be notified by e-mail **or phone**, stating the grievance.
2. A telephone conference **or e-mail** meeting will be held with **a majority of eligible** voting members in attendance. No Operating Committee member who is part of the grievance is allowed to vote. The decision will be based on majority rule. The decision of the Operating Committee will be final.

3. Utilizing this appeal process in a reasonable manner will not be a factor in future market participation.

(After removing the above from the mkt. rules, add the 1st section of I. to the Market Manager Manual with the following rewording)

"Whenever a producer or product is excluded from a market, that Market manager shall document the reasons for exclusion and provide a written copy to the affected producer and the Office Manager. "

IV. STATE REGULATIONS (These regulations for CA Dept. of Food and Agriculture and Environmental Health remain the same as the previous MCFARM Rules and Regulations with one change to match current code)

The regulations of the California Department of Food and Agriculture pertaining to Direct Marketing (Article 6.5, Group 4, Subchapter 1, Chapter 3, Title 3 of the California Administrative Code) are hereby incorporated by reference to be part of these Rules and Regulations. (For details on specific subjects see your Market Manager).

Specifically restated are the following provisions of such regulations:

A. Producers of fresh fruits, nuts, vegetables, shell eggs, honey, flowers and nursery stock must obtain a Certified Producer's Certificate prior to selling such commodities at a Certified Farmers Market. Such commodities must have been produced by the producer by the practice of the agricultural arts upon land which the producer farms and owns, rents, leases, or sharecrops. All fish must be harvested in accordance with state laws.

B. Fresh fruits, nuts and vegetables listed on a Producer's Certificate may be sold directly to consumers exempt from size, standard pack, container, and labeling requirements with the exception that all prepackaged closed consumer containers of agricultural products shall be labeled with the name, address, zip code and e-mail or web address of the producer and a declaration of identity and net quantity of the commodity in the package. However, a package containing 6 or fewer items which are fully visible does not need a statement of count.

C. All agricultural products sold at the market shall comply with the regulations of the California code governing maturity and quality.

D. All agricultural products, other than exempt fresh fruits, nuts and vegetables, which are sold at the markets must comply with all applicable laws pertaining to their grading and labeling.

E. All agricultural products sold at the markets are subject to the provisions of federal marketing orders, state marketing orders, state laws and regulations enforced by any state agency, or any other local health and safety laws, regulations or ordinances.

F. Only the producer or the producer's parents, children, grandparents and grandchildren or a relative regularly residing in the producer's household or an employee of the producer may sell the producer's products at the market. An employee is any person employed by the producer at a regular salary or wage on either a full or part time basis. It does not include a person who is reselling or whose compensation is primarily based on a

commission on sales.

G. A Certified Producer's Certificate (embossed photocopy) must accompany the certified agricultural products during transportation and must be conspicuously posted at the point of sale.

H. When any agricultural product is sold by weight, the type of scale used shall be approved, tested and sealed by the County Agricultural Commissioner, Sealer of Weights and Measures.

I. When a producer has been granted the privilege of selling for another certified producer, it shall be under the following conditions:

1. The agricultural products shall be separated at the stand and be clearly identifiable by the respective certificates. Seller shall report gross sales separately for each certificate holder, and shall pay stall fees for each certificate based upon the gross sales for each grower.

2. The producer selling for another producer must also sell or offer for sale agricultural products which the selling producer has produced. Seller's produce shall be predominate **by volume or value** over that of the other producer

3. Prior to sale, the producer selling has furnished a written letter from the additional producer which verifies the selling producer's authority to sell their products on their behalf.

J. A producer shall provide upon request by an enforcing officer or Market Manager, any certificate, documentation, information or identification that may be reasonably required to show that the conditions of the regulations are being met. Some of these not stated elsewhere are: Nursery Certificate to sell nursery stock, Seller's Permit from the State Board of Equalization for all non-food items and Proof of Automobile Insurance.

K. When selling at the Certified Farmers Markets, the producer and the producer's agricultural products shall comply with all applicable requirements of the California Uniform Retail Food Facilities Law and the California Sherman Food, Drug and Cosmetic Law. Specifically:

1. All produce and containers of produce must be kept at least 6 inches above the ground.

2. Food preparation (except trimming) is prohibited. Chef demonstrations will comply with Environmental Health Regulations.

3. Processed foods must be processed and stored in an approved facility and properly packaged and labeled under clean and sanitary conditions before coming to market. These foods must be transported to market and stored or displayed in an approved manner. A copy of the facility's Health certificate shall be posted at the seller's point of sale.

4. Dried fruits, shelled nuts, and other processed foods that are sold in bulk form must be displayed with a cover and conform to dispensing methods approved by the local Environmental Health Department.

5. Eggs must be have the appropriate certification and comply with the storage, packaging,

and labeling specifications that are required by the local Environmental Health Department.

6. No live animals, birds or fowl may be kept or allowed within 20 feet of any area where food is stored or held for sale, except service dogs which shall be kept on a leash.

7. Members selling non-agricultural food products are required to have valid permits from the local jurisdiction and are not considered part of the Certified section of the Farmers' Market.

8. All products sold as organic must be grown, produced and processed in accordance with the USDA National Organic Program. The producers of organic labeled produce must be registered as organic producers with the County Agricultural Commissioner. A Registered Organic Certificate must be provided to the Market Manager and MCFARM Office Manager. If the operation's gross agricultural income from organic sales totals more than \$5000 annually, they need to be certified organic by an accredited certifying agent and provide a copy of their organic certificate to the Market Manager and MCFARM Office Manager.

9. Smoking is not permitted within the market, at or behind vendor areas.

10. All processed certifiable agricultural products must have, and be accompanied by a verifiable listing of the fresh product on the seller's Producer's Certificate. Sellers must be able to show location and capability of processing. If the processing is done by a second party, the seller must be able to show the method used to insure that the processed product returned by the processor is from the original product submitted by the producer for processing. Receipts, volume date, and letters verifying methodology may be requested or required. The seller must show that all processing was accomplished under safe and sanitary conditions, and, if applicable, obtain, furnish and display all necessary health permits.

11. If the local health authority approves, distribution of samples in a manner which will ensure safe, unadulterated samples for the public may be allowed. The following guidelines are to be followed:

a. Keep samples in clean, covered containers approved by the local health agency.

b. Use toothpicks or disposable utensils to distribute the samples.

c. Dispose of pits, peels, food waste and rubbish in leak-proof garbage receptacles with close-fitting lids.

d. Use clean disposable utensils to distribute the samples.

e. Produce intended for sampling must be washed and cleaned so as to be wholesome and safe for human consumption.

f. Utensils and cutting surfaces must be washed and sanitized (use a chlorine solution of one teaspoon or capful of liquid bleach per gallon of water).

g. Cutting surfaces must be smooth, non-absorbent and easily cleaned.