

MOSCOW FARMERS MARKET COMMISSION



Jamie Hill
Chair

Agenda

Cody Riddle
Staff Liaison

<https://www.ci.moscow.id.us/362/Farmers-MarketCommission>

2023-2024 Policy subcommittee

Jenny Parker, Produce Vendor Rep.

Josh Larson, At-Large Rep.

Colette DePhelps, At-Large Rep.

Wed., Dec. 13, 2023

9:00 AM

Mayor's Conference Room

WELCOME AND ATTENDANCE

REGULAR AGENDA

1. Review Updated Definitions
 - a. Agricultural Vendors
 - b. Forager
 - c. Livestock/Poultry
 - d. Value-Added
2. Review Updated Vendor Orientation Policy
3. Review New Copyright/Trademark Policy
4. Next meeting: TBD

NOTICE: Moscow City Council and committee meetings are televised, videotaped and/or recorded. Individuals attending the meeting who require special assistance to accommodate physical, hearing, or other impairments, please contact the City Clerk, at (208) 883-7015 or TDD 883-7019, as soon as possible so that arrangements may be made.

2024 Market Handbook | Subcommittee Recommendations

Agricultural Vendors

Vendors who participate in the planting, growing, cultivating, harvesting, production and/or management of crops, livestock, or bees. Vendors ~~are encouraged to~~shall demonstrate how their practices are hygienic, sustainable, align with regenerative principles, promote animal welfare ~~and/or,~~ and are supportive of environmental stewardship via a Site Visit.

Forager: Vendors who harvest ~~fresh items where the majority of products sold are wild-grown and not cultivated~~wild-grown, non-cultivated food. Examples include but are not limited to mushrooms, berries, herbs, etc.

Livestock/Poultry: Vendors who raise animals where the majority of raw products sold are cuts of meat, milk, eggs, fiber, hides etc. Animals must be under a Vendor's care and management for the majority of its lifespan (51% or greater) and finished by the vendor.

Value-Added: Vendors who grow, produce, forage, and/or harvest raw ingredients that impart a distinct and predominate flavor or characteristic in their processed products. Vendor must manage land, ranch, or garden where such raw ingredients are sourced from or have permission and access to forage land for the collection of raw ingredients. Examples include but are not limited to: ~~raising sheep for fiber and hides~~, harvesting fruit trees for jams, raising goats for goat's milk products, etc. The majority of a Vendor's products must meet the above parameters to be classified in this category. If a Vendor is unable to be the processor of their products, does not have complete oversight and ownership of the final product, or the majority of products do not meet the above parameters, then products are classified as Non-Agricultural and are subject to the jury process, unless required by law to use a third-party processor.

Annual Vendor Orientation

All Vendors are required to attend the mandatory annual Vendor Orientation meeting in-person prior to start of Market Season, at a date and time set by the Community Events Manager. Failure to attend will result in one of the following:

- Tier 1 Vendors: Loss of eligibility to participate in the upcoming Market Season.
- Tier 2 Vendors: Loss of eligibility to participate in the upcoming Market Season.
- Tier 3 Vendors: Loss of designated Market space.

An alternative to the in-person meeting is provided to Vendors ~~in the following situations:~~

~~• Vendors who experience illness, emergency, or another unanticipated conflict that forces their absence.~~

~~• Vendors who have participated in the Market for twenty (20) consecutive seasons or more.~~

If a Vendor meets ~~either any~~ of the above parameters for missing the in-person meeting, then Vendor is subject to the following:

- Vendor provides notice and/or request to the Community Events Manager.
- Vendor answers list of questions via email by a date and time set by the Community Events Manager demonstrating that they viewed the alternative meeting format.
- Vendors who fail to provide an email with answers by the set date and time are subject to the consequences as designated by Tier status.

Compliance with all applicable Laws and Regulations.

Vendors are to comply with all applicable federal, state and local laws and regulations, including U.S. copyright laws.

Use of licensed, trademarked or registered characters or images.

In general, products featuring licensed, trademarked, and/or registered characters or images are not permitted for sale at the Market (i.e. Disney characters, professional sports team logos, other commercial entities, etc.).

2024 Market Handbook | Staff recommendations

Review general Agriculture Vendor definition in Handbook for proposed changes. Staff recommends additional terms in general Agricultural Vendor definition based on Commission meeting discussions. Subcommittee may consider adopting/adapting terms for inclusion on page 8 if needed.

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Address possible changes to Forager subcategory definition. Subcommittee to determine if Forager subcategory is applicable for fresh items only. If yes, staff is proposing the definition below for clarity. If no, subcommittee will need to determine a new definition that addresses both fresh and altered/non-fresh foraged items (i.e. dried, processed, etc.).

Forager: Vendors who harvest fresh items where the majority of products sold are wild-grown and not cultivated. Examples include but are not limited to mushrooms, berries, herbs, etc.

Discuss revision to Meat subcategory: Length of ownership and Animal welfare practices. Staff is recommending the inclusion of animal ownership below in the Meat/Poultry subcategory (aka Livestock/Poultry) based on Commission meeting discussions. Staff is not recommending that animal health and welfare be included here, but rather included in the general Agricultural Vendor definition, and addressed via Prospective Vendor form and Site Visit form.

Livestock/Poultry: Vendors who raise animals where the majority of raw products sold are cuts of meat, milk, eggs, etc. Animals must be under a Vendor's care and management for the majority of its lifespan (51% or greater).

Review Value-Added definition: Applicability to foraged items and Applicability to "significant constituent". Staff is recommending the new definition below which addresses sourcing of foraged products used for processed goods, and replaces "significant constituents" with more robust and definitive language. Changes to this definition has implications for how we classify Vendors and whether products are subject to Jury or not.

Value-Added: Vendors who grow, produce, forage, and/or harvest raw ingredients that impart a distinct and predominate flavor or characteristic in their processed products. Vendor must manage land, ranch, or garden where such raw ingredients are sourced from or have permission and access to forage land for the collection of raw ingredients. Examples include but are not limited to: raising sheep for fiber and hides, harvesting fruit trees for jams, raising goats for goat's milk products, etc. The majority of a Vendor's products must meet the above parameters to be classified in this category. If a Vendor is unable to be the processor of their products, does not have complete oversight and ownership of the final product, or the majority of products do not meet the above parameters, then products are classified as Non-Agricultural and are subject to the jury process, unless required by law to use a third-party processor.

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CLEAN PROPOSAL OF PAGE 9

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Apiarist: Vendors who keep bees and manage beehives where the majority of products sold are the honey, honeycomb, and wax.

Forager: Vendors who harvest fresh items where the majority of products sold are wild-grown and not cultivated. Examples include but are not limited to mushrooms, berries, herbs, etc.

Fresh Produce/Nursery: Vendors who grow and/or propagate plants where the majority of products sold are fresh herbs, fruits, vegetables, flowers, shrubs, trees, vines, grains, seeds, or raw nuts.

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2024 Market Handbook | Staff recommendations

Review Vendor Orientation requirement with potential alternative for long-standing Vendors.

Staff currently records the Vendor meeting and provides the recording to all Vendors, regardless if they attended in-person, or informed staff of an unanticipated conflict. If no communication is made between a Vendor and staff about missing the Orientation, then one of three scenarios occurs (as stated below). If communication is made between a Vendor and staff, Vendor is provided a small "quiz" on video content and set timeline for response (i.e. how many times did Amanda say pink elephant; respond by end of business day on "x" date). Staff is recommending the following based on feedback received from the 2023 Orientation.

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2024 Market Handbook | Staff recommendations

NEW - Inclusion of a copyright and license-to-use policy.

Staff recommends crafting a policy to address use of licensed characters, stock photos/images, etc. based on 2023 Craft & Food juries. There has been a longstanding, unwritten policy based to Vendors regarding the inability to use licensed characters/images on items for sale at the Market (i.e. University of Idaho/Vandals, Disney), but no formal policy has been adopted. The use of AI software for creating items for sale, as well as the downloading of images with Creative Commons licenses for use on further crafted products has drawn several questions regarding if a product is "made" by a Vendor, and to what extent that Vendor can make revenue off such item. Staff will likely seek input from the Legal Department in finalizing this particular policy, citing any state or federal code as needed.

DRAFT

Copyright and License-To-Use

Vendors are to abide by U.S. copyright law, including limitations of using copyrighted work for commercial purposes, to protect themselves against copyright infringement. Vendors who reproduce images not owned by them onto a product made by the Vendor are responsible for ensuring the image has the appropriate Creative Commons license for commercial use with or without attribution to the image's original creator. Vendors who wish to use licensed, trademarked, and/or registered characters or images on their products for sale at the Market are required to obtain permission/crafter's license from the copyright holder and furnish approved paperwork/agreement to the Community Events Manager. In general, products featuring licensed, trademarked, and/or registered characters or images are not permitted for sale at the Market (i.e. Disney characters, professional sports team logos, etc.).

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