



City of Hamilton

SOLE VOTING MEMBER OF THE HAMILTON FARMERS' MARKET REVISED

Meeting #: 21-001

Date: January 25, 2021

Time: 1:30 p.m.

Location: Due to the COVID-19 and the Closure of City Hall

All electronic meetings can be viewed at:

City's Website:

<https://www.hamilton.ca/council-committee/council-committee-meetings/meetings-and-agendas>

City's YouTube Channel:

<https://www.youtube.com/user/InsideCityofHamilton> or Cable 14

Stephanie Paparella, Legislative Coordinator (905) 546-2424 ext. 3993

Pages

1. APPROVAL OF AGENDA

(Added Items, if applicable, will be noted with *)

2. DECLARATIONS OF INTEREST

3. APPROVAL OF MINUTES OF PREVIOUS MEETING

3.1. November 23, 2020

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4. COMMUNICATIONS

5. DELEGATION REQUESTS

6. CONSENT ITEMS

7. PUBLIC HEARINGS / DELEGATIONS

8. STAFF PRESENTATIONS

- 8.1. Review of the Hamilton Farmers' Market Corporation Stallholder Agreement Renewal Process (CM21001) (City Wide)

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9. DISCUSSION ITEMS

10. MOTIONS

11. NOTICES OF MOTION

12. GENERAL INFORMATION / OTHER BUSINESS

13. PRIVATE AND CONFIDENTIAL

- 13.1. Closed Session Minutes - November 23, 2020

Pursuant to Section 8.1, Sub-section (k) of the City's Procedural By-law 18-270, as amended, and Section 239(2), Sub-section (k) of the *Ontario Municipal Act*, 2001, as amended, as the subject matter pertains to a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

- *13.2. Hamilton Farmers' Market Corporation Shareholder Agreement Renewal Process (CM21001(a)) (City Wide)

Pursuant to Section 8.1, Sub-sections (f) and (k) of the City's Procedural By-law 18-270, as amended, and Section 239(2), Sub-sections (f) and (k) of the *Ontario Municipal Act*, 2001, as amended, as the subject matter pertains advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and, a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

14. ADJOURNMENT



**City of Hamilton
SPECIAL SOLE VOTING MEMBER
OF THE HAMILTON FARMERS' MARKET
MINUTES 20-002**

2:30 p.m.

Monday, November 23, 2020

Due to COVID-19 and the Closure of City Hall, this meeting was held virtually.

Present: Mayor F. Eisenberger, Deputy Mayor A. VanderBeek (Chair)
Councillors M. Wilson, J. Farr, N. Nann, S. Merulla, C. Collins,
T. Jackson, E. Pauls, J.P. Danko, M. Pearson, B. Johnson,
L. Ferguson, J. Partridge

Absent: Councillors T. Whitehead and Clark – Personal

THE FOLLOWING ITEMS WERE REFERRED TO COUNCIL FOR CONSIDERATION:

- 1. Correspondence from Eric Miller, Chair of the Hamilton Farmers' Market Board of Directors with the Hamilton Farmers' Market Governance Review Report, prepared by 2WA Consulting, June 24, 2020 (Item 9.1)**

(Pauls/Ferguson)

That the correspondence from Eric Miller, Chair of the Hamilton Farmers' Market Board of Directors with the Hamilton Farmers' Market Governance Review Report, prepared by 2WA Consulting, June 24, 2020, be received.

Result: Motion CARRIED by a vote of 11 to 0, as follows:

Yes	-	Mayor Fred Eisenberger
Yes	-	Ward 1 Councillor Maureen Wilson
Yes	-	Ward 2 Councillor Jason Farr
Absent	-	Ward 3 Councillor Nrinder Nann
Absent	-	Ward 4 Councillor Sam Merulla
Yes	-	Ward 5 Councillor Chad Collins
Absent	-	Ward 6 Councillor Tom Jackson
Yes	-	Ward 7 Councillor Esther Pauls
Yes	-	Ward 8 Councillor J. P. Danko
Absent	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Maria Pearson
Yes	-	Ward 11 Councillor Brenda Johnson
Yes	-	Ward 12 Councillor Lloyd Ferguson
Yes	-	Ward 13 Councillor Arlene VanderBeek, Deputy Mayor
Absent	-	Ward 14 Councillor Terry Whitehead
Yes	-	Ward 15 Councillor Judi Partridge

2. Hamilton Farmers' Market Governance Report (CM20010) (City Wide) (Item 9.2)**(Partridge/Pearson)**

That staff be directed to prepare a report that provides a preferred governance and operating model for the Hamilton Farmers' Market Corporation, which prioritizes value-for-dollar invested by the Shareholder, role clarity, enhanced governance and the avoidance of any potential conflicts of interest, with the support of an external consultant, at an approximate cost of \$50,000 - \$75,000, to be funded by the Tax Stabilization Reserve, and report back to the Sole Voting Member of the Hamilton Farmers' Market.

Result: Motion CARRIED by a vote of 10 to 2, as follows:

Yes	-	Mayor Fred Eisenberger
Yes	-	Ward 1 Councillor Maureen Wilson
Yes	-	Ward 2 Councillor Jason Farr
Yes	-	Ward 3 Councillor Nrinder Nann
Absent	-	Ward 4 Councillor Sam Merulla
Yes	-	Ward 5 Councillor Chad Collins
No	-	Ward 6 Councillor Tom Jackson
No	-	Ward 7 Councillor Esther Pauls
Yes	-	Ward 8 Councillor J. P. Danko
Absent	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Maria Pearson
Yes	-	Ward 11 Councillor Brenda Johnson
Absent	-	Ward 12 Councillor Lloyd Ferguson
Yes	-	Ward 13 Councillor Arlene VanderBeek, Deputy Mayor
Absent	-	Ward 14 Councillor Terry Whitehead
Yes	-	Ward 15 Councillor Judi Partridge

3. Fee Reductions for Hamilton Farmers' Market Vendors During COVID-19 Pandemic (FCS20077) (City Wide) (Item 13.1)**(Partridge/Pearson)**

- (a) That the City of Hamilton, as the Sole Voting Member of the Hamilton Farmers' Market Corporation, direct the Board of Directors of the Hamilton Farmers' Market to adopt the City of Hamilton COVID-19 Occupant Support Framework, as outlined in Confidential Appendix "A" to Report FCS20077;
- (b) That the City of Hamilton, as the Sole Voting Member of the Hamilton Farmers' Market Corporation, direct the Board of Directors of the Hamilton Farmers' Market Corporation to report back on the full financial and operational impact of COVID-19, as part of the 2020 variance reporting and 2021 Budget; and,

- (c) That Report FCS20077, respecting the Fee Reductions for Hamilton Farmers' Market Vendors During COVID-19 Pandemic, and its appendix remain confidential.

Result: Motion CARRIED by a vote of 9 to 2, as follows:

Yes	-	Mayor Fred Eisenberger
Yes	-	Ward 1 Councillor Maureen Wilson
Absent	-	Ward 2 Councillor Jason Farr
No	-	Ward 3 Councillor Nrinder Nann
Absent	-	Ward 4 Councillor Sam Merulla
Yes	-	Ward 5 Councillor Chad Collins
Yes	-	Ward 6 Councillor Tom Jackson
No	-	Ward 7 Councillor Esther Pauls
Yes	-	Ward 8 Councillor J. P. Danko
Absent	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Maria Pearson
Yes	-	Ward 11 Councillor Brenda Johnson
Absent	-	Ward 12 Councillor Lloyd Ferguson
Yes	-	Ward 13 Councillor Arlene VanderBeek, Deputy Mayor
Absent	-	Ward 14 Councillor Terry Whitehead
Yes	-	Ward 15 Councillor Judi Partridge

FOR INFORMATION:

(a) APPROVAL OF AGENDA (Item 2)

The Committee Clerk advised of the following change to the agenda:

9. ADDED DISCUSSION ITEM

9.2 Hamilton Farmers' Market Governance Report (CM20010) (City Wide)

(Pauls/Danko)

That the agenda for the November 23, 2020 special meeting of the Sole Voting Member of the Hamilton Farmers' Market be approved, as amended.

Result: Motion CARRIED by a vote of 10 to 0, as follows:

Absent	-	Mayor Fred Eisenberger
Yes	-	Ward 1 Councillor Maureen Wilson
Yes	-	Ward 2 Councillor Jason Farr
Absent	-	Ward 3 Councillor Nrinder Nann

Yes	-	Ward 4	Councillor Sam Merulla
Yes	-	Ward 5	Councillor Chad Collins
Absent	-	Ward 6	Councillor Tom Jackson
Yes	-	Ward 7	Councillor Esther Pauls
Yes	-	Ward 8	Councillor J. P. Danko
Absent	-	Ward 9	Councillor Brad Clark
Yes	-	Ward 10	Councillor Maria Pearson
Yes	-	Ward 11	Councillor Brenda Johnson
Yes	-	Ward 12	Councillor Lloyd Ferguson
Yes	-	Ward 13	Councillor Arlene VanderBeek, Deputy Mayor
Absent	-	Ward 14	Councillor Terry Whitehead
Absent	-	Ward 15	Councillor Judi Partridge

(b) DECLARATIONS OF INTEREST (Item 2)

There were no declarations of interest.

(c) APPROVAL OF MINUTES OF THE PREVIOUS MEETINGS (Item 3)

(i) September 14, 2020 (Item 3.1)

(Johnson/Farr)

That the Minutes of the September 14, 2020 meeting of the Sole Voting Member of the Hamilton Farmers' Market be approved, as presented.

Result: Motion CARRIED by a vote of 13 to 0, as follows:

Yes	-	Mayor Fred Eisenberger
Yes	-	Ward 1 Councillor Maureen Wilson
Yes	-	Ward 2 Councillor Jason Farr
Absent	-	Ward 3 Councillor Nrinder Nann
Yes	-	Ward 4 Councillor Sam Merulla
Yes	-	Ward 5 Councillor Chad Collins
Yes	-	Ward 6 Councillor Tom Jackson
Yes	-	Ward 7 Councillor Esther Pauls
Yes	-	Ward 8 Councillor J. P. Danko
Absent	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Maria Pearson
Yes	-	Ward 11 Councillor Brenda Johnson
Yes	-	Ward 12 Councillor Lloyd Ferguson
Yes	-	Ward 13 Councillor Arlene VanderBeek, Deputy Mayor
Absent	-	Ward 14 Councillor Terry Whitehead
Yes	-	Ward 15 Councillor Judi Partridge

(d) DELEGATIONS (Item 5)

- (i) **Jennifer Hompoth, Friends of the Hamilton Farmers' Market, respecting Item 9.1, Correspondence from Eric Miller, Chair of the Hamilton Farmers' Market Board of Directors with the Hamilton Farmers' Market Governance Review Report, prepared by 2WA Consulting, June 24, 2020; and, to present findings of a report conducted by the Organization on Small Businesses in the Hamilton Farmers' Market (Item 5.1)**

(Partridge/Pauls)

That the delegation request, submitted by Jennifer Hompoth, Friends of the Hamilton Farmers' Market, respecting Item 9.1, Correspondence from Eric Miller, Chair of the Hamilton Farmers' Market Board of Directors with the Hamilton Farmers' Market Governance Review Report, prepared by 2WA Consulting, June 24, 2020; and, to present findings of a report conducted by the Organization on Small Businesses in the Hamilton Farmers' Market, be approved to appear before the Sole Voting Member of the Hamilton Farmers' Market on November 23, 2020.

Result: Motion CARRIED by a vote of 13 to 0, as follows:

Yes	-	Mayor Fred Eisenberger
Yes	-	Ward 1 Councillor Maureen Wilson
Yes	-	Ward 2 Councillor Jason Farr
Absent	-	Ward 3 Councillor Nrinder Nann
Yes	-	Ward 4 Councillor Sam Merulla
Yes	-	Ward 5 Councillor Chad Collins
Yes	-	Ward 6 Councillor Tom Jackson
Yes	-	Ward 7 Councillor Esther Pauls
Yes	-	Ward 8 Councillor J. P. Danko
Absent	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Maria Pearson
Yes	-	Ward 11 Councillor Brenda Johnson
Yes	-	Ward 12 Councillor Lloyd Ferguson
Yes	-	Ward 13 Councillor Arlene VanderBeek, Deputy Mayor
Absent	-	Ward 14 Councillor Terry Whitehead
Yes	-	Ward 15 Councillor Judi Partridge

(e) COSENT ITEMS (Item 6)

- (i) **Resignation Letter from Seth Waterman, Member of the Hamilton Farmer's Market Board of Directors (Item 6.1)**

(Ferguson/Merulla)

That the letter of resignation, submitted by Seth Waterman, Member of the Hamilton Farmer's Market Board of Directors, be received.

Result: Motion CARRIED by a vote of 13 to 0, as follows:

Yes	-	Mayor Fred Eisenberger
Yes	-	Ward 1 Councillor Maureen Wilson
Yes	-	Ward 2 Councillor Jason Farr
Absent	-	Ward 3 Councillor Nrinder Nann
Yes	-	Ward 4 Councillor Sam Merulla
Yes	-	Ward 5 Councillor Chad Collins
Yes	-	Ward 6 Councillor Tom Jackson
Yes	-	Ward 7 Councillor Esther Pauls
Yes	-	Ward 8 Councillor J. P. Danko
Absent	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Maria Pearson
Yes	-	Ward 11 Councillor Brenda Johnson
Yes	-	Ward 12 Councillor Lloyd Ferguson
Yes	-	Ward 13 Councillor Arlene VanderBeek, Deputy Mayor
Absent	-	Ward 14 Councillor Terry Whitehead
Yes	-	Ward 15 Councillor Judi Partridge

(f) DELEGATIONS (Item 7)

- (i) Jennifer Hompoth, Friends of the Hamilton Farmers' Market, respecting Item 9.1, Correspondence from Eric Miller, Chair of the Hamilton Farmers' Market Board of Directors with the Hamilton Farmers' Market Governance Review Report, prepared by 2WA Consulting, June 24, 2020; and, to present findings of a report conducted by the Organization on Small Businesses in the Hamilton Farmers' Market (Item 7.1)**

Jennifer Hompoth, Friends of the Hamilton Farmers' Market, addressed Committee respecting Item 9.1, Correspondence from Eric Miller, Chair of the Hamilton Farmers' Market Board of Directors with the Hamilton Farmers' Market Governance Review Report, prepared by 2WA Consulting, June 24, 2020; and, to present findings of a report conducted by the Organization on Small Businesses in the Hamilton Farmers' Market.

(Pauls/Pearson)

That the presentation provided by Jennifer Hompoth, Friends of the Hamilton Farmers' Market, respecting Item 9.1, Correspondence from Eric Miller, Chair of the Hamilton Farmers' Market Board of Directors with the Hamilton Farmers' Market Governance Review Report, prepared by 2WA Consulting, June 24, 2020; and, to present findings of a report conducted

by the Organization on Small Businesses in the Hamilton Farmers' Market, be received.

Result: Motion CARRIED by a vote of 11 to 0, as follows:

Yes	-	Mayor Fred Eisenberger
Yes	-	Ward 1 Councillor Maureen Wilson
Yes	-	Ward 2 Councillor Jason Farr
Absent	-	Ward 3 Councillor Nrinder Nann
Absent	-	Ward 4 Councillor Sam Merulla
Yes	-	Ward 5 Councillor Chad Collins
Absent	-	Ward 6 Councillor Tom Jackson
Yes	-	Ward 7 Councillor Esther Pauls
Yes	-	Ward 8 Councillor J. P. Danko
Absent	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Maria Pearson
Yes	-	Ward 11 Councillor Brenda Johnson
Yes	-	Ward 12 Councillor Lloyd Ferguson
Yes	-	Ward 13 Councillor Arlene VanderBeek, Deputy Mayor
Absent	-	Ward 14 Councillor Terry Whitehead
Yes	-	Ward 15 Councillor Judi Partridge

(g) PRIVATE & CONFIDENTIAL (Item 13)

(Pearson/Farr)

That Committee move into Closed Session respecting Item 13.1, pursuant to Section 8.1, Sub-section (k) of the City's Procedural By-law 18-270, as amended, and Section 239(2), Sub-section (k) of the *Ontario Municipal Act*, 2001, as amended, as the subject matter pertains to a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

Result: Motion CARRIED by a vote of 12 to 0, as follows:

Yes	-	Mayor Fred Eisenberger
Yes	-	Ward 1 Councillor Maureen Wilson
Yes	-	Ward 2 Councillor Jason Farr
Yes	-	Ward 3 Councillor Nrinder Nann
Absent	-	Ward 4 Councillor Sam Merulla
Yes	-	Ward 5 Councillor Chad Collins
Absent	-	Ward 6 Councillor Tom Jackson
Yes	-	Ward 7 Councillor Esther Pauls
Yes	-	Ward 8 Councillor J. P. Danko
Absent	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Maria Pearson
Yes	-	Ward 11 Councillor Brenda Johnson

Yes	-	Ward 12	Councillor Lloyd Ferguson
Yes	-	Ward 13	Councillor Arlene VanderBeek, Deputy Mayor
Absent	-	Ward 14	Councillor Terry Whitehead
Yes	-	Ward 15	Councillor Judi Partridge

(h) ADJOURNMENT (Item 14)

(Pearson/Eisenberger)

That there being no further business, the Sole Voting Member of the Hamilton Farmers' Market be adjourned at 4:38 p.m.

Result: Motion CARRIED by a vote of 11 to 0, as follows:

Yes	-	Mayor Fred Eisenberger
Yes	-	Ward 1 Councillor Maureen Wilson
Absent	-	Ward 2 Councillor Jason Farr
Yes	-	Ward 3 Councillor Nrinder Nann
Absent	-	Ward 4 Councillor Sam Merulla
Yes	-	Ward 5 Councillor Chad Collins
Yes	-	Ward 6 Councillor Tom Jackson
Yes	-	Ward 7 Councillor Esther Pauls
Yes	-	Ward 8 Councillor J. P. Danko
Absent	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Maria Pearson
Yes	-	Ward 11 Councillor Brenda Johnson, Deputy Mayor
Absent	-	Ward 12 Councillor Lloyd Ferguson
Yes	-	Ward 13 Councillor Arlene VanderBeek
Absent	-	Ward 14 Councillor Terry Whitehead
Yes	-	Ward 15 Councillor Judi Partridge

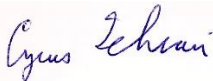
Respectfully submitted,

Deputy Mayor Arlene VanderBeek
Chair, General Issues Committee

Stephanie Paparella
Legislative Coordinator,
Office of the City Clerk



CITY OF HAMILTON
CITY MANAGER'S OFFICE
Digital, Innovation & Strategic Partnerships

TO:	Mayor and Members Sole Voting Member of the Hamilton Farmers' Market
COMMITTEE DATE:	January 25, 2021
SUBJECT/REPORT NO:	Hamilton Farmers' Market Corporation Stallholder Agreement Renewal Process (CM21001) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Matthew Grant 905-546-2424 Ext. 2739 Raymond Kessler 905-546-2424 Ext. 7019 Susan Nicholson 905-546-2424 Ext. 4707 Cyrus Tehrani 905-546-2424 Ext. 2261
SUBMITTED BY:	Cyrus Tehrani Chief Digital Officer City Manager's Office
SIGNATURE:	

COUNCIL DIRECTION

N/A

INFORMATION

The Hamilton Farmers' Market ("Market") is operated by the Hamilton Farmers' Market Corporation (HFMC), an independent corporation solely owned by the City of Hamilton. The HFMC is governed by a board of directors (HFMC Board) comprised of Councillor(s), Citizens members, and Stallholder Members who are responsible for oversight of Market operations, including responsibility for vendor contract management and annual vendor contract renewals. HFMC operates the Market within the City-owned facility at the south-east corner of York Boulevard and James Street within the framework of an operating agreement between HFMC and the City.

Day-to-day operations, including contract management and renewal, is the responsibility of the Market Manager, under the direction of the Board.

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

**SUBJECT: Hamilton Farmers' Market Corporation Stallholder Agreement
Renewal Process (CM21001) (City Wide) – Page 2 of 6**

The HFMC operating agreement requires board operations to adhere to several acts and regulations including the Municipal Act, as well as adhering to several City policies. HFMC also requires City Council approval of any changes to its budget.

The relationship between the HFMC and Stallholders, who are independent businesses, is governed by Stallholder Contracts which are currently renewed annually.

BACKGROUND:

The board is responsible for oversight of the Market the contractual relationship between the HFMC and individual Stallholders.

In June 2020, the HFMC Board sought approval from the City to provide a 75% fee reduction to align with the Canada Emergency Commercial Rent Assistance (CECRA) for small businesses program. This was an optional federal program that allowed property owners to apply for rent relief that could then be passed on to their tenants. Municipally owned buildings with tenants unfortunately we not eligible for the CECRA program. HFMC Board, on behalf of Stallholders, requested the City to consider matching the program terms of 25% of rental obligations being paid by occupants, 25% landlord and 50% government (in this case the landlord and government being assumed to be the City).

In July, the HFMC Board approved a 75% fee reduction/abatement for Stallholders for the months of March, April and May. Included in the motion was request that CECRA be matched for future months in alignment with the program which latest six months. Stallholders were subsequently provided with 25% partial payment invoices for the three months above, assuming that the City would approve.

In September, Council adopted a city-wide framework to address COVID-related occupant (tenants/licencees) support. As it relates to commercial entities, the framework permits deferral of rental/fee obligations, but not abatement. Many municipalities have taken a similar approach though implementation has varied.

On the November 23, the Sole Shareholder established that a fee reduction/abatement was not consistent with the Operating Agreement or Municipal Act and that the HFMC Board was directed to abide by the COVID-19 Occupant Support Framework (Framework).

On November 25, 2020 the HFMC Board was informed of the that the Sole Shareholder decision was unable to provide a rent abatement and Board was required adopt the citywide COVID-19 Occupant Support Framework.

**SUBJECT: Hamilton Farmers' Market Corporation Stallholder Agreement
Renewal Process (CM21001) (City Wide) – Page 3 of 6**

Every December, the Market Manager initiates the Market's renewal process with individual Stallholders, which continues the contractual relationship between the HFMC and the independent businesses who operate in the Market.

The renewal process also provides insight to the HFMC as to the level of revenue it can expect from Stallholder fees, which makes up a significant portion of the HFMCs revenue.

The 2021 renewal process has experienced some delays and dissatisfaction with level of support provided to Stallholders has been voiced. In late December, the Hamilton Farmers Market Stallholders Association sent a letter to Stallholders encouraging them not to sign 2021 contracts as a group. The primary reason cited by the Stallholders Association was in order to challenge the city's decision to not to provide rent abatement.

In a January 11 resignation letter, the former HFMC Board chair indicated that the pandemic had negatively impacted Market operations and that Stallholders, like other small businesses, and that more should be done to assist Stallholders during the pandemic.

Currently, the Municipal Act prevents the City of Hamilton from providing direct subsidies to commercial enterprises such as Stallholders as it is considered bonusing.

The municipality has provided assistance to Stallholders in the form of fee deferrals and has also ensured that Stallholders were made aware of programs offered by levels of government not subject to Ontario's Municipal Act.

SUPPORTS AVAILABLE TO HFMC AND STALLHOLDERS:

In September, Council adopted a city-wide approach to address COVID related support framework. As it relates commercial entities, the framework permits deferral of rental/fee obligations, but not abatement. Many municipalities have taken a similar approach though implementation has varied.

Though Stallholder fees vary by frontage (<https://hamiltonfarmersmarket.ca/stall-information/>) for a standard stall fees are approximately \$630/month or \$7,560/year (excluding stall utility usage). A Stallholder opted to utilize the deferral program over the full 10-month period deferral payments would be approximately \$378/month. For a three-month fee deferral payments would be approximately \$189/month.

The initiative did not meet the June 2020 request by the HFMC board, which requested a 75% fee reduction from the municipality to align with the Canada Emergency Commercial Rent Assistance (CECRA) for small business program. The Municipal Act

**SUBJECT: Hamilton Farmers' Market Corporation Stallholder Agreement
Renewal Process (CM21001) (City Wide) – Page 4 of 6**

prevents both the City and the HFMC board from offering direct fee subsidies to commercial enterprises.

In July, the HFMC Board approved a 75% fee abatement for Stallholders that covered March, April and May 2020. HFMC Stallholder were subsequently provided with 25% partial payment invoices for those months in anticipation of Sole Shareholder approval.

The City, as facility operator, also continued to invest in infrastructure upgrades and other supports outside of the HFMC budgets including:

- \$650,000 investment in HVAC upgrades to the facility completed on Jan 18th.
- \$100,000 approved for additional infrastructure improvements and upgrades
- Approximately \$145,000 in extraordinary COVID related cleaning, security/health screening and supplies cost covered to end of December and to be continued into 2021.

In addition to the CECRA program (which ended in September 2020) a number of other government support programs and resources have been available to Stallholders, including one to replace CECRA, and have been shared on numerous occasions via Stallholder memos or newsletters including:

- Canadian Emergency Rent Subsidy (CERS) – rent subsidy up to 65%
- Canadian Emergency Wage Subsidy (CEWS) – wage subsidy
- Canadian Emergency Business Account (CEBA) – interest free loan up to \$60,000 with up to \$20,000 forgivable
- Various Digital Main Street programs – setup of no cost online selling, etc.
- Hamilton Chamber of Commerce Government Assistance Resources (refer to the website <https://www.hamiltonchamber.ca/covid19/government-assistance-resources/>)
- Relief Within Reach Financial Support for Small and Medium Sized Businesses – A Guide for Business Owners (refer to the website <https://reliefwithinreach.ca/>)

In terms of the status of stall occupation:

- The Market has 55 available stalls – as of December 31, 2020 there were 45 active stallholders
- During 2020, five vendors decided to leave the Market (3 – August, 1 – November, 1 – December)
- Additionally, five vendors have given notice that they will not be returning to the Market in 2021 (1 retirement, 4 due to challenging business conditions)
- During 2020, four new vendors have joined (1 – August, 2 – November, 1 – December,)
- One additional vendor is contracted to join the Market in 2021 (February).

**SUBJECT: Hamilton Farmers' Market Corporation Stallholder Agreement
Renewal Process (CM21001) (City Wide) – Page 5 of 6**

CONTRACT RENEWAL PROCESS:

A motion was passed by the HFMC Board on January 4, 2020 requiring Stallholders to sign their 2021 contract by January 21, 2021 in order to do business that day unless there's an extenuating circumstance that prevented them from signing their contract, and that Stallholders are required to have paid their 2020 Q2 Hydro and October rents (unless the October rent was covered by a deferral agreement). Previous years have also required Stallholders to be 60 days or less in arrears with fees in order to be eligible to renew their annual Stallholder contract.

The Stallholder contract outlines the terms and condition under which a stall holder can operate in the Hamilton Farmers Market. The contracts are between the HFMC and individual Stallholders and are typically one-year contracts. The renewal process is typically initiated in December each year and the process has not substantially changed over the past four years.

As part of the renewal process, Stallholders can choose to renew their agreements with the HFMC on an annual basis. The logistics of the renewal process are overseen by the Market Manager.

2021 Stallholder Contracts were distributed during the last week of December. This year's agreement included an optional up to 6-month 2020 interest-free deferral program that allows Stallholders to pay equal installments over a 10-month period from March to December of 2021.

With only 27 per cent of vendor contracts renewed, the Market Manager, with assistance from the City's legal division, provided Stallholders a renewal reminder letting Stallholders know that a failure to renew their contracts by January 22, 2021 would result in their business being out of legal compliance with the Market's operating model.

The Market was closed from January 4, 2021 to January 18, 2021 to facilitate the heating and ventilation capital upgrade project that had been initiated in early 2020. Stallholder fees for January 2021 have been reduced by 58% to reflect the reduced seven operating days for the month.

As of January 18th, with only 27% (12 of 45) the Market Manager, with assistance from the City's legal division, provided Stallholders a renewal reminder letting Stallholders know that a failure to renew their contracts by January 22 would result in their business being out of legal compliance with the Market's operating model.

**SUBJECT: Hamilton Farmers' Market Corporation Stallholder Agreement
Renewal Process (CM21001) (City Wide) – Page 6 of 6**

CURRENT STATUS:

As of January 21, 84% (38 of 45) of the Stallholders had decided to renew their 2021 Stallholder Contracts. In addition, 21% (8 out of 38) Stallholders opted to take advantage of the fee deferral program. Seven Stallholders that have recently opened with the past two months or will be opening in 2021 are not eligible for the deferral program. Twenty-seven Stallholders (60%) are fully paid with all their fees up to and including December 2020 and another 6.7% of Stallholder are fully paid with the exception of just December 2020 as allowed by the 60 days arrears policy. 33.3% of Stallholders are between 3-month and 6-month in arrears but some could be considering use of the deferral program.

Vendors who opt to not renew their Stallholder Contracts but continue to operate in the Market present a legal and risk liability to both the HFMC and thus to the Sole Shareholder as the contract includes insurance and indemnification obligations.

APPENDICES AND SCHEDULES

N/A



HAMILTON FARMERS' MARKET CORPORATION STALLHOLDER AGREEMENT RENEWAL PROCESS

HAMILTON FARMERS' MARKET CORPORATION STALLHOLDER AGREEMENT RENEWAL PROCESS

Overview of Market Governance

- The City of Hamilton is the sole shareholder of the Hamilton Farmers' Market Corporation (HFMC).
- The HFMC is overseen by a board, made up of citizens and stallholders. The board has oversight of market operations in accordance with an operating agreement and bylaws.
- Day-to-day operations, including contract management and renewal, is the responsibility of the Market Manager.
- The current HFMC operating agreement requires board operations to adhere to the Municipal Act as well as several City policies.
- A third party consultant will be conducting a review of the HFMC governance and operating model.

HAMILTON FARMERS' MARKET CORPORATION STALLHOLDER AGREEMENT RENEWAL PROCESS

Renewal Process:

- Stallholders operate at the Hamilton Farmers Market in line with a contractual agreement that is renewed annually.
- The contracts are between the HFMC Board and individual stallholders.
- The renewal process is typically initiated in mid-December each year and the process has not substantially changed in the past four years.
- As part of the renewal process, Stallholders can choose to renew their agreement with the HFMC on an annual basis.
- The logistics of the renewal process are overseen by the Market Manager.

HAMILTON FARMERS' MARKET CORPORATION STALLHOLDER AGREEMENT RENEWAL PROCESS

2021 Renewal Process:

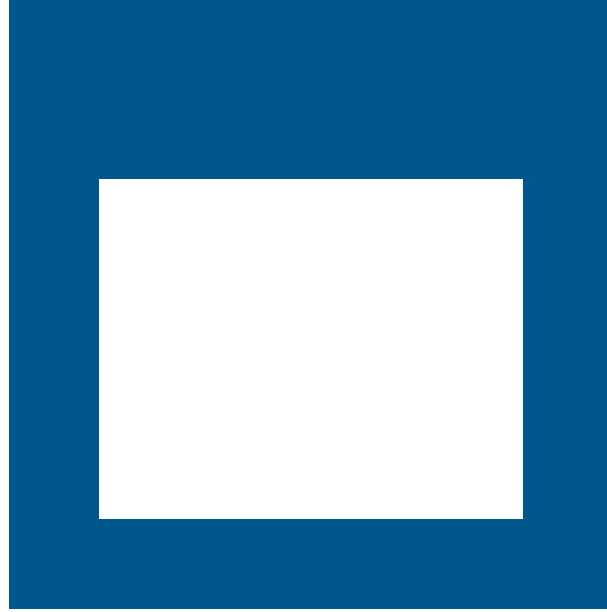
- Renewal process initiated by Market Manager in December 2020
- The Hamilton Farmers Market Stallholders Association sent a letter in late December to Stallholders encouraging them not to sign a 2021 contract as group.
- The Market was closed for ventilation upgrades from January 5 to January 20 for HVAC upgrades. Stallholders were not charged fees during the closure.
- As of January 18 - with only 27% (12 of 45) of vendor contracts renewed - Market Manager provided Stallholders with letter advising to be able to have legal standing with the HFMC, the Stallholders needed to have signed their 2021 agreements by January 22.
- As of January 21, 84% (38 of 45) of Stallholders had renewed their agreement.
- On January 11, the HFMC Board chair resigned in protest citing a lack of Stallholder financial supports.

HAMILTON FARMERS' MARKET CORPORATION STALLHOLDER AGREEMENT RENEWAL PROCESS

Shareholder approved support for HFMC in 2020/21:

- 2020 fee deferrals of up to six months in line with citywide COVID-19 Occupant Support Framework
- Infrastructure upgrades and other supports to Farmers' Market Facility
 - \$650,000 investment in HVAC upgrades to the facility completed on Jan 18th.
 - \$100,000 approved for additional infrastructure improvements and upgrades
 - Approximately \$145,000 in extraordinary COVID related cleaning, security and supplies cost covered to end of December and to be continued into 2021
- Stallholders also eligible for:
 - Canadian Emergency Rent Subsidy (CERS) – rent subsidy up to 65%
 - Canadian Emergency Wage Subsidy (CEWS) – wage subsidy
 - Canadian Emergency Business Account (CEBA) – interest free loan up to \$60,000 with up to \$20,000 forgivable
 - Various Digital Main Street programs – setup of no cost online selling, etc.

Sole shareholder asked to approve a six month 75% fee subsidy. Municipal Act does not allow City to provide a “total or partial exemption from any fee, levy or charge” (Section 106 (2) (d))



QUESTIONS?