

ORDINANCE NO. 2013 - 03

AN ORDINANCE OF THE CITY OF MOSCOW, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE AMENDMENT OF MOSCOW CITY CODE TITLE 3 BY THE ADDITION OF LANGUAGE IN CHAPTER 5 TO CREATE A FARMERS MARKET COMMISSION AND TO ESTABLISH ITS PURPOSES, DUTIES, ORGANIZATION AND FUNCTIONS; PROVIDING THAT THE PROVISIONS OF THIS ORDINANCE BE DEEMED SEVERABLE; AND PROVIDING FOR THIS ORDINANCE TO BE IN FULL FORCE AND EFFECT FROM THE DATE OF ITS PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

WHEREAS, the Farmers Market has been a vital part of the City of Moscow for more than thirty five (35) years; and

WHEREAS, the Market is important as an activity that brings people together, and allows them to enjoy shopping for locally grown produce and other items; and

WHEREAS, the Market enhances downtown Moscow; and

WHEREAS, the Market is a special and fundamental part of Moscow's identity and one that should be cherished, supported, and promoted; and

WHEREAS, the Council desires to give the Market an increased status within the City governmental structure and to ensure its perpetuation; and

WHEREAS, it is the desire of the Council to create a Farmers Market Commission (FMC) comprised of a balance of various market and community stakeholders; and

WHEREAS, the creation of the FMC will allow the Council and the members of the FMC to focus on community and Market needs;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF MOSCOW, IDAHO, AS FOLLOWS:

**SECTION 1:** That Moscow City Code Title 3, Chapter 5 be added as follows:

**Sec. 5-1. Commission Established.**

There is hereby established a Farmers Market Commission. The word "Commission" when used herein shall mean the Farmers Market Commission.

**Sec. 5-2. Purpose and Duties.**

A. The purpose of the Commission is to suggest ways to promote and improve the Farmers Market, propose and/or review Market policies, keep abreast of trends and opportunities for advancing Market interests, products, standards, and offerings, and to otherwise act in an advisory role to the Council.

B. The Commission shall:

1. meet regularly to discuss Market concerns;
2. review and/or propose Market policies and report findings/suggestions to the Council at least annually;
3. work with City staff to suggest ways to promote and improve Farmers Market;
4. advise City staff on Market issues, where requested;
5. keep abreast of trends and opportunities for advancing Market interest, products, standards, and offerings; and
6. create increased awareness of Market needs and opportunities to insure sustainability and responsible management and growth.

**Sec. 5-3. Organization.**

Members.

1. Number. This Commission shall consist of up to nine (9) voting members serving without pay.

2. Commission Makeup.

a. Voting members of the Commission shall meet the following qualification within two (2) years immediately prior to appointment:

- i. One (1) season produce Market Vendor;
- ii. One (1) season crafts Market Vendor;
- iii. One (1) season specialty food Market Vendor;
- iv. Moscow Chamber of Commerce representative;
- v. University of Idaho Extension representative; and
- vi. Four (4) Commission members, where such members and their immediate

family have none of the qualifying characteristics of any other voting member in subsection a. during their service on the Commission. For purposes of this subsection vi., "immediate family" shall mean a parent, step-parent, spouse, child, step-child, in-law, grandparent, step-grandparent, grandchild, step-grandchild, aunt, uncle, niece, or nephew of a voting Commission member.

b. Ex Officio Council member. One (1) member of the Council who shall serve as an ex-officio, non-voting member and who shall serve a one (1) year term.

3. Appointment/Vacancy.

a. Appointment. Members of the Commission shall be appointed by the Mayor, with the advice and subject to the approval of the Council.

b. Vacancy. A vacancy in the Commission, occurring other than by expiration of the member's term, shall be filled for the unexpired balance of the term by the Mayor, with the advice and subject to the approval of the Council.

c. Removal. A Commission member shall hold office at the pleasure of the Mayor. Any Commission member may be removed from the Commission by the Mayor for any reason, with the advice and subject to the approval of the Council.

d. "No-Show" Removal. Any Commission member may be removed from the Commission by the Mayor following three (3) consecutive absences that are not excused by the Chair.

4. a. Term. Except as otherwise specifically provided herein, the term of office of a Commission member shall be three (3) years or until their successor is appointed by the Mayor and such appointment is approved by the Council.

b. Officers. The Commission shall meet and organize by electing one (1) of its members Chair (and such other officers as may be desired) every year on the first regularly scheduled meeting after January 1 or as soon thereafter as practicable.

**Sec. 5-4. Meetings.**

- A. Open meetings. Every meeting of the Commission or a Commission subcommittee shall be conducted in accordance with the Idaho Open Meetings Law and other applicable law and regulation.
- B. Quorum. A quorum, for purposes of this Commission, is comprised of one-half plus one (1/2 + 1) of all currently appointed voting Commission members. A non-voting member of this Commission shall not be considered in determining the number required for a quorum or whether a quorum is present. Where one-half plus one (1/2 + 1) of all currently appointed voting Commission members is a fraction, the number of members required for a quorum shall be rounded up to the next whole number and such number of currently appointed members shall be required to comprise a quorum.
- C. Voting. Except as otherwise provided in this Chapter, every duly appointed member of the Commission shall be eligible to vote on any item before the Commission.
- D. Conduct of meetings. Meetings shall be conducted in a fair and orderly manner likely to lead to a clear, well-reasoned decision.
- E. Subcommittees. The Commission may establish subcommittees comprised of Commission members to advise it and/or to assist it in carrying out Commission purposes.

**Sec. 5-5. Reports.**

The Commission shall make reports from time to time, as requested by the Mayor and/or the Council.

**SECTION 2: SEVERABILITY.** Provisions of this Ordinance shall be deemed severable and the invalidity of any provision of this Ordinance shall not affect the validity of remaining provisions. The remaining sections of Title 3 shall be in full force and effect.

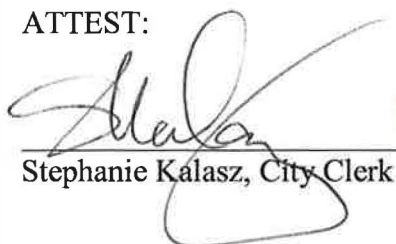
**SECTION 3: EFFECT ON OTHER ORDINANCES.** Where the definitions contained in this Ordinance are in conflict with relevant portions of the City of Moscow, Idaho, Municipal Code, the definitions contained within those portions of the Moscow Municipal Code will be unaffected until such time, if any, as they are amended to be consistent with this Ordinance.

**SECTION 4: EFFECTIVE DATE.** This Ordinance shall be effective upon its passage, approval, and publication according to law.

PASSED by the City Council and APPROVED by the Mayor this 18<sup>th</sup> day of March, 2013.

  
Nancy Chaney, Mayor

ATTEST:

  
Stephanie Kalasz, City Clerk

