



# Everyone's Harvest

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## Everyone's Harvest Certified Farmers' Markets Rules & Regulations

**Everyone's Harvest's Code of Ethics:** All Participants, Employees, Contractors and any Member of the Board shall conduct their professional lives in accordance with the following: *"Be civil and respectful in professional interactions, avoiding discrimination based on race, gender, sexual orientation, religion, disability, and age. Treat everyone fairly and with respect."*

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### 1. DEFINITIONS

**Certified Farmers Market (CFM):**

A location authorized by the County Agricultural Commissioner where certified producers of fresh fruits, vegetables, honey, eggs, flowers, nursery stock and nuts may sell their produce directly to consumers exempt from standard pack and grading regulations

**Everyone's Harvest (EH):**

The organization that controls, manages, and operates the market.

**EH CFM:**

An individual CFM operated by EH, which offers Certified Agricultural products, Non-Agricultural products, entertainment, events and interactive nutritional workshops.

**Agreement:** A document to be submitted by Participant to EH to request approval from the Market Manager to conduct an activity at the Market(s).

**Alisal Certified Farmers' Market:** An Individual CFM operated by EH.

**Applicant:** A person or party applying to sell or participate at the EH CFM(s).

**Application:** A document to be submitted by Participant to EH to request approval to sell at the EH CFM(s) from the EH Market Manager.

**Approved Participant:** A person or entity whose application to sell has been approved by the EH Market

Manager and who is selling or offering for sale at the EH CFM(s) approved items and commodities.

**Board of Directors (Board):** A group of at least three persons governing EH without compensation.

**Certified Organic:** All production that is in accordance with current USDA National Organic Program (USDA Organic) requirements.

**Certified Organic Producer:** A person or entity authorized by the United States Department of Agriculture (USDA) or an USDA authorized organic certification agency to sell certified organic agricultural products (fruits, vegetables, honey, eggs, flowers, nursery products and nuts) directly to consumers at a CFM.

**Certified Producer:** Farmers who sell their goods directly to the public are exempted from state packing and labeling requirements, however these farmers must be certified annually by the Agricultural Commissioner and sell their goods at Certified Farmers' Markets. The Agricultural Commissioner conducts regular inspections of certified producers to verify all growing grounds, ownership of products to eliminate fraud and to maintain standards of quality products.

**Certified Producer Certificate:** Certificate issued annually by the Office of the Agricultural Commissioner verifying Certified Producer status.

**Charitable Party:** Non-Profit Corporations, Community Groups and School Clubs.

**Community Group:** A group of two or more people from the local region, organized together to work on a

specific need for the benefit of the community.

**Consumer:** A person who purchases products for private household use, or for non-profit resale or distribution, but not a person who purchases products for commercial sale, or distribution, or processing into other food products for resale. Source: State Fruit & Vegetable Standardization Code, Section 1392. 2. An exception has been made for restaurants and caterers.

**Contractors:** A person in a contract with EH for a specific task/activity for the benefit of EH mission.

**Conventional:** All production that is not Certified Organic Production.

**Director:** An EH employee hired by the Board to oversee the functions of EH activities.

**Employee:** With the exception of members of the immediate family, as defined above, persons employed by the Producer on a regular basis, but not including persons whose compensation, in whole or in part, is based on or consist of a commission on sales. (Paraphrase of the State Fruit & Vegetable Standardization Code, Section 1392.2.)

**Enforcing Officer:** A person representing the Federal, County, State and/or City Government.

**Entertainer:** A person or party authorized by the Market Manager to provide family-appropriate entertainment at the market.

**Entity:** A group of two or more approved sellers each of whom is joined by either marital status, partnership, corporate status, family farm status, co-op, joint venture or other legal status.

**Everyone:** Every person; everybody.

**Farmer:** A Certified Producer or a Producer of non-certifiable agricultural products.

**Fisherman:** A person or entity who catches pelagic fish or shellfish from boats which the person or entity controls.

**Food Industry Health Permit:**

Permit issued by the County Health Department to food processors of goods intended for retail sales. This

permit approves the location where food preparation occurs.

**Processed Food Registration:** The Food and Drug Branch (FDB) regulates the manufacture, processing, storage and distribution of food products in California. California law requires that businesses obtain an FDB license, certificate or registration for these activities. Processors of general food commodities (e.g. baked goods, noodles, processed fresh vegetables, seafood, snack foods, dietary supplements, etc.) must obtain a Processed Food Registration (PFR) from FDB. A PFR certificate is a firm's basic health permit.

**Food Preparation:** Describes processing, assembling, portioning, or any act that changes the form, flavor, or consistency of food, but does not include trimming of produce. Source: State Health and Safety Code, Section 27522. This includes but is not limited to juices, jams, flavored nuts, nut butters, baked items, dairy products, and cleaned fish.

**Food Purveyor:** A Participant who through the practice of the culinary arts, creates and manufactures prepared foods.

**Governmental Law:** Any law, regulation, policy or requirement by the city, state, county or federal government.

**Hawking:** The act of a person who offers wares by calling out in the street.

**Heckling:** The act of a person interrupting, questioning, or commenting very loudly to attract attention to themselves.

**Hold Harmless Agreement:** Document required to be signed by each Participant, agreeing to defend and indemnify EH and to hold said party or parties harmless from any such liability.

**Immediate Family:** "Parents, children, grandparents, grandchildren, and, in addition, any other person regularly residing in the Producers household". "Source: State Fruit & Vegetable

Standardization Code, Section 1392.

**Late:** Five minutes after the designated time.

**Marina CFM:** An individual CFM operated by EH.

**Market Manager:** A person employed by EH and hired by the Executive Director or Board to manage the farmers' markets, including but not limited to organizing market operations, enforcing EH Rules and Regulations and collecting market fees.

**Members of the Board:** An individual who has been voted in by EH Board to be a member of and represent EH Board.

**Monterey County Health**

**Department:** The Monterey County Health Department exists to enhance, protect and improve the health of the people in Monterey County. To accomplish this, the Department provides a wide variety of health-related services in the areas of public health, environmental health, behavioral health and clinic services.

**Non-Certified Producer:** A Participant who is in the community event area of the Market, not in the Certified area.

**Non-Profit Corporation:** An incorporated organization that has attained a not-for-profit status under the Internal Revenue Code.

**NOP:** National Organic Program

**Nursery Certified Producer**

**Permit:** Permit issued by the County Agricultural Commissioner for transporting plants outside county of origin for sale to public.

**Nursery License:** License issued by the County Agricultural Commissioner for growing and propagating plants intended for outdoors and indoors.

**Officials:** Government agents; a representative or official of a government or administrative department of a government.

**Organic Certification:** Document of registration issued by any USDA National Organic Program (NOP) approved third party Organic-certifying agency. Registration with the State of

California in the county of operation is also needed. The organic producer is required to register as an Organic Producer with the Agricultural Commissioner prior to the first sale of product labeled Organic. Farmers selling organic produce must be able to provide certification upon request.

**Pacific Grove CFM:** An individual CFM operated by EH.

**Participant:** A person, party or entity authorized by Market Manager to offer goods, services, information, entertainment or conduct an educational workshop at the Market(s) managed by EH.

**Partnership:** A legal relationship existing between two or more persons contractually associated as joint principals in a business.

**Party:** A group of people organized for a specific activity.

**Plant Grower:** A person or party selling potted plants.

**Pesticide use:** The use of any product intended for preventing, destroying, repelling, or mitigating any pest.

**Producer:** 1. A person or entity who produces certifiable and non-certifiable agricultural products by practice of the agricultural arts upon land, including tilling, planting, watering, cultivating, producing, and harvesting throughout the whole growing cycle, controlled solely by the person or entity. This specifically disallows agreements that do not encompass the whole growing cycle. Non-certifiable products may include but are not limited to cheeses and dairy products, poultry and meat products, aquacultural products, viticultural products, dried fruits and vegetables, juices, jams or other processed agricultural products.

2. A person or entity who catches pelagic fish or shellfish from boats which the person or entity controls.

**Representative:** A person designated by a Party to stand for the Party's mission and activities.

**Resale:** The buying and reselling of food or products.

**Sanitary Requirements for Handling:** A document describing

Monterey County's regulations pertaining to handling food in a sanitary manner.

**School Club:** A group of two or more people affiliated with a school.

**Seafood Broker:** A person or entity that purchases pelagic fish or shellfish from boats or broker houses. Seafood Broker is not an entity or person who purchases pelagic fish or shellfish from a retail store.

**Seaside CFM:** An individual CFM operated by EH.

**Seller's Permit:** A permit issued by the State Board of Equalization to sell products.

**Seniority:** A privileged status of one Participant over another Participant attained by a combination of the Participant's length of time at the Market and regular attendance of the Participant at the Market.

**Spill Out:** An open space no more than two feet directly in front of Participant's stall space that is not in the pathway between Participants, fire lane, or traffic area.

**Staff:** Employees and volunteers.

**State Organic Farm:** A farm recognized by the State's Agricultural Commission in accordance with the State's USDA Organic Standards.

**Temporary Food Facility Permit:**

A (TFF) Temporary Food Facility is any individual, group, or organization intending to sell, sample or give away food to the public from a fixed location for a limited period of time, not to exceed 25 days in a 90-day period, in conjunction with a community event.

**Volunteer:** A person or party working without compensation.

**Workshop Educators:** A person or party authorized by the Market Manager to conduct a family-appropriate educational workshop at the Market(s).

## 2. PURPOSE & GOVERNANCE

The CFM(s) are controlled by EH, a 501 (c) 3 Non-Profit Corporation. -EH's mission is to provide access to healthy, affordable fruits and

vegetables through Certified Farmers' Markets and Community Food Programs. The Market(s) operate in accordance with the Food and Agriculture Code, Article 5, Division 21, section 58101, 58101.5, 58103, 58104.

EH Board has developed policies to regulate the EH CFM(s) operations and has adopted the following Rules and Regulations to clarify and supplement the Governmental Laws. EH Board reserves the right to change, delete or modify it's policies, procedures and Rules and Regulations at any time.

The EH Market Manager, Executive Director, and any Member of EH Board will implement and enforce all Rules and Regulations pertaining to the operation of the Market(s). EH Market Manager and Executive Director have the right to fine any Participant for not following EH Rules and Regulations. Participant fines can range from \$15 to \$150 dollars. **Failure to enforce any Rule or Regulation shall not constitute a waiver of enforcement of such Rules and Regulations at any future time.**

## 3. PARTICIPANT REQUIREMENTS

Participants are required to know and follow all city, state, county and federal laws and all EH Rules and Regulations including but not limited to California Agricultural Code and California Health and Safety Code to participate in EH CFM's.

**Participants are required to provide copies of current required documents from the city, state, county and federal government for applicable activities the Participant conducts at EH CFM(s). It is the responsibility of every Participant at every EH CFM to post their current required documents.** Failure of a required act or document to be stated in the Rules and Regulations shall not constitute a waiver for the Participant to follow all required

actions and possess all required documents necessary to participate in

EH CFM(s). Participants shall provide upon request, by any Enforcing Officer, Market Manager, Director of Operations, or Executive Director any document or information pertaining to the Participant conducting their purpose and/or activity at the EH CFM(s). It is the responsibility of the Participant to show at any time that they are following all government laws and the Rules and Regulations.

Participant must be able to show location and capability of processing or, if processing is done by a second party, the method used to ensure that the processed product returned is the original product submitted by the Participant for processing. Receipts, volume data, and letters verifying methodology may be required following CA Agricultural Code CA ADC §1392.1 (f).

It is the responsibility of each Participant to accurately record gross sales per market on EH CFMs paperwork.

### **3.1. REQUIRED DOCUMENTS FOR ALL PARTICIPANTS**

Participant Application, Vendor Application, or Volunteer Application; Rules and Regulations Sign-Off; Hold Harmless Agreement.

### **3.2. REQUIRED DOCUMENTS FOR SPECIFIC PARTICIPANTS**

#### **CERTIFIED PRODUCER (Farmer):**

To sell certifiable agricultural products at EH CFMs, the Producer must have a **Certified Producer Certificate** issued by the Agricultural Commissioner in the county of origin (state law). The Certified Producer, Immediate Family member, or her/his Employee must post prominently during EH CFM(s) selling hours a current, embossed Certified Producers

Certificate when participating in EH CFM(s). Any farmer, producer, owner representative, agent or employee whose Certified Producer Certificate has been revoked or canceled will be excluded from participating at EH CFMs.

#### **Organic Registration and Certified Organic Verification:**

Each year Producers claiming "Certified Organic" production must provide proof of Organic certification in accordance with the United States Department of Agriculture (USDA) National Organic Program (NOP) laws. All Organic (USDA exemption candidates only) or Certified Organic Producers must be registered within their county in the State of California. If a farm is Certified Organic, the farm must be certified by a federally approved third-party organization showing current certification. If a Certified Producer loses their organic certification while participating in one or more CFMs, it may result in new limitations on what that producer is permitted to sell at the markets.

If the Producer is selling processed agricultural products, the Producer must have a **Food Industry Health Permit** from the county where the processing is taking place. If the Producer is providing samples of processed agricultural products, the Producer must follow the Sanitary requirements for Food Handling. Upon request from an EH Market Manager, **chemical registration documents** are required. At any time an EH Market Manager or Executive Director may request **documentation on the purchase location/boat of pelagic fish, seafood or any other product that is being sold by a Seafood Broker or Fisherman.**

#### **CERTIFIED PRODUCER**

#### **(Fisherman):**

**Aquaculture Permit, Fish and Game or Apiary Registration**

**Boat License / Registration / Fishing License** and if applicable a **Pilot License**. If fish is cut, the Producer must have a **Temporary Food Facility Permit from Monterey County** and possess a copy of and follow the Sanitary requirements for Food Handling.

**Leases/Contracts/Agreements:** Copies of all partnership contracts, agreements, and leases shall be submitted to Market Manager.

#### **SEAFOOD BROKER:**

**Leases/Contracts/Agreements:** Copies of all partnership contracts, agreements, and leases shall be submitted to Market Manager. If fish is cut, the Seafood Broker must have a **Temporary Food Facility Permit from Monterey County**, possess a copy of, and follow the Sanitary requirements for Food Handling.

**FOOD PURVEYOR: temporary Food Facility Permit issued by the County of Monterey County and** follow the Sanitary requirements for Food Handling. If food is prepared off the Market site(s) the Participant must have a **Food Industry Health Permit**: Permit issued by the County Health Department to food processors of goods intended for retail sales. This permit approves the location where food preparation occurs. If applicable: **Food Registration Permit, Processed Food Registration.**

**OTHER PARTICIPANT: California Seller's Permit or Re-Sale License.**

**PLANT GROWERS:** Nursery License and if applicable a Nursery Certified Producer Permit.

### **4. SALES AT THE MARKET**

**4.1 WHO MAY SELL:** only applicants approved by an EH Market Manager or Executive Director to participate in EH markets.

## CERTIFIED PRODUCERS

### (Farmer and Fisherman):

Producers and their Immediate Family. Employees of Producers may sell at Market(s). Producers must be practicing agents upon the land. All Producers must be in control of the land or products and must have documentation to verify compliance. The actual Producer of the product(s) is encouraged to attend EH CFM(s) regularly. However, an Employee may sell as long as no commissions are paid to or received by the Employee in connection with EH CFM(s) sales (state law for Certified Producers).

**SEAFOOD BROKERS:** EH may allow, if approved by EH Executive Director or Market Manager, the sale of Brokered Seafood products

### FOOD PURVEYORS:

Non-certifiable prepared food adds variety and enhances the festive ambiance of the market. Applicants who incorporate EH CFM produce in their prepared foods may be preferred for acceptance.

### OTHER PARTICIPANTS:

Non-certifiable products add variety and enhance the festive ambiance of the market. Although State laws regarding Certified Farmers do not apply to non-certifiable products, the same Producer-to-Consumer philosophy applies for all items sold at any EH CFM(s).

**NON-PROFIT CORPORATIONS, COMMUNITY GROUPS AND SCHOOL CLUBS:** Any items related to or in support of Non-Profit Corporations, Community Groups and School Clubs for fundraising purposes may be sold or given away without the approval of the EH Market Manager. No items may compete with products offered for sale by a Certified Producer, Fisherman, Seafood Broker, Food Purveyor or Participant. Selling select products is permitted on a limited basis.

**4.2. WHAT MAY BE SOLD AND WHERE:** Only those commodities approved in writing by EH Market Manager may be sold by the Participant. Each new commodity added to the original application must be revised and updated. Producer's Certificates must be submitted to the EH Market Manager for review by the EH Market Manager before any new commodities can be sold. No live birds or live animals for human consumption may be sold at the EH CFM(s). Everyone's Harvest has the right to limit what Participants sell within EH CFMs at any time.

**CFM Area:** Only Certified produce and plants produced by the Producer in California or fish caught in California waters may be sold at the Market(s). No resale of any commodities will be allowed in the CFM area at the Market(s) except for Seafood Brokers.

The following may be offered for sale under this designation:

**Certified Products:** fresh fruits, vegetables, nuts, eggs, honey, nursery and flowers (produced by the Producer and an approved second certificate Producer if applicable).

**Non-Certifiable Products:** dried fruits and vegetables, juices, teas, medicinal herbs, wine, cheese, pelagic and freshwater fish and shellfish, poultry, meats, and other agricultural products may be sold if produced or caught (as in fish) by the Producer selling them.

**Community Event Area:** Prepared food, non-certified plants with a nursery stock license and new products are allowed. No brokered produce is allowed in the non-certified (community event area) of EH CFM(s).

## 4.3 ACCEPTABLE FORMS OF PAYMENT

The following are the only forms of payment (other than cash) that Participants can accept for sales within EH CFM(s).

**Certified Producers selling fresh fruits, vegetables, and nuts:** EBT, Market Match, WIC FMNP Vouchers, EH Produce Vouchers, Market Vouchers, FreshRx Vouchers, Gift Certificates.

**Certified Producers selling honey:** EBT, WIC\* for seniors, Market Vouchers, Gift Certificates.

**Certified Producers selling flowers:** Market vouchers, Gift Certificates.

**Certified Producers selling eggs and meat:** EBT, Market Vouchers, Gift Certificates.

**Participants selling non-prepared food** (bread, baked goods, fresh fruit cups, etc): EBT, Market Vouchers, Gift Certificates.

**Participants selling prepared foods:** Market Vouchers, Gift Certificates.

**Participants selling products:** Market Vouchers, Gift Certificates.

**Reimbursement:** Participants cannot accept improper forms of payment and will not receive reimbursement from EH for improper forms of payment collected. Lost reimbursement checks require a \$25 check cancellation fee.

## 5. APPLICATION PROCESS

### 5.1. APPLICATION

**PROCEDURE:** Only those who have had their application reviewed and approved in writing by the EH Market Manager or Executive Director may sell or participate in the EH CFM(s).

Permission to occupy a space at an EH CFM(s) is given only after EH Market Manager has received copies of all required documents and confirmed a space reservation for the Applicant.

There may be a review of each Participant for quality of products

and suitability of product for consumer base.

Certified Producers will undergo a farm inspection before they can be admitted into the CFMs.

All Participants must provide products for tasting and promotional uses when asked by the EH Market Manager.

In the event that a Participant's business changes, including but not limited to change in entity structure, ownership, death, or retirement, a new application for acceptance to attend the EH CFM(s) must be filed with and approved by the EH Market Manager or Executive Director.

If a Participant enters EH CFMs as a certified organic Producer and then loses their organic certification EH has the right to limit, suspend, or terminate their participation in EH CFMs.

All Participants must apply each year to ensure information is correct and up to date, including copies of all certificates and permits.

## 5.2 APPROVAL:

The decision to approve a Participant to participate in an EH CFM is made by the Market Managers and Executive Director; Application approval or renewal is not guaranteed but is subject to the sole discretion of EH. Incomplete applications may not be considered.

Once approved by EH to participate Participants must start attending EH CFM within two weeks or the Participants approval will expire.

## ANNUAL APPLICATION PROCEDURE (RENEWING PARTICIPANTS ONLY)

Completed yearly EH CFM Applications are due for all renewing Participants by March 1<sup>st</sup>.

## 5.3 DURATION OF ANNUAL CYCLE AND LENGTH OF SEASON

Approval to participate is not guaranteed. The approval cycle will commence March 1<sup>st</sup> of each year and end on the last day of February of the following year.

Applying Participants must be approved in writing to begin attending EH CFMs.

EH may give notification to any Participant if it is determined that an applicant will not be invited to reapply.

Participants must provide at least one week's notice of their starting and ending dates at any EH CFM(s) and must receive confirmation in writing from EH Market Manager or Executive Director that space is available.

Each market operated by EH requires individual admission by EH. Participation in one EH CFM does not entitle or allow participation in another EH CFM.

**5.4. RESERVATIONS:** Space for a Participant will be configured and determined by the EH Market Manager. The EH Market Manager cannot guarantee a regular space in any of the EH CFM(s).

## 5.5. DECLINED

**APPLICATIONS:** Application decisions are the sole discretion of EH, including but not limited to the following criteria: variety of product offered, competitive status, Organic status, location of operation, scale of operation, and presentation of product/stall.

Declined applications will be kept on file for the remainder of the calendar year.

## 5.6. RIGHT OF INSPECTION:

Applicants and Participants must grant permission to an EH Representative to enter the Applicants or Participant's premises for the reasonable inspection of land, facilities, proof of ownership, partnership agreement, land lease and other applicable agreements, and documents in order to determine whether the Participant is in compliance with Governmental Laws and EH Rules and Regulations.

The EH Representative shall have the right to make such inspections without prior notice during daylight hours. Refusal of such inspections will be considered an incident of non-compliance within these Rules and Regulations.

## 5.7 INSPECTION PROCESS:

Inspection of Participant's land may include but is not limited to an EH Representative (i) presenting photographs of, and/or measurement of produce they purchased from the Participant's business at an EH CFM within five days of the inspection date; (ii) asking Participant to physically show where the produce items presented are located on the Participant's land; and (iii) inspection of Participant's land for any evidence of the produce.

After inspection, EH staff has the right to exclude from the EH CFM(s) any commodity being sold by Participant which EH staff has a good faith belief is not being grown by the Participant. Written notice of the decision by EH staff to exclude any commodity shall be given to the Participant. Participant's failure to comply with that decision could result in the imposition of a separate fine on Participant for each commodity and for each CFM. EH shall also have the right to suspend or terminate a Participant from EH CFM(s) pursuant to the procedures for suspension or termination in EH Bylaws Article 13.

## 6. MARKET DAY

### 6.1. ASSIGNMENT OF SELLING SPACE:

**Assignment of selling space**: Assignment of selling space within EH CFM(s) shall be at the discretion of the EH Market Manager.

If a Participant does not attend EH CFM(s) regularly the Participant may lose their specific selling space and/or their right to sell at EH CFM(s).

**6.2. PAYMENT OF FEES:** It is the responsibility of the Participant to pay a booth fee to the EH Market Manager at each EH CFM day or, if paying monthly, at the first EH CFM day of the month. EH Market Managers will accept payment and forms no earlier than 15 minutes before the close of EH CFM(s). No refunds, discounts, or credits will be given to Participants paying monthly who do not attend all EH CFM(s) that month.

### EH MARKET FEES:

#### ON-SEASON (Daylight Savings Time): March -- Nov 1.

#### PACIFIC GROVE, MARINA, ALISAL, & SVH

##### SINGLE MARKET FEE

5x5-foot space = \$40  
10x10-foot space = \$60  
20x10-foot space = \$85  
30x10-foot space = \$120

##### MONTHLY FEE (4 MARKETS):

5x5-foot space = \$150  
10x10-foot space = \$230  
20x10-foot space = \$330  
30x10-foot space = \$470

##### MONTHLY FEE (5 MARKETS):

5x5-foot space = \$185  
10x10-foot space = \$285  
20x10-foot space = \$410  
30x10-foot space = \$585

### NATIVIDAD & SEASIDE MARKETS

##### SINGLE MARKET FEE

5x5-foot space = \$35  
10x10-foot space = \$50  
20x10-foot space = \$75  
30x10-foot space = \$100

##### MONTHLY FEE (4 MARKETS):

5x5-foot space = \$130  
10x10-foot space = \$190  
20x10-foot space = \$290  
30x10-foot space = \$390

##### MONTHLY FEE (5 MARKETS):

5x5-foot space = \$160  
10x10-foot space = \$235  
20x10-foot space = \$360  
30x10-foot space = \$485

#### WINTER: Nov. 1- March. ALISAL, MARINA, NATIVIDAD, PACIFIC GROVE & SEASIDE:

##### SINGLE MARKET FEE

5x5-foot space = \$35  
10x10-foot space = \$50  
20x10-foot space = \$75  
30x10-foot space = \$100

##### MONTHLY FEE (4 MARKETS):

5x5-foot space = \$130  
10x10-foot space = \$190  
20x10-foot space = \$290  
30x10-foot space = \$390

##### MONTHLY FEE (5 MARKETS):

5x5-foot space = \$160  
10x10-foot space = \$235  
20x10-foot space = \$360  
30x10-foot space = \$485

If a Participant's check bounces, they will be fined \$35.00 for each bounced check and the EH Market Manager will no longer accept checks from that Participant.

Non-profits, community groups, and school clubs may receive a free booth space to outreach and fundraise (not competing with paid Participants) given at the EH Market Manager's discretion depending on space availability.

## 6.3 HOURS OF OPERATION:

Year-round CFM(s) are scheduled for closures for the weeks of Christmas and New Year's.

**Marina EH CFM:** Sundays from 10am to 2pm, year-round.

**Pacific Grove EH CFM:** Mondays from 3pm to 7pm (3pm to 6pm during winter), year-round.

**Salinas Valley Health EH CFM:** Fridays from 12 pm to 5 pm, seasonal.

**Alisal EH CFM:** Tuesdays from 11am to 4pm, seasonal.

**Natividad Medical Center EH CFM:** Wednesdays from 11am to 3:30pm, seasonal.

**Seaside EH CFM:** Thursdays from 3pm to 7pm, year-round

## 6.4 SET-UP AND DEPARTURE POLICIES

Weather permitting, EH Market Manager will close off the market site at least one hour before market opening. Participants will be given one hour after market to break down.

Participants shall arrive at least 30 minutes before the start of the EH CFM(s) or their customary space may be occupied by another vendor. Participants with Temporary Food Facility permits must arrive at least 60 minutes before the opening of the market or they will not be allowed to sell at the EH CFM on that day.

Participants that fail to be in attendance 30 minutes before the start of the EH CFM are considered late.

No Participant may leave the EH CFM(s) before the EH CFM(s) closes without permission. Leaving early may cause the Participant to be excluded from future EH CFMs.

A Participant is not allowed to enter the EH CFM(s) after EH CFM(s) starting time without EH Market Manager approval and supervision. All Participants must notify the EH Market Manager if they are going to be late and will not be able

to enter and set-up their stall before the required time.

Auto and truck flow must not endanger pedestrians. Participants entering the EH CFM(s) area must drive very carefully and always under 3mph. If a Participant needs to move any cones or barricades to get their vehicle in or out of the EH CFM area, they must be immediately replaced after entering or exiting. **If any Participant does not follow the above procedure, they will be fined and/or subject to being excluded from selling at EH CFM(s).**

Participant parking is the sole discretion of the EH Market Manager.

#### **6.5 ATTENDANCE: All EH CFMs run rain or shine. EH CFM**

Participants are expected to attend each consecutive week during their respective seasons.

Participants that would like to schedule an alternating or seasonal schedule must make a written request in the application. An alternating or seasonal schedule must be approved by EH Market Manager.

Participants must notify the EH Market Manager at least a week in advance to inquire if there is space available for the Participant to return to EH CFM. The Participant must receive confirmation from EH that space is available before returning to EH CFM.

#### **Cancellation Policy**

Cancellations must be submitted by phone to **831-384-6961** at least 24 hours before the market day.

Year-round EH CFM(s) Participants that are regularly scheduled are permitted four (4) cancellations per year, per EH CFM.

For seasonal EH CFMs, Participants are permitted two (2) cancellations per season.

**EH CFM Participants who exceed their allotment of cancellations may, at the sole discretion of EH, be excluded from participating in CFMs.**

In case of severe or extreme weather, EH Market Manager has the right to adjust or cancel an EH CFM.

#### **NO-CALL/NO-SHOW POLICY:**

Participants missing scheduled markets without providing proper notice will result in the following:

No-call/No Show	Penalty
<b>1<sup>st</sup> Offense</b>	- Verbal Warning
<b>2<sup>nd</sup> Offense</b>	- \$15 fine Written Warning
<b>3<sup>rd</sup> Offense</b>	- \$30 fine - potential exclusion from CFM(s)

Excess Cancellations: 5 <sup>th</sup> cancellation at year-round market; 3 <sup>rd</sup> cancellation at seasonal market	Penalty
<b>1<sup>st</sup> Offense</b>	- Stall Fee
<b>2<sup>nd</sup> Offense</b>	- Stall Fee - Written Warning
<b>3<sup>rd</sup> Offense</b>	- Stall Fee - potential exclusion from CFM(s)

**6.6 DISPLAY PERMITS AND LICENSES:** All required documents shall be provided and must accompany all produce and products during transportation. During EH CFM(s) selling hours an original or certified copy of documentation must be displayed prominently.

#### **Identification Signs:** All

Participants are required to display a sign identifying their business name, county where it is located, and for Certified Producers, the statement, "We grow what we sell."

#### **6.7 PARTICIPANT SPACE**

All EH CFM(s) are conducted in accordance with state and federal laws and local ordinances.

#### **Drug and Cosmetic Laws**

Every stall shall have a trash bin for public use. Remove trash accumulation regularly.

No display tables may be filled over carrying capacity. Items on display must be stable. Table legs must be secure and must not cave in.

Tents and shade set-up must be tied down by at least 50 pounds on two sides to equal a total of 100 pounds at all times distributed throughout the tent. Canopy weights must be secure in their fittings. Tarps must be securely fastened.

**All boxes and crates of produce and other food products must be kept 6 inches off the ground under Section 27831 of the State Health & Safety Code.**

If the local health authority approves, distribution of samples in a manner that will ensure safe, unadulterated samples for the public may be allowed. In such regard, the Participant must follow all California State health guidelines:

- 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 gloves when cutting produce for samples.
- e. Produce intended for sampling must be washed and cleaned to be

wholesome and safe for 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 cleanable.

Smoking is not permitted in produce display and immediate sales area during EH CFM hours within 15 feet of market area (State Health and Safety Code).

Auto and truck flow must not endanger pedestrians.

No live animals, birds or fowls may be kept or allowed within 20 feet of any area where food is stored or held under Section 27831 of the State Health & Safety Code.

No dogs, bicycling, skating, or skateboarding is allowed in EH CFM(s).

At least a two feet pathway must always exist between Participants' stall spaces. No Participant can occupy this space at any time.

Food preparation (except trimming) is prohibited without a Monterey County Temporary Food Facility Permit.

Processed foods must be processed in an approved facility and properly packaged and labeled under clean and sanitary conditions.

Dried fruit and shelled nuts sold in an unpackaged bulk form must be displayed with a cover and conform to dispensing methods approved by the Monterey County Health Department.

Participants selling non-Certified food or products are required to have a valid permit from the local jurisdiction and are not considered part of the EH CFM(s).

No polystyrene (Styrofoam) "to-go" containers may be used. Sampling utensils and eating utensils must be compostable. Food sold and not designed to be eaten at the market can be placed in recyclable containers.

#### **T-shirt plastic bags, Polystyrene (Styrofoam) containers, and plastic straws are prohibited at EH**

**CFM(s).** Encouraging customers to bring their own reusable bags, paper bags, and bio-bags is recommended.

#### **Description of Selling Space**

Participant constructed walls may not exceed 8 feet in height.

Participants must keep their vehicles, merchandise, and tables within their assigned stall space. No part of the Participants' vehicle or stall set-up may encroach on the mandated fire lane. Pedestrian flow may not be congested due to a Participant set-up.

All promotions and sales shall occur within the stall space provided.

A Participant who rents more than one space shall rent them contiguously.

No electricity or water is provided by EH to Participants.

No Participant may assign, share, or sublet his/her space without approval from the EH Market Manager.

#### **Clean Up**

Participant shall maintain the stall space assigned to them in a clean and sanitary condition. When vacating their space, Participants must remove all equipment, product, trimming, wrappings, and containers within one hour after closing of the EH CFM(s).

Participants are responsible for cleaning their own stalls and the aisle area in front of their stalls.

The Participant shall reimburse EH for any expenses incurred to return the stall space to the condition in which it was found.

#### **Safety Regulations**

**Exits from booth:** From within the booth, the exit pathway leading to the exterior shall not be less than 36 inches and the width of the exit door. There shall be no obstruction of the exit door or exit pathway.

**Fire extinguishers:** Any booth using any type of heat-generating appliance shall have a fire extinguisher that is at least 2A 10BC. In some cases, an additional fire extinguisher may be required. All fire extinguishers new or used are required to be serviced once a year and have a current tag on the extinguisher. Each fire extinguisher is tagged by the service company with service date. If there is no tag on the extinguisher, the unit must be serviced. Check the telephone directory for licensed fire extinguisher service companies. All fire extinguishers shall be mounted in a visible and accessible location, preferably near the exit.

**Cooking equipment:** Any type of cooking equipment or process that produces uncontrolled flame will not be allowed inside the booth. No combustible material will be allowed directly above uncontrolled flame. Any combustible structural component of a booth located within 36 inches of cooking equipment shall be protected by a non-absorbing and non-combustible material, approved by the State Fire Marshal.

**Gas cylinders:** No gas cylinders will be allowed within a booth unless the cylinder is an integral part of the appliance. Example: gas fired barbecue with cylinder attached. Gas lines subject to mechanical damage shall be protected. All gas cylinders, including spares, shall be firmly secured in place to prevent accidental fall-over. Every gas-fired appliance

shall have a gas shutoff valve. Maintain a safe distance between flammable gas cylinder and any heat source.

When cooking, never leave heat unattended and do not wear loose-fitting clothing.

Keep combustibles away from all heat sources.

All generators must be approved by the EH Market Manager before they are used at the EH CFM(s).

Generators must be very quiet (the generator noise level must run under 64dB at full load). We encourage the use of propane.

All Participants must stay within their stall space. Participants must not extend out into the pathways between Participants' stall spaces, fire lane, or into traffic area. If space is available, Participants can "spill out" (less than two feet) in front of their stall space without an additional stall fee if they do not extend into the pathways, fire lane, or traffic area.

## 6.8 SIGNAGE AND PROMOTION

Prices must be clearly posted on all products. Collusion among Participants to change prices or exertion of any influence, pressure or persuasion to cause a Participant to increase prices is strictly forbidden (state law).

Packaged products must be labeled with the name of the farm or Producer, the address and the weight of the contents (state law). Co-op products and labels are not acceptable.

Organic and Conventional commodities sold in the same stall space need clear, visible and non-confusing signage stating which products are Organic and which products are Conventional.

Any Participant claiming to have "Certified Organic" produce or products shall grow or process the products in accordance with the USDA NOP rules and regulations, effective October 2002. Participants can only claim "Certified Organic" if they are certified by an approved USDA agency. Organic licensing must be displayed.

Participants with gross sales of \$5000.00 or less annually are exempt from USDA certification requirements. These Participants must follow the USDA Organic Farming protocols but are not required to obtain certification. These Participants are allowed to promote using the word "Organic" only. These Participants are not allowed to promote using the phrase "Certified Organic". These farmers may be required to provide documentation to verify annual sales of \$5000.00 or less.

"No Spray", "No Chemicals", "No Pesticides" and other such claims shall be affirmed by a Notarized affidavit stating, "at no time during the growing season or post-harvest handling of this commodity have any synthetic pesticides, herbicides, fungicides or other toxic applications been used". Upon receipt of notarized affidavit, "No Synthetic Sprays" shall be the only language used to describe the above claims. In these cases when synthetic chemical fertilizers are used, the signs shall also state "Synthetic Fertilizer Used". When these claims are made, the Pesticide Use sign including the notarized affidavit shall be posted at the Participant stand. Copies of the affidavits must be submitted to the EH Market Manager.

Transitional Organic is a term not recognized by the State Organic Program and may not be displayed.

**Participants may be liable for fines and fees incurred by failure to meet Agricultural Commission,**

## Organic Certification, or Health Code laws and requirements.

### 7. EXPECTED BEHAVIOR

#### 7.1 Anti-Harassment Policy:

Harassment will not be tolerated by Participants, Employees, Contractors, or any member of the Board at EH CFM(s), public events or meetings. This includes but is not limited to, use of abusive, profane, or demeaning language and sexual harassment.

**7.2 Ethics Code:** EH Board believes that a code of ethics is basic to the conduct of EH CFM(s). All Participants, Employees, Contractors, and any Member of the Board shall conduct their professional lives in accordance with following statement:

*"Be civil and respectful in professional interactions, avoiding discrimination, based on race, gender, sexual orientation, religion, or age. Treat everyone fairly and with respect."*

**7.3 Standard of Conduct:** All Participants, Employees, Contractors, EH Market Managers and Members of the Board at the Market(s), public functions and meetings must:

Be knowledgeable about their products (how they are used, grown, or produced) and clearly communicate this to Customers.

Be courteous, professional, and presentable.

Display products in a clean, presentable, and attractive way.

Be honest and always conduct themselves in a courteous and business-like manner.

Dress and behave in an appropriate manner, including wearing shirts and shoes. Not use illegal drugs, drink alcoholic beverages, yell, heckle, swear, name

call, make slanderous remarks, throw items, fight or participate in other offensive behavior.

Treat others, including Participants, Employees, Contractors, Board Members, Customers, and Officials, with respect. Not photograph any person or Participant's booth without prior permission from the person or the booth occupant. Not sell any stolen or pirated items. These are prohibited for sale by any Participant at EH CFM(s).

## 8 VIOLATIONS OF RULES AND REGULATIONS

### 8.1 REMEDY FOR VIOLATIONS NOT SUBJECT TO IMMEDIATE EXCLUSION:

First violation by a Participant will result in a verbal and written warning. The second violation will result in a determination letter in which the EH Market Manager and/or Board may choose to fine, and/or suspend, or terminate the Participant as prescribed in EH Bylaws section 13.1. Participants who do not comply with the State Direct Marketing Regulations, pertinent State and County regulations, or the Rules and Regulations and Bylaws of EH as set forth herein, may be subject to fines, expulsion, suspension, and/or termination of their Participant Approval to the EH CFM(s) as per EH Bylaws section 13.3.

### 8.2 IMMEDIATE EXCLUSION:

A Participant may be immediately excluded from the premises of EH CFM(s) if that Participant has failed in a serious degree to observe the Rules and Regulations or otherwise acted in a manner causing immediate threat, imminent threat, or harm to anyone (Board, EH Market Manager, fellow Participants including employees, customers, or the general public). An immediate exclusion will be followed by suspension and/or termination of the Participant Approval as prescribed in EH Bylaws section 13.2.

### 8.3 VIOLATIONS AT OTHER CFMS

Participants must notify EH Market Manager if they receive a violation at another CFM outside of EH's control within a month of receiving that violation.

## 9. DISPUTE RESOLUTION

Suggestions for improving EH are always welcome. At some time, you may have a complaint, suggestion, or question about your role, your working conditions, or the treatment you are receiving. Your complaints, questions, and suggestions also are of concern to EH.

If you have a complaint, please first attempt to resolve the issue directly with the person you have a conflict with.

If the issue continues, please bring the complaint to the attention of the Market Manager at the location of the dispute who will investigate and provide a solution or explanation.

If the Market Manager is unable to resolve the issue, please bring your complaint to the Director of EH as soon as possible.

If the Director is unable to resolve the issue, please bring the complaint to the attention of the board of EH, who will attempt to reach a final resolution.

While a written complaint will assist us in investigating your concerns, it is not required that you put your complaint in writing. If you need assistance with your complaint, or you prefer to make a complaint in person, contact the Market Manager first and then the Director, if the Market Manager is not available, or if it is not appropriate, due to the issue.

This process, which we believe is important for both you and EH, cannot guarantee that every problem will be resolved to your satisfaction. However, EH values your observations and you should feel free

to raise issues of concern without the fear of retaliation. Please also reference Section 8.

For all these matters, please use the EH website or print materials to get the most up to date contact information for each individual.

## 10. PARTICIPANT CATEGORIES

### 10.1 CERTIFIED PRODUCER (FARMER AND FISHERMAN) AND SEAFOOD BROKER

All commodities must be reviewed and approved by an EH Market Manager before a Participant can sell that item(s) or add new items to sell.

Prepared or processed products may be sold under the Producer if the Producer produces over 50% of the prepared product and is in accordance with the State Health and Safety Code.

Participants can sell both Organic and Conventional commodities. Refer to *Signage and Promotions* pertaining to requirements with signage.

Fresh produce and fish must be in season. Sales of out-of-season California produce are allowable only to the extent of their normal storage life or upon proof that such produce was grown in greenhouse facilities operated by such Producer.

No frozen seafood products are allowed at the EH CFM(s).

Producers storing both Certified and non-Certified products must have an effective system of documentation for separation of products so that there is no possibility of confusion.

All produce is expected to be vine-ripened and fresh. Lower grade fruits and vegetables must be marked as such and priced accordingly.

EH Market Manager has the authority to ask that poor quality

produce (i.e. bruised, smashed, rotting, burnt, wilted, and dirty) be removed from sale.

State law prohibits sales to retailers (except restaurants) during EH CFM(s) hours. Participants whose products do not meet minimum quality standards are subject to fines, suspension, and expulsion upon recurring violation of these quality requirements.

Scales shall be approved commercial scales and certified by the County Sealer and Office of Weights and Measures on a renewal basis.

Load Lists, provided by EH, are to be turned in before the end of each EH CFM day. **It is the sole responsibility of the Certified Producer to turn in a completed Load List to the EH Market Manager before leaving each EH CFM. Load Lists are due after each EH CFM. Failure to complete and turn in your Load Lists after each EH CFM may result in a fine or exclusion from EH CFMs.**

A Certified Producer may sell for only one other Certified Producer per year. The second certificate will be reviewed and approved on a non-competitive annual basis. Approval will be based on the following conditions:

- a. The second Certificate Producer must have signed the Rules and Regulations sign off.
- b. No duplication of commodities is allowed on both certificates.
- c. The primary Producer has given the EH Market Manager a written agreement, which verifies consent

from the second Producer to have their products sold at the EH CFM. d. The second Producer must be from the same or a contiguous county as the primary Producer.

e. Each certified Producer's products must be displayed separately and identified by individual Producer's certificates (state law) and other required permits. Over 50% of the produce or products displayed for sale must be from the primary certificate.

f. The Producer who attends the EH CFM(s) is responsible for advising EH Market Manager when he/she is selling products from a second certificate.

**10.2 FOOD PURVEYOR:** Food Purveyors and the food they prepare and sell at EH CFM(s) must receive approval from the EH Market Manager. A current menu of food items must be included in the annual application, and changes to the menu requires written approval from a market manager. Food Purveyors do not have exclusive selling rights to sell food and must not compete with food provided by a Certified Producer.

**10.3 PARTICIPANT:** Products sold by a Participant at EH CFM(s) must receive approval from the EH Market Manager. Participants do not have exclusive selling rights of any products at the EH CFM(s).

**10.4 A CHARITABLE PARTY** may apply to receive approval from the EH Market Manager to have a free booth space at EH CFM (s) for outreach and/or fundraising activities. Charitable parties and community groups are considered on an ongoing basis to give all interested parties a fair chance at attending EH CFM(s). Upon request from EH, the Charitable Group must provide proof that the Group is currently active and the Representative position in the Group

is valid with publications or minutes from a Group's meeting. The Group must provide their own tables and chairs. Walking outside of the Participant's designated space and passing out publications is prohibited. No items sold for fundraising activities by the Groups may compete with paying Participants. EH reserves the right to determine if a fundraising activity is competing with a paying Participant.

**10.5 ENTERTAINERS AND WORKSHOP EDUCATORS** may apply to receive approval from the EH Market Manager to have a free space to conduct their activity (play music, entertain or conduct an educational workshop) at EH CFM(s). All activities must be suitable for families and children.

**10.6. POLITICAL CANDIDATE, A PROponent OF A BALLOT MEASURE, OR ADVOCATE:** must always post the disclaimer below in clear public view at EH CFMs. Participants must conduct their activity in their Market designated space. Walking outside of the Participant's designated space and passing out publications is prohibited. Publications of political candidates and ballot measures are not allowed at EH Information Booths.

**Disclaimer:** EH is proud to provide space at its markets for all political candidates and their advocates, and proponents and opponents of a ballot measure on an equal opportunity and non-partisan basis. EH does so only as a public service to the people attending the markets and by doing so it does not endorse or oppose any candidate or measure.