THE HAMILTON FARMERS’ MARKET TRANSITION SUB-COMMITTEE PRESENTS REPORT 11-002 TO THE EMERGENCY AND COMMUNITY SERVICES COMMITTEE AND RESPECTFULLY RECOMMENDS:

1. To Approve Hamilton Farmers’ Market Cafe Hours and Amend By-Law 10-209 to Regulate the Hamilton Farmers’ Market (CS11056) (Ward 2) (Item 5.1)

(a) That the days and hours for customers of the Hamilton Farmers’ Market café shall be:
(i) Mondays and Wednesdays from 9:00 in the morning to 7:00 in the afternoon of the same day;
(ii) Tuesdays and Thursdays from 6:00 in the morning to 7:00 in the afternoon of the same day;
(iii) Fridays from 8:00 in the morning to 6:00 in the afternoon of the same day;
(iv) Saturdays from 6:00 in the morning to 6:00 in the afternoon of the same day;

(b) That the market hours for the Hamilton Farmers’ Market Café stallholder shall be:

(i) Monday to Thursday from 4:00 in the morning to 9:00 in the afternoon of the same day;
(ii) Fridays from 4:00 in the morning to 8:00 pm in the afternoon of the same day;
(iii) Saturdays from 3:00 in the morning to 8:00 in the afternoon of the same day;
(iv) From 12:00 midnight on market days immediately preceding a statutory holiday to 8:00 or 9:00 (whichever is the closing hour for customers of the Hamilton Farmers’ Market café) in the afternoon of the same day; and
(v) During peak season, for such periods of time as are designated by the Market Supervisor.

(c) That the necessary by-law be passed to reflect the resolution in Subsections (a) and (b), in a form satisfactory to the City Solicitor.

2. Hamilton Farmers’ Market - Seasonal Outdoor Market Program (CS11055) (Item 7.1)

(a) That the Hamilton Farmers’ Market 2011 Seasonal Outdoor Vendor Criteria and Application Process hereto attached as Appendix A, be approved;

(b) That the Hamilton Farmers’ Market 2011 Seasonal Outdoor Vendor Application, hereto attached as Appendix B be approved;
(c) That the Hamilton Farmers’ Market 2011 Seasonal Outdoor Stall Fees, of $50.00 for a full stall of 10 foot frontage by 10 foot depth per Saturday and $30 for a half stall of 5 foot frontage by 10 foot depth per Saturday and effective May 1, 2011, be approved;

(d) That the Hamilton Farmers’ Market 2011 Seasonal Outdoor Stall Fees, of $50.00 for a full stall of 10 foot frontage by 10 foot depth per Saturday and $30 for a half stall of 5 foot frontage by 10 foot depth per Saturday be added to the 2012 User Fees and Charges By-law.

3. Ensuring compliance with Market By-law with respect to each vendor carrying his/her own business licence (Ward 2) (Item 8.2))

That the Information report respecting Ensuring compliance with Market By-law with respect to each vendor carrying his/her own business licence be received.

4. Hamilton Farmers’ Market Relocation and Renovation Costs (CS11051) (Item 8.3))

That Report CS11051 respecting Hamilton Farmers’ Market Relocation and Renovation Costs be received, as amended.

5. Protocol for Enforcing Compliance with the Hamilton Farmers’ Market By-law No. 10-209 and Stallholder Contracts (CS11052)

(a) That Report CS11052 respecting Protocol for Enforcing Compliance with the Hamilton Farmers’ Market By-law No. 10-209 be received;

(b) That staff be directed to prepare a protocol for enforcing compliance with the Hamilton Farmers’ Market By-law and stallholder contracts.

6. The Use of Power Jacks in the Hamilton Farmers’ Market. (Item 4.5)

That the use of power jacks by market vendors on off market hours, from 4:00 a.m. to 7:30 a.m. be permitted, provided they are qualified operators.
FOR INFORMATION

(a) CHANGES TO THE AGENDA

The Clerk advised the agenda had been revised since it was originally e-mailed and suggested that as there are eight delegation requests to address Committee today, in addition to many items that need Committee’s consideration, including three that have already been deferred from the previous meeting due to lack of time, that the delegation requests be heard after the discussion items. Also, legal staff have advised that Committee will need to move into closed session to discuss Item 8.3.

(i) The revised agenda for the April 27, 2011 meeting of the Hamilton Farmers’ Market Transition Sub-Committee was approved as amended.

(ii) The delegations will be heard after the discussion items.

(b) DECLARATIONS OF INTEREST

There were none declared

(c) APPROVAL OF MINUTES OF THE PREVIOUS MEETING

The Minutes of the February 24, 2011 meeting were approved as presented.

(d) DELEGATIONS REQUESTS (Respecting Item 4.1)

The rules of procedure were waived in order for the following delegation requests to be approved to address Committee today after the discussion items:

(i) Christopher Cutler from the Friends of the Market, respecting support of stallholders’ request for additional compensation for loss of revenues during transition, concerns for renovations construction costs and preferred governance model. (Item 4.1)

(ii) Saji Kollanthara, Treasures of India, requesting to be open six days a week. (Item 4.2)

(iii) Shane Coleman, Hamilton Farmers’ Market Inc. President, respecting an update of issues at the Hamilton Farmers’ Market. (Item 4.3)
(iv) Anna Soos, Market Café respecting lack of hydro for operation, requesting rent refund. (Item 4.4)

(v) Charlie Chiarelli, regarding issues at the Hamilton Farmers’ Market. (Item 4.5)

(vi) Roy Munoz, Country Green Garden, requesting to acquire the vacant space directly beside Country Green Garden (Item 4.6)

(vii) Jennifer Hompoth, Friends of the Hamilton Farmers’ Market, regarding the transition, and further governance issues at the Hamilton Farmers’ Market. (Item 4.7)


(e) PRESENTATIONS

(i) Hamilton Farmers’ Market - Seasonal Outdoor Market Program (CS11055) (Item 7.1)

Anna Bradford made a PowerPoint presentation which provided an overview of the report and a hand-out was distributed.

Her comments included but were not limited to the following:

- York Boulevard Streetscape Master Plan: Bay Street North to James Street North;
- Site plan of the Outdoor Seasonal Market;
- Section 2 – Park Street North to MacNab Street North;
  - Design elements that need to be incorporated;
- Sketches of York Street and the Market location;
- Seasonal outdoor vendors may contract a stall for the Saturdays:
  - Fee schedule;
- Wide range of options for stall rentals is intended to encourage vendors selling seasonal products;
- Priority for rental of seasonal outdoor stalls is consistent with the approved priority for the rental of indoor market stalls as follows:
  - Farmers

Emergency and Community Services Meeting May 4, 2011
• Producers
• Resellers
• Artisans

• Application process;
• Health and Safety considerations

1. The staff presentation was received.

2. Staff were directed to consult with Traffic staff to see if it would be feasible to increase the time allotted for loading trucks from 10 minutes to 20 minutes and report back to Committee.

(ii) Governance Transition (No copy) (Item 7.2)

Terry Quinn made a PowerPoint presentation and copies of the hand-out were distributed.

His comments included but were not limited to the following:

• The Terms of Reference which were approved June 9, 2010;
• The focus was the actions related to the move into the renovated market;
• Staff recommended that the sub-committee sunset after the move however no date was chosen by Council;
  • Status of Work
  • Outstanding Items
  • By-law Requirements related to a Sub-Committee
  • Possible Next Steps

1. The staff presentation was received.

2. Staff were directed to provide a revised terms of reference for the Committee’s consideration at the next meeting.

(f) DISCUSSION ITEMS

(i) Proof of Insurance for Stallholders (Legal staff – verbal update) (Deferred from the February 24, 2011 meeting) (Item 8.1)

Eleonora Filippone, Solicitor for the City, addressed Committee and indicated that she consulted with Risk Management staff with respect to acceptable proof of insurance for the stallholders and was provided...
with an appropriate format. The issue is progressing but there are still a few glitches that staff are currently working with the stallholders to address.

The verbal staff update was received.

(ii) Ensuring compliance with Market By-law with respect to each vendor carrying his/her own business licence (Ward 2) (Outstanding Business List Item) (Deferred from the February 24, 2011 meeting) (Item 8.2)

Eleonora Filippone, Solicitor for the City, provided a brief verbal overview of her report and responded to questions posed by the Committee.

Committee received the staff report.

(iii) Hamilton Farmers' Market Relocation and Renovation Costs (CS11051) (Item 8.4))

Anna Bradford provided a verbal overview of the report. She noted a correction on page 1 in the third paragraph. She noted the amount indicates $17,931,842 but should read $15,454,630. The budget costs were allocated 50/50 between the Library and Farmers' Market projects.

After a brief discussion, Report CS11051 respecting Hamilton Farmers' Market Relocation and Renovation Costs was received as amended by staff.

(g) DELEGATIONS REQUESTS (Respecting Item 4.1)

(i) Christopher Cutler from the Friends of the Market, respecting support of stallholders’ request for additional compensation for loss of revenues during transition, concerns for renovations construction costs and preferred governance model. (Item 4.1)

Christopher Cutler addressed Committee and expressed his concerns with (in what in his view is) a heavy handed approach from staff with respect to even minor violations of the by-law and provided an example.
(ii) Saji Kollanthara, Treasures of India, requesting to be open six days a week. (Item 4.2)

Mr. Kollanthara read from a prepared statement, copies of which were distributed. He requested his stall be allowed to be open six days a week, or that he be charged rent for the 16 days he is allowed to be open instead of a full month, or that he be allotted a smaller space in the market, as the schedule outlined in his contract is affecting his profits.

Staff suggested that Mr. Kollanthara has the option of signing a lease with Yale Properties rather than with the City. Staff are currently conducting a survey with the Stallholders’ Association respecting the Market hours and will report back.

(iii) Shane Coleman, Hamilton Farmers’ Market Inc. President, respecting an update of issues at the Hamilton Farmers’ Market. (Item 4.3)

Shane Coleman addressed Committee and prior to starting his PowerPoint presentation indicated the following:

- 10 minutes is not long enough to load a truck;
- the City’s proposal to provide the tents for the outdoor market will be very expensive and the projected $12,000 will not cover the costs;
- some members have concerns with the outdoor markets – do not want corn or strawberries; would not have a problem with Christmas trees;
- concerns with the electrical costs.

In his PowerPoint presentation, Shane Coleman covered the following Items:

- Five minute delegations are not enough - as the President he wishes to sit at the table to discuss the issues - a governance structure needs to be established;
- Issue of ¼ rent needs clarification;
- Is the rent being charged as per Yale Property rates or as per the newly renovated market - in January, the stall holders were still in the Yale Property;
- Why is the City charging interest on January’s rent for the full amount?
- Are the refunds going to be reimbursed with interest?
The Market hours need to be adjusted to conform to when the customers come to the market – the current start time is too early;

Parking concerns: $4.50 is too expensive; the parking ramp is empty on Saturdays, only the first level is used;

The outside area of the market, in the front – no seniors drop off point; bicycle racks should be in front of the window to deter thefts; there’s litter, construction rubble;

Trucks are being ticketed for “no stopping” on the ramp;

The market stalls are dark, the lights need to be adjusted;

Many vendors are going home at 4:30 p.m.; business needs to be promoted.

Staff responded to questions regarding the rent. They confirmed that the rent for January was as per the 2011 contracts (and not the Yale Properties) and indicated they will confirm the issue concerning the interest.

The issue with the lights pointing up to the duct work is a deficiency that is being addressed.

Staff are currently in the process of reviewing the market hours and will conduct a survey.

In the interest of time, the Chair requested that Shane Coleman submit his PowerPoint presentation to the Clerk to be distributed to Committee and staff.

(iv) Anna Soos, Market Café respecting lack of hydro for operation, requesting rent refund. (Item 4.4)

Anna Soos, operator of Market Café addressed Committee and indicated that she is not able to use her cooking equipment so she wants to negotiate a new rent rate. Staff are not willing to negotiate until she pays her rent for February, March and April, 2011.

Janet Warner advised Committee that the issue is a matter of ventilation and not hydro. Only self ventilating convection ovens are permitted. Venting the entire Market is not feasible as the cost is prohibitive.

Anna Soos indicated that she always cooked in the former Farmers’ Market and it is disappointing to her customers that she can no longer...
cook on the premises. She asked staff if she could use the community kitchen but she was refused.

Direction was given to staff to work with Ms. Soos, together with Councillors McHattie and Farr, to possibly decrease the size of her stall and re-negotiate her rent.

(v) Charlie Chiarelli, regarding issues at the Hamilton Farmers’ Market (Item 4.5)

Charlie Chiarelli addressed Committee and his comments included but were not limited to the following:

- There are issues with the by-laws since the reopening;
- Staff are prohibiting him from using a power jack to move his produce;
- Why do the vendors have to pay for equipment they need?
- The vendors did not benefit from the renovation;
- The space restriction is not fair; they are being asked to downsize their stalls regardless of the amount of space they require;
- The market is empty in the morning – the elderly used to come in the morning but now they are not going to take the elevator, go down the aisles, or take the stairs;
- The customers are having a hard time liking this market and the vendors don’t like it.

Staff explained the reason why they needed to control the size of the stall spaces as set out in the by-law.

Staff indicated that they have contacted the City’s Risk Management Division and reviewed the Canadian Health and Safety Regulations. They are concerned that the use of power jacks could potentially lead to injuries. Qualified operators are required and staff are still investigating this issue.

Committee approved the use of power jacks by market vendors as outlined in Item 6 of this Report.

Councillor Farr suggested that staff start creating a waiting list of possible new vendors if some existing vendors move out of the Market.
(vi) Roy Munoz, Country Green Garden, requesting to acquire the vacant space directly beside Country Green Garden (Item 4.6)

Roy Munoz circulated a photo of the space right next to his market stall which is directly under the stairs. He has requested to use that space for storage and he is willing to pay for it but staff has denied his request.

Bill Atanas advised that the reason is because he believes it is against fire code. Roy Munoz indicated that his stall is located under the stairs. Bill Atanas will have confirmation by the next meeting.

(vii) Jennifer Hompoth, Friends of the Hamilton Farmers’ Market, regarding the transition, and further governance issues at the Hamilton Farmers’ Market. (Item 4.7)

Jennifer Hompoth addressed Committee indicating that she was not feeling well and withdrew her request to speak in order to allow the vendors their turn.


The Clerk advised that Mr. Rodrigues had to leave the meeting and left his written letter.

The Chair asked that the Clerk distribute copies of the letter.

The delegations were received.

Outstanding Business List (Item 11.1)

The following Outstanding Business List Items were identified as completed and removed from the list:

(i) Item “A” Staff to develop and implement the seasonal outdoor market program including, but not limited to, operating hours, application and assessment processes and licensing arrangements

(ii) Item “B”, Legal staff to validate proof of insurance process for stall contracts with risk management staff and report back.
(iii) Item “C”, Legal staff to report back on ways to ensure that the intentions of the Market By-law are satisfied in that each vendor has his or her own business licence.

(i) PRIVATE AND CONFIDENTIAL

(i) Incorporation of Stallholders’ Association (Legal staff – verbal update) (Deferred from the February 24, 2011 meeting) (Item 8.3)

Committee moved into Closed Session at 11:30 a.m. pursuant to Sections of 8.1(e) and 8.1(f) of the City’s procedural by-law to discuss matters of litigation or potential litigation and the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

Committee reconvened in Open Session. Direction was given to staff in Closed Session with nothing to discuss in Open Session.

(j) ADJOURNMENT

The Hamilton Farmers’ Market Transition Sub-Committee meeting was adjourned at 12:05 p.m.

Councillor B. McHattie, Chair
Hamilton Farmers’ Market Transition Sub-committee

Ida Bediou, Legislative Assistant,
Hamilton Farmers’ Market Transition Sub-Committee
April 27, 2011
Re: Hamilton Farmers’ Market Seasonal Outdoor Vendor Criteria and Application Process

The City of Hamilton is seeking vendors for the seasonal outdoor year. As a historic community gathering place, the Hamilton Farmers’ Market offers locally grown and produced food and food products. It celebrates Hamilton’s agricultural history and diversity by growing, nourishing, and inspiring our community.

The Hamilton Farmers’ Market vision as approved by Council states: “Hamilton has a proud agricultural history and is a place where:

- Local food growers and producers prosper by finding local marketplaces for their products;
- Every resident has access to high quality, nutritious, locally grown food;
- Residents understand the value of strengthening the local economy by purchasing locally grown food; and,
- Relationships and opportunities are built between farmers, food producers, downtown merchants, consumers, and the Hamilton community.

Those vendors seeking a seasonal outdoor stall must complete and submit the following for each Saturday or each season for which they request to rent an outdoor stall:

- FORM A – Seasonal Outdoor Vendor Application Form
- FORM B – Product List and Grading Chart
- Other Supporting Documentation as outlined on the Application Form A

Submit applications in a sealed envelope addressed to Market Supervisor. Applications MUST be submitted to the Hamilton Farmers’ Market office, Hamilton Farmers’ Market, 35 York Blvd., Hamilton, ON L8R 3K7 up to and including FOUR o’clock p.m. local time, the Friday BEFORE the Saturday date requested. The Market Supervisor has discretion in regard to this deadline.

Verification of farming status along with all required certificates and licenses are due along with the application form.

Selection of stallholders will be determined at the discretion of the Hamilton Farmers’ Market Supervisor, having regard to where the vendor and products rank on the priority list (see attached information sheet), quality of products, stall availability, past performance, timing of application submission, and any other factor the Hamilton Farmers’ Market Supervisor considers in the best interests of the Market.
If any interested vendor has any questions regarding the information required, contact Bill Atanas at the Hamilton Farmers’ Market office, or by email at Bill.Atanas@hamilton.ca or by phone at (905) 546-2424, ext. 2097.

Regards,

Hamilton Farmers’ Market Supervisor
Seasonal Outdoor Stall Fees 2011:
The outdoor stall fees:
- A full outdoor stall is 10 foot frontage by 10 feet deep and costs $50 for each Saturday.
- A half outdoor stall is 5 foot frontage by 10 feet deep and costs $30 for each Saturday.

Seasonal outdoor vendors may contract a stall for:

<table>
<thead>
<tr>
<th>Season</th>
<th>Dates</th>
<th># of Saturdays</th>
<th>Full Stall cost</th>
<th>Half Stall cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Full outdoor season</td>
<td>May 21 – December 24</td>
<td>25</td>
<td>$1250</td>
<td>$750</td>
</tr>
<tr>
<td>Spring</td>
<td>May 21- June 25</td>
<td>Six (6)</td>
<td>$300</td>
<td>$180</td>
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<tr>
<td>Summer</td>
<td>July 2 – August 27</td>
<td>Nine (9)</td>
<td>$450</td>
<td>$270</td>
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<td>Fall</td>
<td>September 3 - October 9</td>
<td>Four (4)</td>
<td>$200</td>
<td>$120</td>
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<tr>
<td>Winter</td>
<td>December 3 -24</td>
<td>Four (4)</td>
<td>$200</td>
<td>$120</td>
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<tr>
<td>Single Saturday</td>
<td>May 21 – December 24</td>
<td>On a space available basis</td>
<td>$50</td>
<td>$30</td>
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What type of vendor is the priority?
The Market supports a Grow It! Make It! Bake It! approach and will select vendors and their products in the following priority:

- First priority - Farmers
- Second Priority - Producers
- Third Priority - Resellers
- Fourth Priority - Artisans

As part of the application review process, the Hamilton Farmers' Market Supervisor may visit farms and businesses of vendors to ensure product is produced locally and / or naturally grown. Claims of “certified organic” or “MyPick.ca” must be backed up by documentation from an accredited certifier.
Other factors which will be considered in the selection of vendors are the quality of products, stall availability, past performance, timing of application submission, and any other factor the Hamilton Farmers’ Market Supervisor considers in the best interests of the Market.

**Payment**

Full outdoor season or a specific season:
- Full payment or post dated cheques for each Saturday during the full outdoor season or specific season due on signing of contract.

Single Saturday:
- Full payment due on signing of contract.

**Other requirements**

All products being sold in the Hamilton Farmers’ Market must comply with applicable Municipal, Provincial and Federal regulations regarding labeling, measures, health and safety. Compliance with these regulations is the responsibility of the vendor.

All vendors shall sell only high-quality, wholesome products at the Hamilton Farmers’ Market. Live animals cannot be sold at the Market.

**Information**

Vendors must provide proof of a valid business licence.

Market Supervisor will assign all stalls.

Vendors cannot sub-lease a stall.

All stalls will be located on the sidewalk outside the glass wall of the Hamilton Farmers’ Market and the Central Public Library on York Boulevard.

Vendors must face their stall towards the sidewalk, away from the street.

Vendors provide their own tables and the equipment must be safely anchored.

Vendors must be open the same hours as the indoor Hamilton Farmers’ Market (Saturday’s hours are 6:00 am to 6:00 pm) unless the vendor sells out of product, in which case the vendor may close early.

Space will be determined at the discretion of the Market Supervisor. Verification of farming status along with all required certificates and licenses are due with the application form.

Vendors who have a contract with the City of Hamilton for a stall in the Hamilton Farmers’ Market will be ineligible to have an outdoor stall.
General Information

<table>
<thead>
<tr>
<th>Farmer/Vendor Name</th>
<th>Business Name</th>
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<tr>
<th>City</th>
<th>Prov.</th>
<th>Postal Code</th>
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<th>Cell</th>
<th>Landline</th>
<th>Website</th>
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Product Information - Please complete the following:

<table>
<thead>
<tr>
<th>What type of Product do you sell?</th>
<th>Please circle all appropriate answers</th>
<th>Eggs</th>
<th>Meat</th>
<th>Flowers</th>
<th>Vegetables</th>
<th>Fruits</th>
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<table>
<thead>
<tr>
<th>What type of vendor are you?</th>
<th>Please circle all appropriate answers</th>
<th>I am a grower</th>
<th>I am MyPick.ca certified</th>
<th>I am organic/ organic certified by Agriculture Canada</th>
<th>I create a product</th>
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1. Please complete the Product List and Grading Chart attached. Include all of your intended sales inventory. If selected this list will form part of your contract.

2. Please attach images of your product display. You may wish to include a floor plan of how your space will be set up. Please be specific.

Space Requested Outdoors

<table>
<thead>
<tr>
<th>I am a seasonal outdoor vendor requesting</th>
<th>Circle appropriate seasons</th>
<th>Full Outdoor Season (25 Sat)</th>
<th>Spring (May 21-Jun 25) (6 Sat)</th>
<th>Summer (Jul 2-Aug 27) (9 Sat)</th>
<th>Fall (Sep 3-Oct 9) (6 Sat)</th>
<th>Winter (Dec 3-24) (4 Sat)</th>
<th>Single Saturday Date:</th>
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Applicant's Name

Applicant's Signature

Date

Applicant's Name

Applicant's Signature

Date

NOTE*: If applicant or any other related corporate or individual entity has had a contract with the City of Hamilton for space at the Hamilton Farmers’ Market within the past 5 years, past performance will be considered in the evaluation of the application.

Staff comments:

Please submit this application along with all relevant valid forms & valid permits as listed below:

1. A Hamilton Farmers’ Market Vendors Application Form
2. A City of Hamilton Business Licence
3. A Certificate of Insurance
4. A Food Premise Inspection Certificate as issued by Public Health Inspectors*
5. A Food Safety Certificate as issued by Hamilton Public Health Services*
6. Organic (by Ag Canada) or MyPick.ca (by Farmers’ Markets Ontario) Certificate #
7. Farm Identification Number In addition a farm inspection visit may be scheduled
8. All Artisan Vendors must submit samples of their work
9. Attach description or images of your product

* Farm Produce & Artisan Vendors exempt from Food Premise Inspections & Food Safety Certificates
**Product List and Grading Chart**

*note items must be on list to be sold at stand. List is part of the contract.*

<table>
<thead>
<tr>
<th>List Items</th>
<th>Quality/Grade (i.e: 90% first field tomatoes &amp; 10% second field tomatoes or 50% AAA beef &amp; 50% AA beef)</th>
<th>List Items</th>
<th>Quality/Grade (i.e: 90% first field tomatoes &amp; 10% second field tomatoes or 50% AAA beef &amp; 50% AA beef)</th>
<th>List Items</th>
<th>Quality/Grade (i.e: 90% first blue corn &amp; 10% second blue corn)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Items produced by your business For example: Broccoli, cherry tomatoes, field tomatoes etc.</td>
<td></td>
<td></td>
<td>Trend items For example: organic, gluten-free, environmentally friendly, heirloom vegetable, etc.</td>
<td></td>
<td></td>
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</tbody>
</table>
* Please photocopy and include additional pages as required.