



## Legislation Details (With Text)

<b>File #:</b>	49283	<b>Version:</b>	3	<b>Name:</b>	Madison Public Market Foundation Operator Agreement
<b>Type:</b>	Resolution	<b>Status:</b>	Passed		
<b>File created:</b>	10/23/2017	<b>In control:</b>	COMMON COUNCIL		
<b>On agenda:</b>	12/5/2017	<b>Final action:</b>	12/5/2017		
<b>Enactment date:</b>	12/11/2017	<b>Enactment #:</b>	RES-17-00962		
<b>Title:</b>	ALTERNATE SUBSTITUTE - Identifying the Madison Public Market Foundation as the fundraising entity future operator of the Madison Public Market and directing City staff to issue a Request for Qualifications to identify potential operators of the work with the Madison Public Market Foundation Board on the terms of an and obtain Council approval of the operator before negotiating an Operating Agreement.				
<b>Sponsors:</b>	David Ahrens, Sara Eskrich				
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>	1. 49283 Alternate v. 3.pdf, 2. 11/30/17 City Attorney Memo: Public Market.pdf, 3. 49283 Master23-Oct-2017-09-53-14.pdf, 4. 38885 Master23-Oct-2017-09-49-47.pdf, 5. 41819 Master23-Oct-2017-09-50-52.pdf				

Date	Ver.	Action By	Action	Result
12/5/2017	2	COMMON COUNCIL	Adopt Alternate	Pass
11/21/2017	2	COMMON COUNCIL	Refer to a future Meeting to Adopt	Pass
11/2/2017	2	PUBLIC MARKET DEVELOPMENT COMMITTEE (ended 1/2024)	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER	Pass
10/31/2017	1	COMMON COUNCIL	Refer	Pass
10/23/2017	1	Economic Development Division	Referred for Introduction	

### Fiscal Note

The proposed resolution separates the roles of fundraising for and operating the Madison Public Market by identifying the Madison Public Market Foundation (MPMF) as the fundraising entity and authorizing staff to issue a request for qualifications (RFQ) to identify possible operators of the Madison Public Market. No City appropriation is required. The Common Council requests that City Staff present the Common Council with a proposed choice of the Public Market Operator (PMO) by April 10, 2018.

### Title

ALTERNATE SUBSTITUTE - Identifying the Madison Public Market Foundation as the **fundraising entity** future operator of the Madison Public Market and directing City staff to **issue a Request for Qualifications to identify potential operators of the work with the Madison Public Market Foundation Board on the terms of an and obtain Council approval of the operator before negotiating an Operating Agreement.**

### Body

WHEREAS, the Madison Public Market Business Plan (accepted by Common Council on October 6, 2015 by Resolution #38885) and the Madison Public Market Implementation Strategy (accepted by Common Council on March 15, 2016 by Resolution #41819) recommend that the Madison Public Market be operated by an independent 501c3 non-profit organization that would lease the space from the City; and,

WHEREAS, as recommended by the City's approved plans for the Public Market, the Madison Public Market Foundation (MPMF) has been established to undertake the Public Market's fundraising effort and to become

the Public Market Operator (PMO); **and,**

**WHEREAS, the Common Council deems it more advantageous to conduct a transparent public process to identify an operator for the Madison Public Market,**

NOW THEREFORE, BE IT RESOLVED, subject to future approvals of the design and financing plans for the Public Market project, the City of Madison Common Council intends for the City to build and own the Madison Public Market, and lease the facility to the ~~Madison Public Market Foundation as the designated~~ Public Market Operator (PMO) **as chosen pursuant to this resolution;** and,

BE IT FURTHER RESOLVED, that the Madison Common Council authorizes and directs City Staff ~~begin working with the MPMF Board to negotiate the terms of an Operating Agreement describing the specific details of how the Public Market will be operated by the MPMF with oversight by the City to~~ **issue a Request for Qualifications (RFQ) to identify possible operators of the Madison Public Market;** and,

BE IT FURTHER RESOLVED, that the City will not finalize an Operating Agreement with the ~~MPMF~~ **PMO** until the final plans for the Public Market project (including, but not limited to, the total project costs, financial structure, operating plan, and architectural designs) have been approved; and,

BE IT FURTHER RESOLVED, that the **choice of the entity to be the PMO will go before the Common Council for approval and the** Operating Agreement between the City and the PMO also will go before the Common Council for approval; and,

**BE IT FURTHER RESOLVED, that the Public Market Foundation will be the fundraising arm for the Madison Public Market, and that any city officials, employees or committee members serving on the Public Market Foundation board are doing so as representatives of the City of Madison pursuant to sec. 3.35(2)(b), MGO, and that the City will reexamine this interim determination at such time as the more permanent structure of the Public Market is determined,**

BE IT FINALLY RESOLVED, the Madison Common Council requests that City Staff ~~and the Madison Public Market Foundation~~ present the Madison Common Council with a **proposed choice of the PMO by April 10, 2018** ~~draft Operating Agreement for review by June 30, 2018.~~