



# City of Madison

City of Madison  
Madison, WI 53703  
www.cityofmadison.com

## Master

**File Number: 49283**

**File ID:** 49283

**File Type:** Resolution

**Status:** Items Referred

**Version:** 3

**Reference:**

**Controlling Body:** COMMON  
COUNCIL

**File Created Date :** 10/23/2017

**File Name:** Madison Public Market Foundation Operator  
Agreement

**Final Action:**

**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.

### Notes:

**Sponsors:** David Ahrens and Sara Eskrich

**Effective Date:**

**Attachments:** 49283 Alternate v. 3.pdf, 11/30/17 City Attorney  
Memo: Public Market.pdf, 49283  
Master23-Oct-2017-09-53-14.pdf, 38885  
Master23-Oct-2017-09-49-47.pdf, 41819  
Master23-Oct-2017-09-50-52.pdf

**Enactment Number:**

**Author:** Dan Kennelly, Manager - Office of Business Resources

**Hearing Date:**

**Entered by:** afreedman@cityofmadison.com

**Published Date:**

### Approval History

Version	Date	Approver	Action
1	10/25/2017	Brent Sloat	Approve
2	11/16/2017	Brent Sloat	Approve
3	12/04/2017	Brent Sloat	Approve

### History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:

1	Economic Development Division	10/23/2017	Referred for Introduction		
	<b>Action Text:</b>		This Resolution was Referred for Introduction		
	<b>Notes:</b>		Public Market Development Committee		
1	COMMON COUNCIL	10/31/2017	Refer	PUBLIC MARKET DEVELOPMENT COMMITTEE	11/02/2017 Pass
	<b>Action Text:</b>		A motion was made by Rummel, seconded by Baldeh, to Refer to the PUBLIC MARKET DEVELOPMENT COMMITTEE. The motion passed by voice vote/other.		
	<b>Notes:</b>				
2	PUBLIC MARKET DEVELOPMENT COMMITTEE	11/02/2017	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER		Pass
	<b>Action Text:</b>		Amended version of Resolution where paragraph 6 states: "BE IT FURTHER RESOLVED, that the City will not finalize an Operating Agreement with the MPMF until 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"		
			A motion was made by Glazer, seconded by Palm, to RECOMMEND TO COUNCIL TO ADOPT AS AMENDED - REPORT OF OFFICER. The motion passed by voice vote/other.		
2	COMMON COUNCIL	11/21/2017	Refer to a future Meeting to Adopt	COMMON COUNCIL	Pass
	<b>Action Text:</b>		A motion was made by Rummel, seconded by Baldeh, to Refer to a future Meeting to Adopt to the COMMON COUNCIL,. The motion passed by the following vote:		
	<b>Notes:</b>		Common Council 12/5/17 to Adopt		
			Absent: 1 Mark Clear		
			Ayes: 18 Steve King; Zach Wood; Paul E. Skidmore; Maurice S. Cheeks; Arvina Martin; Sara Eskrich; Sheri Carter; David Ahrens; Denise DeMarb; Samba Baldeh; Rebecca Kemble; Matthew J. Phair; Ledell Zellers; Amanda Hall; Michael E. Verveer; Shiva Bidar-Sielaff; Marsha A. Rummel and Barbara Harrington-McKinney		
			Recused: 1 Larry Palm		
			Non Voting: 1 Paul R. Soglin		
2	COMMON COUNCIL	12/05/2017			

**Text of Legislative File 49283**

**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,**

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.~~