



Legislation Text

File #: 51091, **Version:** 1

The proposed resolution accepts the multi-agency staff review team's recommendation and approves the Madison Public Market Foundation as the future operator of the Madison Public Market. No City appropriation is required. The recommendation results from a request for qualifications (RFQ) released on January 24, 2018. Once approved, City staff and the Foundation Board will begin negotiating the terms of an Operating Agreement and Master Lease Agreement. Drafted agreements will be presented to the Madison Common Council for review and approval by June 30, 2018.

Approving the Madison Public Market Foundation as the future operator of the Madison Public Market and directing staff to begin working with the Madison Public Market Foundation on creating an Operating Agreement for the Madison Public Market.

WHEREAS, the Madison Public Market Business Plan (accepted by Common Council on October 6, 2015 by Legistar #38885) and the Madison Public Market Implementation Strategy (accepted by Common Council on March 15, 2016 by Legistar #41819) recommend that the Madison Public Market be owned by the City of Madison and operated by an independent 501c3 non-profit organization with terms established by an operating agreement and a master lease; and,

WHEREAS, Madison Common Council Legistar #49283 directed staff to prepare and release a Request for Qualifications (RFQ) to identify an organization that will become the Public Market Operator (PMO); and,

WHEREAS, City staff created a Public Market Operator RFQ, which was released on January 24, with responses due on February 26; and,

WHEREAS, prior to its release, the Public Market RFQ was reviewed by a subcommittee of the Public Market Development Committee; and,

WHEREAS, the Public Market Operator RFQ was released through the City's established vendor distribution systems (DemandStar and VendorNet), as well as shared through the Public Market email list, and directly emailed to potentially interested organizations; and,

WHEREAS, the City received one response to the RFQ from the Madison Public Market Foundation (Foundation); and,

WHEREAS, a multi-agency staff review team (staff team) including staff from Engineering/Facilities, Planning Division, Office of Real Estate Services, Office of Business Resources, and Monona Terrace reviewed and scored the RFQ response; and,

WHEREAS, the staff team recommends moving forward with selecting the Foundation as the Public Market Operator and beginning the process of structuring an operating agreement between the City and the Foundation.

NOW THEREFORE BE IT RESOLVED, the Common Council accepts the staff team's recommendation to identify the Madison Public Market Foundation as the operator of the Madison Public Market; and,

BE IT FURTHER RESOLVED, that the Madison Common Council directs the City Attorney's Office and the Department of Planning and Community and Economic Development to begin working with the Foundation Board to negotiate the terms of an Operating Agreement and Master Lease Agreement describing the specific

details of how the Public Market will be operated by the Foundation with oversight by the City; and,

BE IT FURTHER RESOLVED, that in accordance with the approved Public Market Business Plan, the Operating Agreement and Master Lease Agreement will describe the details of the relationship between the City of Madison and the Madison Public Market Foundation, and these documents will promulgate specific roles and responsibilities for the City and the Foundation, such as Foundation Board appointment process, vendor selection criteria, reporting requirements, capital reserves requirements, term of agreement, performance, default and termination process, etc.; and,

BE IT FURTHER RESOLVED, the Public Market Operating Agreement will address the personnel plan for the Public Market, including the timing and process for conducting a national search for an experienced and qualified Public Market Executive Director; and,

BE IT FURTHER RESOLVED, that no individual shall simultaneously serve as a voting member of the City of Madison Public Market Development Committee and the Madison Public Market Foundation Board of Directors during the process of developing the Public Market Operating Agreement; and,

BE IT FURTHER RESOLVED, that the President of the Madison Public Market Foundation shall be appointed to the City of Madison Public Market Development Committee as a non-voting, ex-officio member and will provide updates on the Foundation's activities at Public Market Development Committee meetings; and,

BE IT FURTHER RESOLVED, that the Chair of the City of Madison Public Market Development shall serve as a non-voting, ex-officio members of the Board of the Madison Public Market Foundation to inform the Foundation of the City's progress on the development of the market; and,

BE IT FURTHER RESOLVED, the Madison Common Council requests that City Staff present the Madison Common Council with a draft Operating Agreement for review and approval by June 30, 2018.

BE IT FINALLY RESOLVED, the Madison Common Council shall approve the fully negotiated Operating Agreement and Master Lease.