

VII. TRANSFER OF SENIORITY

1. Eligibility

A. Seniority may be transferred upon the death of an Annual Vendor to an immediate family member (spouse, domestic partner (to the extent allowed by law), parent, sibling, child) of the vendor if:

1. A complete transfer of seniority application is submitted to the Market Manager within 60 days of the death of the vendor.

B. Seniority may be transferred upon the retirement of an Annual Vendor from the Market to an immediate family member (spouse, domestic partner (to the extent allowed by law), parent, sibling, child) if:

1. The immediate family member has been listed on the vendor application for a minimum of three years, and has either actively participated with the vendor at the Market for a minimum of three years or has actively participated in the vendor's business for three years.

2. A complete transfer of seniority application is submitted to the Market Manager within 30 days of the date of retirement of the vendor.

C. Seniority may be transferred upon the sale or transfer of a vendor business if all of the following apply:

1. The new owner of the vendor business has a minimum of 51% management, control, and ownership of the vendor business.

2. The new owner of the vendor business is in the same vendor category as the original vendor, and shall offer substantially similar products for the first five years at the Market.

3. The new owner of the vendor business has actively participated with the original vendor at Market for a minimum of three years, and has been listed on the vendor application for a minimum of three years.

4. The new owner of the vendor business provides evidence of sufficient capacity to maintain the same attendance record of the original vendor business.

5. The new owner of the vendor business provides evidence that there is sufficient continuity between the original and the new business. Factors to be considered include, but are not limited to: use of the same name, offering similar products for sale, holding the business out to the public as a continuation of the same business.

6. A complete transfer application is submitted to the Market Manager within 30 days of the date of sale or transfer of a vendor business.

D. Producers may transfer seniority for up to three stalls and Artisans may transfer the seniority rights to one stall.

E. No vendor who has been the recipient of a transfer of seniority may transfer that seniority for a minimum of five years after the transfer, except when one of the transfers is due to the death on an Annual Vendor, under Section VII.1.A. above. 10

2. Procedure

The following procedure shall be used when an applicant requests transfer of seniority:

A. A completed transfer of seniority application must be submitted to the Market Manager, who may request additional information, if necessary.

B. Once the Market Manager determines that the application is complete, the application and any supporting documentation shall be transmitted to the Market Commission to review at the next regularly scheduled meeting that is at least 10 days from the date the Market Manager determines that the application is complete.

C. The Market Commission shall schedule and hold a public hearing. Notice of the public hearing shall be provided to the applicant at least seven days prior to the date of the hearing.

D. Either at the Market Commission meeting on the date of the public hearing or at the next Market Commission meeting, the Market Commission shall make a recommendation regarding the transfer of seniority to the Community Services Administrator or his/her designee.

E. After receiving the Market Commission's recommendation, the Community Services Administrator or his/her designee shall approve or deny the transfer of seniority application, and shall provide a written decision to the applicant and the Market Commission of the decision

F. The applicant may appeal the decision of the Community Services Administrator or his/her designee to approve or deny a transfer of seniority application to the City Administrator, by providing the City Administrator with a letter providing written reasons for the appeal within 30 days of the decision.

G. The City Administrator or his/her designee shall review the information submitted, and shall provide a written decision to the applicant and the Market Commission within 60 days.

H. The decision of the City Administrator shall be final.