

## WORKING DRAFT

### Flea Market Advisory Group Charter

The San Jose City Council directed staff to establish a Flea Market Advisory Group in Ordinance No. 30646 (San Jose Flea Market Southside Rezoning). This charter fulfills that requirement and is consistent with the intent of City Council's direction related to the Advisory Group.

#### **Purpose of the Advisory Group**

The limited purpose of the Advisory Group is:

- 1) to ensure that Flea Market vendors have a meaningful voice in the Flea Market transition process (as the site redevelops) by advising the City Administration on the following topics:
  - the allocation of the Vendor Transition Fund in support of vendor relocation leading up to and following closure of the existing Flea Market,
  - the design, operation, and parking for a new urban market to be located on approximately five (5) acres of the San Jose Flea Market Southside Rezoning Project site (Assessor's Parcel Numbers: 254-17-095, 254-17-095, 254-17-034), and
  - the process for allocating vendor space in the new urban market to existing Berryessa Flea Market vendors.
- 2) to assist the City administration with outreach to and engagement with the broader vendor community on these topics and on the site transition in general; and
- 3) to ensure coordination with the property owner and its development partners on planning for the new urban market on the San Jose Flea Market Southside Rezoning Project site.

The Advisory Group is an **advisor** to the City administration. It does not make decisions directly, nor make recommendations directly to the City Council.

#### **Composition and Quorum**

Voting members: The Advisory Group will have 11 voting members total, including:

- 10 vendor representatives
- 1 property owner representative

Alternate: An alternate for the property owner representative can serve and vote in place of the primary member.

Quorum:

- A majority of Advisory Group members must be present to hold a meeting (6 of the 11 voting members).

- When the City administration seeks an official recommendation from the Advisory Group as a whole, the recommendation will be based on a majority vote of the members present at the meeting so long as there is a quorum.

### **Member Selection Process**

The City Manager will appoint members to the Advisory Group based upon the following and the “Membership Criteria” specified below:

- nominations by the Berryessa Flea Market Vendor Association (BFVA) for 6 of the 10 vendor seats;
- an application and evaluation process for the remaining 4 vendor seats (BFVA members are eligible); and
- nominations by the property owner for the primary and alternate property owner seats

The City will not have a voting seat. Rather, City representation will be through administration of the Advisory Group. Staff will be responsible for preparing meeting agendas and minutes, facilitating the discussions, and acting on the feedback and recommendations made by the Advisory Group.

### **Membership Criteria**

- The baseline membership eligibility for the vendor representatives is any individual affiliated with a business that was selling at the Flea Market on or after June 21, 2021 (including business owners, employees and family members). No more than two (2) individuals from a single business may serve on the Advisory Group at the same time.
- The vendor representatives on the Advisory Group should together reflect the diversity of the vendors at the market, including (but not limited to) diversity of:
  - Language spoken
  - Tenure at the market
  - Types of products sold
  - Business plans and goals for the future following closure of the market
- The vendor representatives should be committed leaders who value the needs of the broader vendor community over their individual interests. They should be able and willing to:
  - Read materials sent to the Advisory Group in advance of the meetings and be prepared to discuss the materials, provide feedback, and make recommendations
  - Reach out and listen to other vendors outside of and during Advisory Group meetings
  - Listen to and learn from the property owner representatives to understand and consider their needs and interests
  - Work within the Advisory Group to problem-solve and compromise on solutions
  - Speak up and be a voice for vendors
  - Serve in a leadership role through the transition
  - Participate consistently in the Advisory Group for the length of their term

- The property owner representative and the alternate should be able and willing to:
  - Read materials sent to the Advisory Group in advance of the meetings and be prepared to discuss the materials, provide feedback, and make recommendations
  - Represent the perspectives, interests, and ideas of the property owner and its development partners
  - Listen to and learn from the broader vendor community to understand and consider their needs and interests
  - Work in a group to problem-solve and compromise on solutions
  - Participate consistently in the Advisory Group for the length of their term

### **Terms**

- Each Advisory Group member will serve for 2 years, with the option for reappointment for additional terms.
  - Half of the initial Advisory Group members will serve a 3-year term to achieve staggered appointments to the Group.
  - If desired by members, the Advisory Group will have the option to switch to one-year terms in the future.
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