

# **Eastern Market Preservation and Development Amendment Act of 2011**

## **Summary**

### **October 2011**

On October 4, 2011, Councilmember Tommy Wells introduced the “Eastern Market Preservation and Development Amendment Act of 2011.”

This legislation represents a comprehensive reformation of the management and operations of the Historic Eastern Market that comes after a year's worth of research, meetings and recommendations by the Eastern Market Task Force. It's a needed step to create a lasting and sustainable structure to protect and grow the treasure that is Eastern Market.

Last year, Councilmember Wells convened a Task Force to study and make recommendations on a framework for the management and governance of the Eastern Market with special consideration to ensure the preservation of its character. The Task Force completed its review in the spring, and presented its recommendations which formed the basis for this legislation.

#### Why does the current governance structure at Eastern Market need to change?

- EMCAC has no authority. Despite its best intentions and serving as “boots on the ground,” they can only advise and make recommendations that the Market management and the District government may or may not act upon.
- The District government has stated that it is not well suited to run the Market, and wants to get out of its market manager role.
- The current governance structure at Eastern Market makes it difficult for there to be clear lines of authority and accountability for all stakeholders.

#### What is the new Eastern Market Preservation and Development Trust (Trust) and what will it have jurisdiction over?

- The Eastern Market Preservation and Development Trust is a private-nonprofit corporation that will allow for *local control* of the Market. The Trust will be made up of a board of directors who have special expertise in areas affecting market management.
- Jurisdiction would include the Eastern Market Square and its historic Special Use District – Eastern Market including the North Hall and Natatorium Plazas. It would also include the parking lot and playground of the Hine site. After the planned redevelopment, it would include the future C Street, SE between 7<sup>th</sup> and 8<sup>th</sup> Streets, SE, the new public plaza adjacent to C Street, SE, and 7<sup>th</sup> Street, and include 7<sup>th</sup> Street between North Carolina and Pennsylvania Ave, SE (excluding those areas subject to outdoor lease and public space permit by businesses on that block).
- A Board of Directors, consisting of 11 voting members, would govern the management of the Trust. Members would represent the indoor merchants, outdoor vendors, and outdoor farmers, as well as members that have special expertise in food, arts, business & finance, historic preservation, legal, merchandising or marketing issues. Board members will be unpaid positions.

- The Board would have the following breakdown in representation:
  - 3 members, elected annually, to represent merchants and vendors – 1 inside food merchant, 1 outside farmer, and 1 outside arts vendor.
  - 2 members to be appointed by the Mayor, one of whom must have be a resident in the Capitol Hill Historic District.
  - 1 member to be appointed by Chair of the Council.
  - 5 members to be appointed by the Ward 6 member of the Council who must be Ward 6 residents with proven expertise in at least one of the expertise areas listed above.
  - The Market Manager will serve as a non-voting ex-officio member.
- After the initial round of appointed terms, the Board would become self-sustaining and select their own Board members and Chair.
- The powers and duties of the Board of Directors would be to:
  - Preserve the historic character, atmosphere, integrity of the Market as an historic food market while ensuring a role community arts and related activities.
  - Establish bylaws and procedures for community input.
  - Maintain standing committees on finance, leasing and licensure, marketing and communications, buildings and also for advisory review.
  - Set rents, stall fees and licenses, and establish a contractual relationship with all vendors.
  - Develop a jury process for regular review of all vendors and applicants.
  - Establish policies for management, maintenance and operations of the Market.
  - Appoint and terminate the Market Manager.
  - Administer financial controls, including establishing an annual budget.
  - Use best efforts to maximize the income potential of the Market.
  - Approve all contracts and leases and authorize audits.

What are the responsibilities and role of the Market Manager?

- Administer the policies, rules and regulations adopted by the Board of Directors
- Conduct, direct and manage day-to- day operations of the Market, including personnel
- Promote, secure and manage event bookings for North Hall
- Assist the Board in preparation of budgets and annual reports

What are the financial responsibilities for managing Eastern Market?

- The Board of Directors would have sole control of the Eastern Market Fund
- The Fund will be used to meet the management needs and routine maintenance and promotion of Eastern Market
- The District of Columbia would remain responsible for security, trash pick-up, snow removal, street cleaning, insurance costs, utilities, major repair, alteration, construction, and capital improvement costs

How do I get my comments heard?

- Councilmember Wells is very interested in community input on this legislation; feel free to tell us what you like or where you think improvements can be made. Anyone wishing to comment can fill out one of our comment forms available at the October 5, 2011 meeting, leave comments online at [www.TommyWells.org](http://www.TommyWells.org), or via email to [twells@dccouncil.us](mailto:twells@dccouncil.us).