

## **Fine Structure for Headwaters Incubator Program**

Approved 6/2013

While it is the hope and expectation that client farmers will abide by the terms of the lease and the Farmer Manual, a meaningful penalty should be in place to protect the District and other client farmers should violations occur. Fine amounts and their destination must be approved by the Board.

The Farm Incubator Manager requests the authority to fine incubator farmers for violating the terms of their contract with EMSWCD. Offences identified in the farmers manual, include for example failure to control weeds, application of a prohibited substance, not cleaning up shared infrastructure, or having guests entering other farmers' plots.

The fine structure proposed here does not include remedy for criminal offenses and other major transgressions but is designed specifically to address violations of the farmer manual. More serious offenses will be pursued outside this process. The Board of Directors reserves the right to take additional action if warranted and to change or replace this policy as needed.

### **Recommended Fine Structure**

*1<sup>st</sup> Violation* — Written notice for offence and required remedy and deadline (if one exists).

*2<sup>nd</sup> Violation* — \$100 fine and written notice for repeat offence *or* failure to remedy previous violation in an appropriate or timely manner.

*3<sup>rd</sup> Violation* — Additional \$150 fine and possible termination of lease (at the discretion of EMSWCD).

Each violation will be independent of the next unless it is the same type of infraction (e.g., repeated speeding on the farm), or directly related to a past offence (e.g., failing to clean up one's plot after receiving written notice to do so).

### **Checks and Balances**

Staff recognizes the responsibility inherent in this authority and pledges to use it only as a tool to ensure compliance with Headwaters Incubator Program policy. One simple protection against abuse or possible conflicts of interest is that the funds generated through fines will be directed to the general fund, as opposed to the Headwaters Incubator Program's budget. In addition, approval of the Executive Director will be required before fines are imposed and client farmers may appeal a fine to the ED and/or the Chair of the Board.

### **Process**

Information about the offense, citation of the provision of manual violated and an explanation of the appeal process will be provided in writing along with a clear warning of the consequences should the situation not be remedied and/or should it be repeated in the future.