

**Memorandum of Understanding**  
**Between the**  
**“City of Port Colborne”**  
**And**  
**“Port Colborne Downtown Business Improvement Area”**

Purpose:

The purpose of this Memorandum of Understanding (MOU) is to outline and clarify the responsibilities and expectations of each party with regards to the transition of the Port Colborne Farmers’ Market.

Overview:

At their March 8<sup>th</sup>, 2021 council meeting, the City of Port Colborne City Council voted in favour of the Downtown BIA operating the Farmers’ Market, contingent on the completion of an MOU and amendments made to the current by-law.

The Farmers’ Market has a long and valued tradition in Port Colborne. It has been managed by the City and is now transitioning. The Port Colborne Downtown Business Improvement Area (BIA) will be taking over operations of the Farmers’ Market on an eighteen-month pilot project. The City will remain the governing body for the farmers market and will provide support.

Term:

The eighteen-month pilot project will begin on April 30<sup>th</sup>, 2021 and will end on September 30<sup>th</sup>, 2022. Upon the commencement of the term the City and the Downtown BIA will re-evaluate the partnership and the potential renewal of the MOU will be considered.

The City of Port Colborne reserves the right to vacate itself from this MOU and reclaim management of the Farmers’ Market operations at any point during the eighteen-month pilot project time period, if the Farmers’ Market does not meet the expectations of the City appointed Market Director and the Port Colborne City Council.

Farmers Market By-Law

The Port Colborne Farmers’ Market is operated under By-Law N0. 6500/67/17 being a by-law to establish and regulate the Port Colborne Farmers’ Market and to repeal by-laws 4490/21/04 and 5088/143/07. The following amendments will be made to the current by-law in order to follow through with this MOU:

- The “Director” as defined in the by-law will be changed to the Manager of Strategic Initiatives.
- The Executive Director of the Downtown BIA will be deemed the “Market Manager.”
- Under section 4: Operation and Management – Market Manager, subsection ii) states that the Market Manager shall collect all fees payable under this by-law and to pay over, remit, and account weekly to the City Treasurer all fees and monies received with regard to the Market. This subsection will be altered to accurately show the arrangement under this agreement.
- The hours of operation of the Farmers’ Market will be changed from 6:00 a.m. to 1:00 p.m. to 8:00 a.m. to 12:00 p.m.

The by-law clearly states the responsibilities of the Director and Market Manager as well as the market lands, hours of operation, operation and management, general restrictions, authorized goods, unauthorized goods, permitted vendors, entertainment, vendor permit application and approval process, vendor responsibilities, permit cancellations, appeal process, sale and sampling of VGA wine, fruit wine, and cider, indemnification, penalties and enforcement, severability and conflict, by-laws repealed, and effective date. The Market Manager must adhere to all regulations stated in the by-law.

#### Downtown BIA Responsibilities

Under this MOU the Downtown BIA is responsible for the following:

- Gaining approval from Niagara Region Public Health to begin operating the Farmers’ Market. Under COVID-19 restrictions, Public Health must approve the number of vendors and the allowable capacity of people inside the market. This information must be communicated to the City.
- On-site operations including but not limited to set-up, tear-down, traffic control, signage, and compliance with the by-law.
- Administrative responsibilities including but not limited to correspondence, vendor recruiting, processing invoices, and marketing.
- Recruiting and managing volunteers as needed for traffic control and other market responsibilities.
- Adhering to the City of Port Colborne Farmers’ Market By-law and Farmers’ Market Ontario Regulations.
- Ensuring all vendors submit certificates of insurance (COI) naming the City of Port Colborne as additionally insured. All COI’s must be sent to the City. All vendor applications must be shared with the City as well.
- Vendors that have been at the Farmers’ Market in the year’s prior must be given preference to attend the market again.
- Expansion requests must be made to the City at the completion of the pilot project term.
- Register and pay for annual membership and insurance costs to Farmers’ Market Ontario.

### City of Port Colborne Responsibilities:

Under this MOU the City of Port Colborne is responsible for the following:

- Continue normally scheduled maintenance efforts including street sweeping, park maintenance, garbage and snow removal.
- The City will provide road barricades for the closure of Market Square.
- City Event staff will work with the Downtown BIA for compliance with the by-law and this MOU. Event staff will keep in contact regularly to support the Farmers' Market.
- Assist with promotion of the Farmers' Market at the request of the Downtown BIA.

### Financial Considerations

The City of Port Colborne will provide \$2,500 in funding, allocated from the Joint Ventures/Special Projects budget. This funding will provide the support the Downtown BIA needs to be up and running for the 2021 season. It will also help stabilize and grow the Farmers' Market moving forward.

Under this new partnership, the City will still incur costs from vendor hydro usage. With vendor revenue now going to the Downtown BIA, the City will recover the hydro costs through the following:

- Hydro fees have been recovered by the City through an additional vendor fee, that was paid by vendors who required access to hydro. The Downtown BIA will continue to charge vendors the hydro access fee. This revenue will be remitted to the City in order to recover the hydro costs the City will still incur.

Signed:

**Corporation of the City of Port Colborne**

Name:

Title:

Date: \_\_\_\_\_ Signature: \_\_\_\_\_

Name:

Title:

Date: \_\_\_\_\_ Signature: \_\_\_\_\_

**The Port Colborne Downtown Business Improvement Area**

Name:

Title:

Date: \_\_\_\_\_ Signature: \_\_\_\_\_

Name:

Title:

Date: \_\_\_\_\_ Signature: \_\_\_\_\_