

**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 Port Colborne Farmers' Market.

Overview:

At their March 8, 2021 Council meeting, Port Colborne City Council voted in favour of the Port Colborne Downtown Business Improvement Area (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. The Port Colborne Downtown BIA has been managing the Farmers' Market on an 18-month pilot project and they have requested an extension to continue to manage the Farmers' Market for a four-year term.

Term:

With the conclusion of the 18-month pilot project which will end on December 31, 2022, the City and Downtown BIA agree to an extension of this agreement from January 1, 2023 to December 31, 2026. 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 Downtown BIA will provide yearly reports to City staff and City Council. The Downtown BIA will also work collectively with City staff to address any concerns that arise from City Council.

Either Party may terminate this agreement by giving ninety (90) days' notice in writing of its intention to terminate the agreement. Upon cancellation or termination of this Agreement the Downtown BIA shall forthwith remove at their own expense their property from the land of the municipality, leaving said land in a neat and clean condition for the reasonable satisfaction of the City.

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-law 6887/35/21 and replace it with by-law ----/--/--. The “Market Manager” will be appointed by the Downtown BIA.

- Market. This subsection will be altered to accurately show the arrangement under this agreement. The Downtown BIA will assume financial management of the Farmers' Market.
- The hours of operation of the Farmers' Market will be maintained from 8:00 a.m. to 12:00 p.m. The times are subject to further change at the discretion of the Downtown BIA.

The by-law clearly states the responsibilities of the 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 VQA 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. If applicable 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.
- Vendors that have been at the Farmers' Market in the year's prior will be given preference to attend the market again. The Downtown BIA has the final decision on accepting vendors.
- The Downtown BIA will be expanding their footprint into King George Park to better accommodate spacing of vendors in the venue.
- Register and pay for annual membership and insurance costs to Farmers' Market Ontario and provide proof to the City of Port Colborne.

#### 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.
- Assist with volunteer recruitment for Farmers' Market operations, crowd control, and venue capacity.

### Financial Considerations

Under this new partnership, the City will 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:

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