

FOURTH AMENDMENT TO FARMERS' MARKET AGREEMENT

This Fourth Amendment to Farmers' Market Agreement ("Fourth Amendment") is entered into by and between the City of Hermosa Beach, a municipal corporation ("City") and the Hermosa Beach Chamber of Commerce and Visitors' Bureau ("Event Producer") as of January 22, 2019.

RECITALS

- A. City and Event Producer are parties to that Farmers' Market Agreement dated September 8, 2015 (the "Agreement") as amended by a First Amendment dated May 31, 2016 and a Second Amended dated March 15, 2017, pursuant to which City authorized Event Producer to organize, coordinate, produce and oversee a weekly Farmers' Market located at Lower Pier Plaza on Wednesday of each week of the year between the times of 1:00 p.m. and 6:00 p.m. (the "Event").
- B. The City Manager has authorized two extensions to the term of the initial agreement to allow the market to continue under the same terms, the first for 3 months (September 14, 2017 – December 27, 2017) and the second beginning January, 2018 on a month-to-month basis.
- C. The parties have agreed to a Third Amendment, providing a 6-month extension from March 28, 2018 to allow the market to continue through September 27, 2018 in order to allow the parties time to further negotiate the terms under which the market may continue beyond that date.
- D. The City Manager has authorized an extension to the term for 3 months (September 27, 2018 – December 26, 2018).
- E. The City Council has authorized an additional extension to the term for 2 months (January 2, 2019 – February 27, 2019).

NOW, THEREFORE, in consideration of the foregoing, the Agreement is amended as follows:

- 1. Section I of the Agreement entitled "The Event" is amended to read as follows:

During the term of this Agreement, CITY authorizes EVENT PRODUCER to coordinate production of the Event on the portion of Lower Pier Plaza described in Exhibit A and incorporated herein by reference ("the license area"). The EVENT shall consist of vendor booths with a market composition of:

- a. Seventy percent (70%) of vendors that are farmers as well as purveyors of prepackaged food. The market shall maintain a minimum of 6 farmers at all times with exceptions for inclement weather and natural disasters; and

- b. Thirty percent (30%) of vendors shall provide hot food and meals as well as artisans.

Farmers shall be considered California producers of fresh fruit, nuts, vegetables, flowers, honey, eggs, nursery stock, plants and livestock products including fish and shellfish produced under controlled conditions in waters or ponds located in California.

In cases where the market composition is not achievable due to inclement weather or natural disasters, the Event Producer shall make a good faith effort to adhere to them as much as possible.

Should the vendor composition of the market be out of compliance and, in those cases, not associated with inclement weather or a natural disaster, the Event Producer will have 30-days to rectify to the satisfaction of the City. Failure to do so will result in termination of this Agreement.

2. Section II of the Agreement entitled "Term of Agreement" is amended to read as follows:

The Agreement shall take effect upon execution of this Agreement. The EVENT may be produced each Wednesday from January 2, 2019 through June 16, 2020.

Except as above modified, in all other respects the Agreement is hereby reaffirmed in full force and effect.

HERMOSA BEACH CHAMBER OF
COMMERCE AND VISITORS' BUREAU

PRESIDENT

CITY OF HERMOSA BEACH

By _____
CITY MANAGER

ATTEST:

CITY CLERK