

AMENDING MEMORANDUM OF UNDERSTANDING

THIS AMENDING AGREEMENT made as of the ____ day of August, 2021 (the “**Amending Agreement**”)

BETWEEN:

THE REGIONAL MUNICIPALITY OF NIAGARA

(Hereinafter called “**Niagara Region**”)

- and -

THE CORPORATION OF THE TOWN OF PELHAM

(Hereinafter called “**Pelham**”)

WHEREAS by a Memorandum of Understanding dated the 10th day of August, 2020 (hereinafter called the “**MOU**”), Niagara Region and Pelham agreed to include Pelham in Niagara Region’s on-demand transit service pilot project;

AND WHEREAS the Parties hereto desire to amend the MOU to extend the term for a further one (1) year term.

NOW THEREFORE this in consideration of the sum of TWO DOLLARS (\$2.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties agree as follows:

1. The Parties hereto agree that the foregoing recitals are true in substance and in fact.
2. Pursuant to section 2.4(b) of the MOU, the MOU shall be renewed for a further term of one (1) year commencing on August 17, 2021 and ending on August 16, 2022 (the “**Renewal Term**”).
3. In accordance with Section 2.3(a) of the MOU which provides that if the MOU is renewed for a second year, payments in the second year shall be made on those dates being the anniversary date of each of the first year payments, Section 2.3 of the MOU is hereby amended by adding the following new paragraph (c):

(c) pay to Niagara Region the sum of \$179,780.00 each year during the **Renewal Term** divided into three equal instalments as follows:

1. the first instalment to be made no later than August 27, 2021, being the 10th day following the commencement of the **Renewal Term**;
2. the second payment to be made on January 29, 2022; and
3. the final payment to be made May 31, 2021,

which payment dates reflect the anniversary dates of each of the first year payments.

4. Except as otherwise provided in this Amending Agreement, all other terms and conditions of the MOU remain unchanged and continue in full force and effect. All capitalized words used in this Amending Agreement have the meaning ascribed to them in the MOU, unless this Amending Agreement states otherwise.

5. This Amending Agreement may be executed in any number of counterparts, each of which shall be deemed to be an original and all of which taken together shall be deemed to constitute one and the same instrument. Counterparts may be executed in original, faxed or electronic form and the Parties adopt any signatures so received as original signatures of the Parties.
6. This Amending Agreement shall be governed by and construed in accordance with the laws of the Province of Ontario.

IN WITNESS WHEREOF the parties hereto have duly executed this Agreement.

THE REGIONAL MUNICIPALITY OF NIAGARA

Per:

Name: Ron Tripp, P. Eng.
Title: Acting Chief Administrative Officer

Name: Todd Harrison, CPA, CMA
Title: Commissioner Corporate Services/Treasurer

I have the authority to bind the Corporation.

THE CORPORATION OF THE TOWN OF PELHAM

Per:

Name:
Title:

Name:
Title:
I/We have authority to bind the Corporation.