

DATE: June 11, 2018

FILE: 7200-01

TO: Chair and Directors
Black Creek/Oyster Bay Services Committee

Supported by Russell Dyson
Chief Administrative Officer

FROM: Russell Dyson
Chief Administrative Officer

R. Dyson

RE: Fire and Rescue Services Agreement – Mutual Aid

Purpose

The purpose of this report is to seek Board endorsement to extend the current fire and rescue services mutual aid agreement allowing Comox Valley Regional District (CVRD) fire departments to request assistance, or respond to requests for assistance from other local fire departments on a cost recovery basis. Further to update the committee regarding the mutual aid agreement with Canadian Forces Base Comox (CFB Comox)

Recommendations from the Chief Administrative Officer:

THAT the Board approve the extension and amendment of the current Fire and Rescue Services Mutual Aid Agreement with the City of Campbell River, City of Courtenay, Town of Comox, Village of Cumberland, Union Bay Improvement District, and the Ships Point Improvement District, for a five-year term (May 10, 2018 – May 10, 2023), as outlined in staff report dated June 11, 2018.

AND FINALLY THAT the Chair and Corporate Legislative Officer be authorized to execute the agreement.

Executive Summary

- The term of the current agreement is May 10, 2018 and remains in effect on a month-to-month basis.
- Legal counsel and Municipal Insurance Association have reviewed the agreement.
- An agreement to extend and amend the current mutual aid agreement has been developed.
- Update: The mutual aid agreement with CFB Comox will expire in June 2019.
- A renewed agreement with CFB Comox is currently being developed by the Department of National Defence (DND) and will be the subject of a future staff report.

Prepared by:

Concurrence:

J. Bast

T. Ian Smith

James Bast
Manager of Fire Services

T. Ian Smith, MCE
General Manager of
Community Services

Stakeholder Distribution (Upon Agenda Publication)

City of Courtenay	
Town of Comox	
Village of Cumberland	
Union Bay Improvement District	
City of Campbell River	
Ships Point Improvement District	
CFB Comox	

Background/Current SituationComox Valley fire and rescue services agreement

In May of 2007, the CVRD joined other fire and rescue service providers in endorsing the Comox Valley Fire and Rescue Services agreement which provides for the ability of fire departments to legally and promptly access the resources of other fire departments should they be needed and available. Since inception, this agreement has been proven a valuable tool for mutual aid assistance between the fire departments. The term of the current agreement is May 10, 2018 and remains in effect on a month-to-month basis.

In discussions with the membership of the Comox Valley Fire Chiefs Association, staff has developed amendments that update the agreement to reflect current reimbursement rates, as determined by the Province.

Legal counsel assisted in the development of an agreement to extend and amend the current mutual aid agreement (attached as Appendix A).

Update: Mutual aid agreement – Canadian Forces Base Comox

In May of 2014, the CVRD signed the Memorandum of Understanding with the DND and other fire and rescue service providers which provides for the ability of fire departments to legally and promptly access resources of CFB Comox should they be needed and available. Since that time, this agreement has been a valuable tool for mutual aid assistance. The current agreement expires in June of 2019

DND is currently developing a renewed agreement which will be the subject of a future staff report

Policy Analysis

The *Local Government Act, (RS2015)* - Sections 263 and 697 empower the CVRD to enter into mutual aid agreements with other jurisdictions.

The CVRD provides fire protection services in the Black Creek/Oyster Bay Fire protection service area by way of the Black Creek/Oyster Bay fire services Bylaw No. 176.

The regulatory Bylaw No. 176 includes a “Cost recovery fees and charges for extraordinary fires” component. Under this section of the bylaws the CVRD may recover costs from the property owner where an extraordinary fire has occurred.

At its regular meeting of March 26, 2013 the board endorsed the CVRD entering into a fire and rescue services agreement with other local government fire protection service providers.

Options

The options available to the board include:

1. Endorse the extension and amendment of the mutual aid agreement.
2. Request further information.
3. Not endorse the extension and amendment of the mutual aid agreements.

This staff report provides information in support of option 1

Financial Factors

As the mutual aid agreement includes a “cost recovery” component, it is possible that a request for assistance may impact the operational budget of a requesting fire department. This aspect is mitigated by the regulatory bylaw component that authorizes the CVRD to recover mutual aid costs associated with an extraordinary fire. Further, past records indicate that this is a very rare occurrence.

Legal Factors

In 2006, the development of the first mutual aid agreements included a review by legal counsel as well as a review by the Municipal Insurance Association (MIA).

In 2018, the agreement was again reviewed by legal counsel and MIA to confirm that past advice is still relevant. Both MIA and legal counsel have provided their opinion.

Legal counsel assisted in the development of an agreement to extend and amend the current agreement

Regional Growth Strategy Implications

Objective 7C of the Regional Growth Strategy is to improve regional fire safety. The recommendations of this report support that objective.

Intergovernmental Factors

If approved, the renewed mutual aid agreement will facilitate the continued efficiencies of working with other local governments, improvement districts, and their respective fire departments, in providing an enhanced fire protection service.

Interdepartmental Involvement

Community services and financial services staff worked collaboratively to develop the renewed Comox Valley fire and rescue services agreement.

Citizen/Public Relations

If approved, the renewed fire service mutual aid agreement with neighbouring jurisdictions will provide the citizens of the CVRD with an enhanced fire protection service.

Attachments: Appendix A – “Mutual Aid Agreement Extension and Amendment”

**AGREEMENT TO EXTEND
MUTUAL AID AGREEMENT**

THIS AGREEMENT dated for reference the ____ day of _____, 2018.

BETWEEN:

COMOX VALLEY REGIONAL DISTRICT

600 Comox Road
Courtenay, BC V9N 3P6

AND:

THE CITY OF COURTENAY

830 Cliffe Avenue
Courtenay, B.C. V9N 2J7

AND:

THE TOWN OF COMOX

1809 Beaufort Avenue
Comox, B.C. V9M 1R9

AND:

THE CORPORATION OF THE VILLAGE OF CUMBERLAND

2673 Dunsmuir Avenue
Box 340
Cumberland, B.C. V0R 1S0

AND:

THE UNION BAY IMPROVEMENT DISTRICT

5539 South Island Highway
Union Bay, B.C. V0R 3B0

AND:

THE SHIPS POINT IMPROVEMENT DISTRICT

7729 Vivian Way
Fanny Bay B.C. V0R 1W0

AND:

THE CITY OF CAMPBELL RIVER

301 St. Ann's Road
Campbell River, B.C. V9W 4C7

(herein after referred to as the "Parties")

WHEREAS:

- A.** Under a mutual aid agreement between the parties dated the 9th of May 2013 entitled the "Comox Valley Fire and Rescue Service Agreement" (the "Agreement"), the Parties agreed to the terms and conditions specified therein.

- B. The Term of the Agreement expires on May 10, 2018.
- C. The parties have agreed to extend the term of the Agreement on the amended terms and conditions set out in this agreement (the “Extension and Amending Agreement”).

NOW THEREFORE in consideration of the mutual covenants and agreements contained in this amendment agreement and in consideration of the sum of \$10.00 now paid by each of the parties to the other the receipt and sufficiency of which is acknowledged, the parties agree as follows:

1. Amendment of Attachments

Attachment “A” to the Agreement is hereby replaced with Attachment “A” attached herein and dated March 2018.

2. Extension of Term

The Term of the Agreement is hereby extended for a further five years, commencing on May 11, 2018 and ending on May 10, 2023.

3. Ratification

Except as expressly amended by this amendment agreement, the parties ratify and confirm the Agreement. The Agreement and this Extension and Amending Agreement shall be read and construed as one agreement.

4. Time

Time shall remain of the essence of the Agreement and of this Extension and Amending Agreement.

6. Counterparts

This Extension and Amending Agreement may be signed in counterparts, which together shall constitute one agreement.

The parties have executed this Extension and Amending Agreement with effect as of the date and year first above written.

THE SEAL OF THE COMOX VALLEY REGIONAL DISTRICT was hereunto affixed on the _____ day of _____ 2018 in the presence of:

Bruce Jolliffe, Chair

James Warren,
Corporate Legislative Officer

THE SEAL OF THE CITY OF COURTENAY was hereunto affixed on the _____ day of _____ 2018 in the presence of:

Name and Title

Name and Title

THE SEAL OF THE TOWN OF COMOX was hereunto affixed on the _____ day of _____ 2018 in the presence of:

Name and Title

Name and Title

THE SEAL OF THE CORPORATION OF THE VILLAGE OF CUMBERLAND was hereunto affixed on the _____ day of _____ 2018 in the presence of:

Name and Title

Name and Title

THE SEAL OF THE UNION BAY IMPROVEMENT DISTRICT was hereunto affixed on the _____ day of _____ 2018 in the presence of:

Name and Title

Name and Title

THE SEAL OF THE SHIPS POINT IMPROVEMENT DISTRICT was hereunto affixed on the _____ day of _____ 2018 in the presence of:

Name and Title

Name and Title

THE SEAL OF THE CITY OF CAMPBELL RIVER was hereunto affixed on the _____ day of _____ 2018 in the presence of:

Name and Title

Name and Title

	Expiry Date
Original agreement	May 10, 2018
Extension and Amendment #1 – Updates to term and reimbursement	May 9, 2023

COMOX VALLEY FIRE AND RESCUE SERVICES AGREEMENT
Attachment “A”.
March 2018
“Reimbursement Rates for Emergency Resources”

Emergency Resource reimbursement rates are as per the Province of BC document “Inter-Agency Operational Procedures and Reimbursement Rates” as amended from time to time.

Specialized Emergency Resource reimbursement rates are as follows:

Fireboat with a minimum of two firefighters	\$495.00 /hour
Hazmat “B” trailer, tow vehicle & four firefighters	\$440.00/hour
Hazmat Special Operations Apparatus “Level A”	At rate of Structural Engine-Type 1