

**DATE:** July 4, 2017**FILE:** 3900-02**TO:** Chair and Directors  
Electoral Areas Services Committee**FROM:** Russell Dyson  
Chief Administrative Officer**RE:** Merville Fire Protection District – Service Establishment Bylaw

---

**Purpose**

To introduce a service establishment bylaw for the Merville fire protection service following the conversion to a Comox Valley Regional District (CVRD) service on June 15, 2017.

**Policy Analysis**

The *Local Government Act* (RSBC, 2015, c. 1) authorizes the CVRD to create a bylaw to provide a service, in this instance as a result of the conversion of the Merville Fire Protection District (MFPD) to a CVRD service by an Order in Council.

**Executive Summary**

Bylaw No. 484 being “Merville Fire Protection Service Establishment Bylaw No. 484, 2017” (Appendix A) is presented to the board for consideration of adoption and is based on the conversion of the MFPD to a CVRD service on June 15, 2017.

In 2016, the CVRD and MFPD worked together to investigate the fire protection costs, benefits and governance in the Merville community area. The CVRD engaged Fred Banham & Associates and Dave Mitchell & Associates to undertake a Merville fire services study, which identified opportunities for improvements to the service delivery within this area.

At its October 2016 meeting, the CVRD board approved a resolution supporting the dissolution of the Merville Fire Protection District and its subsequent conversion to a CVRD service. The CVRD board further supported the conversion in January 2017. The Ministry of Community, Sport and Cultural Development issued an Order in Council and the conversion occurred on June 15, 2017. This report introduces a service establishment bylaw for the Merville fire protection service.

Following the adoption of the Merville fire protection service establishment bylaw, the Ministry has indicated that the service boundary should be amended to include 16 properties that were inadvertently omitted from the MFPD boundaries during a legislative update in February 2016 (Appendix B illustrates the omitted properties). Fire protection has been maintained since the omission.

**Recommendation from the Chief Administrative Officer:**

THAT the Merville fire protection service establishment bylaw be considered for three readings and adoption;

AND FURTHER THAT following adoption of the service establishment bylaw, the boundaries be amended to incorporate specific properties that were inadvertently omitted from the improvement district boundaries.

Respectfully:

***R. Dyson***

---

Russell Dyson  
Chief Administrative Officer

### **Background/Current Situation**

A research project began in May 2016 to investigate the fire protection costs, benefits and governance in the Merville community area. The CVRD engaged Fred Banham & Associates and Dave Mitchell & Associates to undertake a Merville fire services study which identified opportunities for improvements to the service delivery within this area.

The study contained two recommendations:

- 1) The Merville Fire Protection District apply to the Minister to request conversion from the existing Improvement District model of governance to a Merville Fire Protection Local Service Area, a service function of the Comox Valley Regional District.
- 2) The Regional District proceed to develop an auxiliary fire hall facility in the Merville region, co-funded by the Merville and Tsolum-Farnham property tax local service areas and operate the auxiliary fire hall under contract with an established fire department as part of their fire response jurisdiction.

At its October 2016 meeting, the CVRD board approved a resolution supporting the dissolution of the Merville Fire Protection District and its subsequent conversion to a CVRD service. The CVRD board further supported the conversion in January 2017. The conversion is effective June 15, 2017.

In a related matter, the Ministry of Community, Sport and Cultural Development identified that 16 properties were inadvertently omitted from the MFPD boundaries during a legislative update in February 2016 (Appendix B illustrates the omitted properties). Fire protection has been maintained since the omission. Given that these properties have historically been included in the MFPD boundaries, the ministry is requesting that the CVRD add the properties into the Merville fire protection service immediately following the conversion process. As the conversion is complete, adopting the service establishment bylaw will allow for the correction of the omitted properties.

### **Options**

The recommendations in this report are administrative in nature and should be approved to enable the implementation of the Merville fire protection service conversion. More importantly, decisions regarding the future of fire protection in the Merville community will be put forward later in 2017 as the CVRD staff determine available finances, current contractual commitments with the City of Courtenay and implementation of the Banham and Mitchell report, including the proposal for an auxiliary hall located between the Oyster River and City of Courtenay.

### **Financial Factors**

The Financial Services Department is currently reviewing the records, bank accounts (including reserves), existing contracts, assets/liabilities and financial statements for the former MFPD. Further, through the conversion the CVRD has inherited the MFPD financial plan for 2017 and will work with this framework for the remainder of the year. In planning for the 2018 to 2022 financial plan, staff will present options for service delivery and contracting provisions to an upcoming Electoral Areas Services Committee meeting.

### Legal Factors

As this staff report is recommending the adoption of a service establishment bylaw (and subsequent amending bylaw to reinsert the omitted 16 properties), a description of the proposed service establishment bylaw (Appendix A) is required:

- Purpose: fire protection in the Merville community
- Boundaries: same as when conversion occurred on June 15, 2017 (note: immediately following bylaw adoption, an amendment will be introduced to include the omitted 16 properties in the service boundaries)
- Participants: Electoral Area B and C
- Methods of cost recovery: property taxes, parcel taxes, fees and charges, other revenues as available through the *Local Government Act* (RSBC, 2015, C. 1)
- Maximum requisition: the greater of \$330,000 or \$0.6228 per \$1,000 applied to the net taxable value of land and improvements for regional hospital district purposes.

Prior to adoption of the service establishment bylaw by the CVRD board, the bylaw must receive three readings and be submitted to the Inspector of Municipalities for approval. It is expected that the board may consider the bylaw for adoption in September or October 2017.

### Regional Growth Strategy Implications

By providing fire service to the Merville area the CVRD is ensuring fire protection to rural areas bordering on forest lands with the potential increase of wildfires due to climate change, with drier summers.

### Intergovernmental Factors

The City of Courtenay and CVRD are now in a contractual relationship following the MFPD conversion. The City provides fire protection to the Merville fire protection service. Any changes in service level or increased or decreased financial commitments will need to be reviewed by both parties. The City of Courtenay was consulted during the Banham and Mitchell report development.

### Interdepartmental Involvement

The Corporate Services and Community Services Branches have been involved in the development of this report.

### Citizen/Public Relations

The public have been engaged throughout the conversion process by way of public open houses, direct mailings and a web page. An updated web page and further engagement is expected as the Banham and Mitchell proposals are considered. Timing of activities is especially important to the members of the public who are anticipating a potential change in fire insurance premiums. Similarly, an auxiliary fire hall to be located in the Merville area will require additional volunteer firefighters.

Prepared by:

***K. Kenney***

---

Kelly Kenney  
Manager of Legislative Services

Concurrence:

***C. Wile***

---

Christianne Wile  
Acting General Manager of  
Corporate Services

Attachments: Appendix A – Bylaw No. 484 being “Merville Fire Protection Service Establishment Bylaw No. 484, 2017”  
Appendix B – “Omitted properties”

**COMOX VALLEY REGIONAL DISTRICT**

**BYLAW NO. 484**

**A bylaw to establish the Merville Fire Protection Service**

**WHEREAS** under section 332 of the *Local Government Act* (RSBC, 2015, C. 1) a regional district may operate any service the board considers necessary or desirable for all or part of the regional district;

**AND WHEREAS** the board of the Comox Valley Regional District wishes to establish a service to provide for fire protection in the Merville community following the conversion of the Merville Fire Protection District to a Comox Valley Regional District service on June 15, 2017;

**AND WHEREAS** the approval of the inspector of municipalities has been obtained under section 342 of the *Local Government Act* (RSBC, 2015, C. 1); and

**AND WHEREAS** the approval for the participating areas is not required due to the level of consultation and engagement conducted during the Improvement District conversion process;

**NOW THEREFORE** the board of the Comox Valley Regional District in open meeting assembled enacts as follows:

**Service**

1. (1) The service established by this bylaw is to provide a fire protection service in the Merville community.
- (2) The service shall be known as the Merville fire protection service (the ‘service’).

**Boundaries**

2. The boundaries of the service are portions of Electoral Area ‘B’ (Lazo North) and Electoral Area ‘C’ (Puntledge – Black Creek) as identified in schedule ‘A’ attached to and forming part of this bylaw.

**Participating areas**

3. Electoral Area ‘B’ (Lazo North) and Electoral Area ‘C’ (Puntledge – Black Creek) include a participating area in the service.

**Cost recovery**

4. As provided in section 378 of the *Local Government Act* (RSBC, 2015, C. 1), the annual cost for this service shall be recovered by one or more of the following:
  - (a) property value taxes;
  - (b) parcel taxes;
  - (c) fees and charges imposed under section 363 of the *Local Government Act* (RSBC, 2015, C. 1);
  - (d) revenues raised by other means authorized by the *Local Government Act* (RSBC, 2015, C. 1) or another Act; and
  - (e) revenues received by way of agreement, enterprises, gift, grant or otherwise,

**Maximum requisition**

5. In accordance with section 339(1)(e) of the *Local Government Act*, the maximum amount that may be requisitioned annually for the cost of the service is the greater of \$330,000 or \$0.6228 per \$1,000 applied to the net taxable value of land and improvements for regional hospital district purposes.

**Citation**

This Bylaw No. 484 may be cited as "Merville Fire Protection Service Establishment Bylaw No. 484, 2017".

**Read a first and second time this** day of 2017.

**Read a third time this** day of 2017.

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 484 being "Merville Fire Protection Service Establishment Bylaw No. 484, 2017" as read a third time by the board of the Comox Valley Regional District on the day of 2017.

\_\_\_\_\_  
Corporate Legislative Officer

**Approved by the**  
**Inspector of Municipalities this** day of 2017.

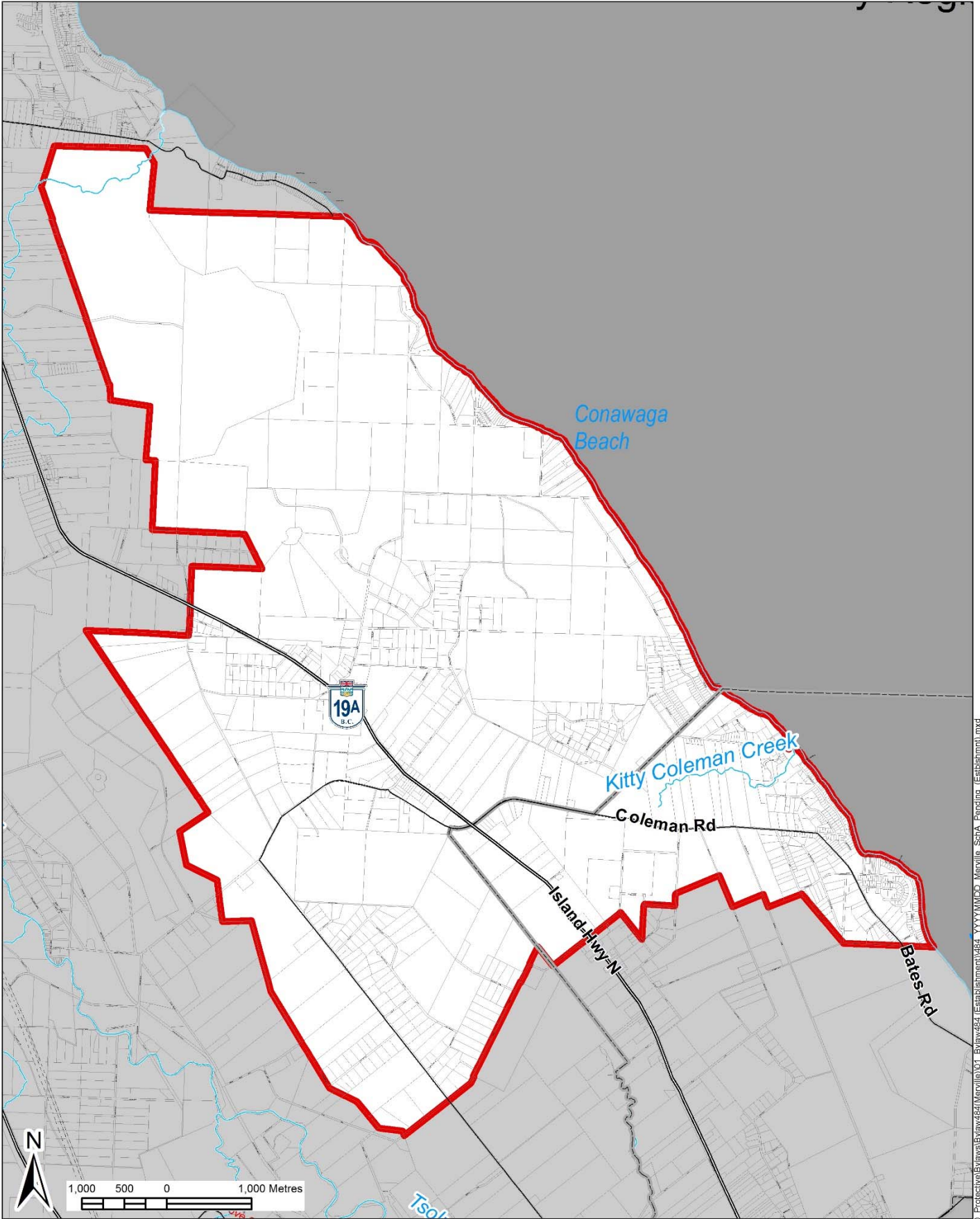
**Adopted this** day of 2017.

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Corporate Legislative Officer

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 484 being "Merville Fire Protection Service Establishment Bylaw No. 484, 2017" as adopted by the board of the Comox Valley Regional District on the day of 2017.

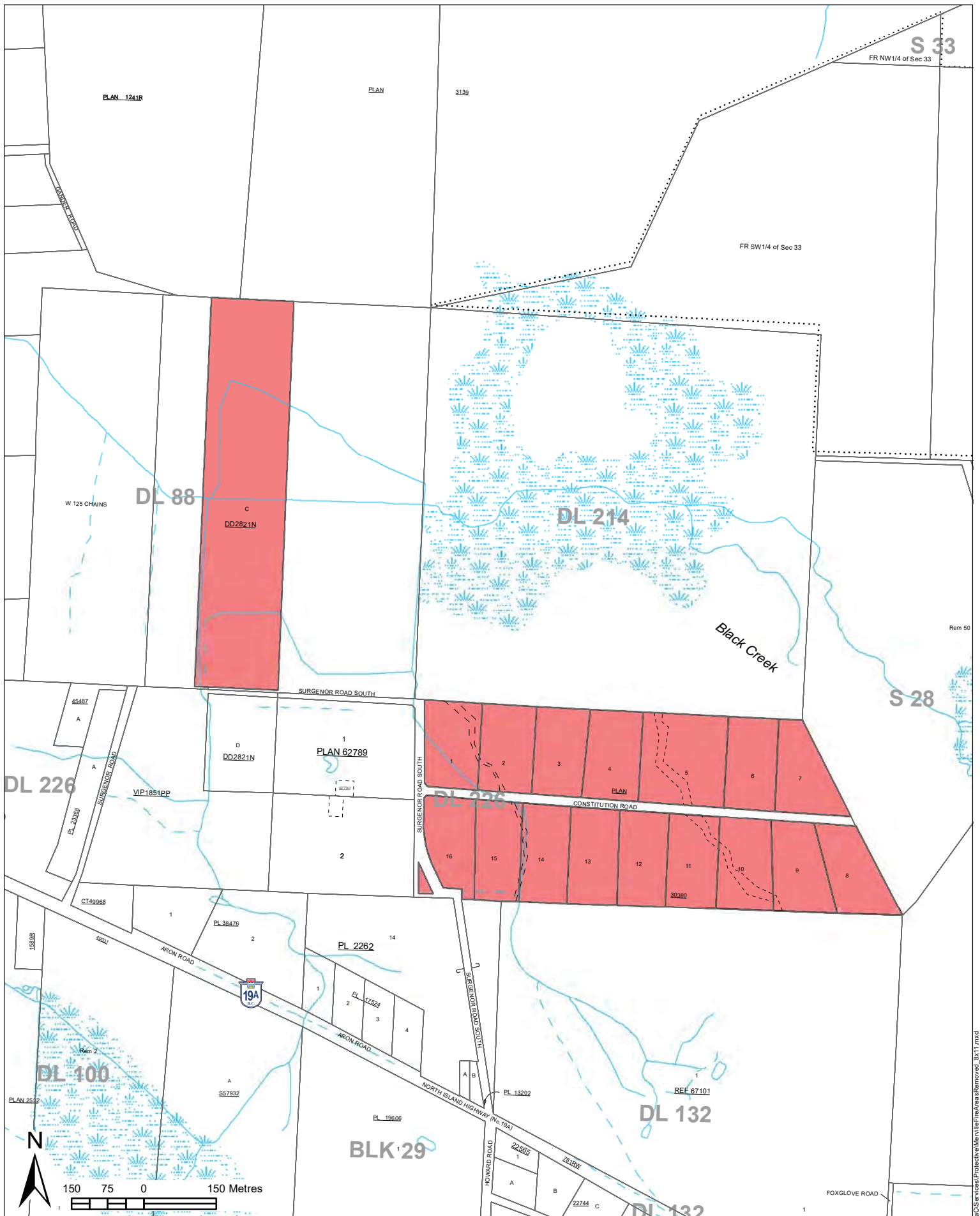
\_\_\_\_\_  
Corporate Legislative Officer



**Schedule "A"**

"Merville Fire Local Service Area Establishment Bylaw No. 484, 2017 "

R:\services\200\_ProtectiveBylaw\Bylaw484\Merville\01\_LBylaw484 (Establishment)\484\_L\_YYYY\MMDD\_Merville\_SchA\_Pending\_(Establishment).mxd



## Properties Removed from Merville Fire Protection District

Path: R:\Projects\AreaCS\services\Protective Map\ref\FireAreasRemoved\_8x11.mxd