East Sooke Fire Protection and Emergency Response Service Commission
6071 East Sooke Road, East Sooke, BC, V9Z0Z8

commissioners@eastsookefirecommission.ca

AGENDA - AGM MEETING

Date: Wednesday, November 25, 2026. 7:00 PM

East Sooke Community Hall 1397 Copper Mine Rd Sooke BC V9Z1B2

1. Adoption of Agenda

2. Adoption of Minutes from Meeting Oct 28, 2026

3. Reports

a. Chair's Report (John Clarkson)

b. Fire Chief's Report (Chief Fiona Larkin)

c. Finance Report (Chief Fiona Larkin)

d. Community Hall Report (Wendy Herring)

5. Old Business

- Nominees for New Commission Member 2026.
- Staff Report – Commission Governance Practices, Agenda Packages, Meeting Records, and Meeting Administration

6. New Business

1. The Commission may pass motions that will be fulfilled at some unknown future date. We need a system for tracking these motions and keeping them current as time passes. Wendy will lead the discussion.

2. Discuss process and timeline for negotiation of a new rental agreement with JdF SAR for a portion of the ES Community Hall. The current 5-year agreement ends in December 2027.

3. Motion: Wendy Herring ESCH Fund Transfer Request

   Motion: That the East Sooke Fire Commission approve the transfer of $10,000 from the Operating Fund of the East Sooke Community Hall (1001-102163 ESCH) to their Capital Reserve Fund (1079-102246 CR ESCH), such transfer to be completed before 31 December 2026.

7. Public Question and Answer

8. Adjournment of meeting

East Sooke Fire Protection and Emergency Response Service Commission
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Commissioners Present: John Clarkson (Chair), Mike Yeager, Wendy Herring, Edward Helm (Vice Chair), Jon Kuzyk (Secretary), Al Wickheim
Absent: Simon Miles
FD Present: Chief Fiona Larkin
Public Present: 1

MINUTES - COMMISSION MEETING

East Sooke Community Hall 1397 Copper Mine Rd Sooke

BC. Date: Wednesday, October 28, 2026. 7:00 PM

1. **Adoption of Agenda**

MOVED: Ed Helm SECONDED: Wendy Herring **CARRIED**

2. **Adoption of Minutes from Meeting September 23, 2026**

MOVED: Ed Helm SECONDED: Jon Kuzyk **CARRIED**

3. **Reports**
   a. Chair's Report (John Clarkson)
      i. **Discussion:** Chair John Clarkson discussed the CRD request to change the Commission Agenda Package and submittal process which adjustments were made for this month's October meeting.
   b. Fire Chief's Report (Chief Fiona Larkin)
      i. Chief Fiona Larkin reviewed Q3 Fire Chief's Report as per addendum.
   c. Finance Report (Chief Fiona Larkin)
      i. Chief Larkin discussed the finance report. As per addendum.
      ii. **Discussion:** Brief Question and Answer period amongst the Commission in regards to the Q3 Fire Chiefs Report.
   d. Community Hall Report (Wendy Herring)
      i. Commissioner Wendy Herring reviewed the latest Community Hall Report and Meeting Minutes. As per addendum.

4. **Old Business**
   a. Funding request to CRD to support ESVFD firefighting costs for the East Sooke Regional Park Service Area.

RECOMMENDATION:
Staff recommends to the East Sooke Fire and Emergency Response Services Commission: That East Sooke Regional Park remain within the East Sooke Fire Protection and Emergency Response Service Area and that staff continue to work with CRD Regional Parks to clarify and document operational roles, responsibilities, and contingency planning related to wildfire preparedness and emergency response.

MOVED: Mike Yeager SECONDED: Wendy Herring **CARRIED**

b. Nominees for New Commission Member 2026

Commissioner Al Wickheim reported to the Commission that there are no new applicants at this time.

c. November AGM Meeting

Discussion:
AGM Meeting, Reports and presentations that will be discussed during the November 2026 AGM.

5. New Business

a. Recent discussion with Chris V CRD Mgr Fire/Protective Services with regards to submission of agenda, minutes, reports. and setting up virtual meeting.

Discussion: Staff Report – Commission Governance Practices, Agenda Packages, Meeting Records, and Meeting Administration

The Commission briefly discussed the Report and came to a consensus they will need more time to review and discuss. For now we have preliminary questions in regards to the change is process for the public facing agenda package and have the following questions as a result. The Chair made it clear to all Commissioners there will be more questions and discussions on this topic at the following meeting.

- page 4, Agenda packages: Why would draft minutes be appropriate in the Agenda package? Are there no risks in sharing draft minutes with the Public?
- Appendix B: is there a timeframe for producing draft minutes? Would it be appropriate to release draft minutes only to Commission Members and not in the standard agenda package?

6. Public Question and Answer
There were no questions from the public at this time.

7. Adjournment of meeting
MOVED: Jon Kuzyk SECONDED: Mike Yeager **CARRIED**

Meeting Adjourned: 8:31 PM

Chairs Report AGM

East Sooke Fire Commission November 2026

This past year the Commission has dealt with the East Sooke Fire Protection and Emergency Response Service Review, specifically around funding and governance considerations for the East Sooke Park and general area. The Commission agreed to accept the CRD recommendation that the East Sooke Regional Park remain within the East Sooke Fire Protection and Emergency Response Service Area and that staff continue to work with CRD Regional Parks to clarify and document operational roles, responsibilities, and contingency planning related to wildlife preparedness and emergency response.

The Commission is now reviewing the CRD report to East Sooke Fire Protection and Emergency Response Service Commission on Commission Governance Practices, Agenda Packages, Meeting Records and Meeting Administration of October 2026. The Commission has numerous questions regarding this package which is extensive and far-reaching regarding policy and procedures. Over the next period we will be submitting requests for clarification on many aspects of this package.

The Commission continues to review the financial reports for East Soke and has had questions regarding some line items and currently has question regarding the line items with regard to the Community Hall which we hope to have clarified in the very near future.

The Community Hall is functioning extremely well under the stewardship of Commissioner Herring and the Hall team and as such the Commission is very happy with continuing the current established Hall governance policy.

The Commission currently has one seat on the Commission not filled over the past year. This has not affected the work and deliverables required of the Commission, however the Commission will welcome a new Commissioner if a suitable candidate for the vacant position comes forward.

John Clarkson
Chair

Making a difference...together

REPORT TO EAST SOOKE FIRE PROTECTION AND EMERGENCY RESPONSE SERVICE COMMISSION
MEETING OF November 25, 2026

ISSUE SUMMARY

To consider proposed amendments to the 2027 Operating and Capital Budget and receive direction regarding long-term reserve funding and the treatment of future operating surpluses as part of the 2027-2031 Financial Plan for the East Sooke Volunteer Fire Department and Community Hall.

BACKGROUND

The Capital Regional District (CRD) 2027-2031 final budget intake closes at the end of 2026 and will be considered by the CRD Board in spring 2027. Staff have reviewed the approved provisional budget and identified several additional operating and financial planning adjustments for consideration as part of the final financial planning process.

The proposed amendments are intended to address increasing service demands, maintain operational readiness, support volunteer firefighter recruitment and retention, enhance administrative capacity, and strengthen long-term financial sustainability.

OPERATING BUDGET CONSIDERATIONS

Preliminary Approved Budget Adjustments

The approved preliminary budget incorporated the following net operating budget adjustments for 2027:

Description	Adjustment
Salaries - Full Time	$43,667
Insurance - Public Liability	$764
Insurance - Fire	$680
Standard Overhead Allocation	$2,993
Electricity	$410
Contingency	($30,252)
Net Preliminary Adjustment	**$18,262**

Recommended Additional Operating Budget Adjustments

Staff recommend the following amendments be incorporated into the 2027 operating budget.

Description	Adjustment	Rationale
Wages and Benefits / Other	$14,780	Administrative support capacity, expanded Duty Officer coverage, and firefighter staffing plan implementation
CRD Vehicles	$5,000	Increased maintenance and operating costs
Group Accident Insurance	$12,000	Expanded member coverage
Staff Training and Development	$860	Training requirements
Fuel - Diesel	($5,000)	Budget adjustment based on actual expenditures
First Aid and Safety Supplies	$690	Increased operational requirements
Operating Supplies	($5,000)	Budget reallocation
Protective Clothing	($7,330)	Realignment through reserve funding
Net Additional Amendment	**$16,000**	

Summary of Budget Impacts

Item	Impact
Approved Preliminary Budget Increase	$18,262
Recommended Final Amendment	$16,000
Total Operating Budget Increase	**$34,262**

Operating Budget Rationale

The proposed operating budget amendments are intended to address increasing service demands while maintaining operational readiness and organizational sustainability. Key initiatives include:

- Enhanced staffing resources to support emergency response coverage and operational capacity;
- Establishment of a part-time administrative support function to assist with records management, regulatory compliance, reporting requirements, and general administration;
- Increased firefighter workday allocations to support training, recruitment, mentoring, station operations, and emergency preparedness; and
- Expanded Duty Officer coverage to improve leadership availability and response capacity.

The budget also includes enhancement of the existing accident insurance program, increased training and safety supply funding, and realignment of certain replacement expenditures through the Equipment Replacement Reserve Fund to better align operational and capital funding responsibilities.

2027 Firefighter Staffing Plan

The proposed staffing plan includes the following program commitments:

Activity	Allocation
Training	16 hours per week
Operations	16 hours per week
Administration and Records Management	8 hours per week
Duty Officer Coverage	Two-person crew every second weekend
Firefighter Work Days	86.5 days

IMPLICATIONS

Financial

The proposed 2027 budget results in a requisition increase of $64,221 (10.01%), from $641,748 in 2026 to $705,969 in 2027.

The 2026 requisition was reduced through application of a 2025 operating surplus of $30,252. The proposed 2027 financial plan assumes no surplus carry-forward funding. As a result, a portion of the year-over-year increase reflects a return to ongoing funding requirements rather than new expenditure pressures.

In addition, the contract service fee associated with the Silver Spray service area has not yet been finalized, pending receipt of 2027 BC Assessment values. Accordingly, the proposed requisition should be considered preliminary and subject to refinement through the final financial planning process.

Capital Budget Considerations (2027-2031)

Staff recommend that the capital projects and reserve contributions identified in the Department's Five-Year Capital Plan be incorporated into the 2027-2031 Financial Plan. These initiatives support operational readiness, firefighter safety, asset lifecycle management, and long-term apparatus replacement planning.

A key capital project for 2027 is the replacement of Engine 2. Given the significant lead times and costs associated with fire apparatus procurement it is recommended that this project commence at the earliest opportunity.

The capital plan also includes ongoing funding for firefighter personal protective equipment, firefighting equipment replacement, pager replacement, completion of the training centre, mobile data terminals, and a future exhaust extraction system to improve firefighter health and safety and reduce diesel exhaust exposure within the station.

Staff have reviewed long-term Equipment Replacement Reserve Fund requirements and recommend that increased annual contributions of an additional $5000 each year ongoing starting in 2028 will be necessary to support future apparatus replacement obligations. However, the Department continues to carry existing debt servicing obligations through 2029. Staff therefore recommend maintaining current annual Equipment Replacement Reserve Fund

contributions through 2029 and to consider incremental increases beginning in 2030 following retirement of the existing debt obligation. This approach balances affordability with the need to strengthen long-term reserve funding.

Treatment of Annual Surplus or Deficit

Following completion of the annual reconciliation process, actual operating results may result in either a surplus or deficit. Where a deficit occurs, the Commission may consider funding the shortfall through available operating reserves, expenditure reductions, or adjustments to planned reserve contributions.

Where a surplus occurs, the Commission may elect to carry funds forward to offset future funding requirements. While this approach may provide short-term financial relief, it can create funding volatility by artificially reducing one year's funding requirement and contributing to larger increases in subsequent years when surplus funds are no longer available. Staff generally recommend directing annual surpluses toward reserves where appropriate to support long-term financial sustainability.

Fire Department Surplus Allocation

For Fire Department operations, staff recommend that future annual operating surpluses be directed toward reserve funds to support equipment replacement, capital renewal, and operational flexibility.

Allocation	**Percentage**
Equipment Replacement Reserve Fund	50%
Fire Department Capital Reserve Fund	25%
Operating Reserve Fund	25%
Total	**100%**

This approach prioritizes apparatus and equipment replacement funding while maintaining flexibility through operating and capital reserves. It also supports future reserve funding requirements associated with implementation of increased Equipment Replacement Reserve Fund contributions beginning in 2030.

Community Hall Surplus Allocation

The Community Hall operates as a separate program funded primarily through rental revenues, user fees, fundraising activities, donations, and volunteer support rather than taxation. Accordingly, staff recommend that Community Hall surpluses remain within the Community Hall side of the service.

To balance operational flexibility with long-term facility sustainability, staff recommend the following default allocation framework for the Community Hall.

Allocation	**Percentage**
Carry Forward to Subsequent Year's Operating Budget	50%

Community Hall Capital Reserve Fund	50%
Total	**100%**

This approach supports future operating requirements while building reserve capacity for major maintenance, rehabilitation, and facility renewal projects. For 2026, the Community Hall requests that a minimum of $10,000 be directed to the Capital Reserve Fund – Community Hall to reconcile for the paving project completed in 2026.

CONCLUSION

The 2027-2031 Financial Plan provides an opportunity to align service delivery requirements, operational sustainability, reserve funding, and long-term asset replacement planning for the East Sooke Volunteer Fire Department and Community Hall.

The proposed operating budget amendments address identified requirements related to staffing capacity, records management, emergency response readiness, firefighter support, and organizational sustainability. The proposed reserve funding and surplus allocation strategies further support long-term financial planning and responsible stewardship of public resources while ensuring flexibility to address future operational and capital requirements.

RECOMMENDATIONS

The East Sooke Fire Protection and Emergency Response Service Commission recommends to the Capital Regional District Board:

1. ***That the 2027 preliminary operating budget for the East Sooke Fire Protection and Emergency Response Service be increased by $34,262 and incorporated into the Final 2027-2031 Financial Plan.***

2. ***That the Commission endorse the surplus allocation framework outlined in this report for consideration during future year-end financial reconciliations, including:***

    - ***allocation of Fire Department operating surpluses of 50% to the Equipment Replacement Reserve Fund, 25% to the Fire Department Capital Reserve Fund, and 25% to the Operating Reserve Fund; and***

    - ***allocation of Community Hall operating surplus to the Community Hall Capital Reserve Fund, in the amount of $10,000 for $2026.***

3. ***That staff maintain current annual Equipment Replacement Reserve Fund contribution levels through 2029 and bring forward options for incremental increases commencing in 2030 following retirement of the Department's existing debt obligation.***

Prepared By	Fiona Larkin, Fire Chief East Sooke Fire
Concurrence	Chris Vrabel, Manager of Fire Services CRD

Attachments

1. East Sooke Fire and Hall Five – Year Operating Plan
2. East Sooke Fire and Hall Five-Year Capital Plan
3. East Sooke Fire and Hall Reserve Schedule
4. East Sooke Fire and Hall Debt Servicing Schedule

1.357 East Sooke Fire Protection

ID	CC	Name	GL	GL Name	Actuals 2024	Actuals 2025	Actuals April30(Report Date@May19)	Budget 2026	Est	2027 Preliminary Budget	2027 Commission Adjustment	Ongoing	One-Time	Total Final Budget	2028	2029	2030	2031	Notes	Update from SAP	% Increase	$ Increase
					(8,781)	(50,804)	156,246	-	(29,135)	-	-	-	-	-	(12,240)	(12,470)	(12,730)	(12,990)	*Finance Use Only*			
					Actuals	Actuals	Actuals April30(Report Date@May19)	Budget	Actuals	Budget	Budget	Budget	Budget	Budget	Budget	Budget	Budget	Budget				
	101943	FP East Sooke Rev																				
G			403200	Fees - Service	(77,166)	(110,247)		(112,232)	(112,232)	(114,590)				(114,590)	(116,880)	(119,220)	(121,600)	(124,030)	From Silver Spray		2.10%	(2,358)
I			422300	Recovery Cost	(800)			-		-				-	-	-	-	-			#DIV/0!	-
I			429000	Interest Income	(2,508)	(3,367)		(1,110)	(1,110)	(1,130)				(1,130)	(1,150)	(1,170)	(1,190)	(1,210)			1.80%	-20
K			429040	MFA Debt RsrveFdEarn	(837)	(745)		(840)	(840)	(740)				(740)	(740)	(740)	(50)	(50)		MR_June25,2026	-11.90%	100
J			460070	Grant- Provincial	-			-		-				-	-	-	-	-				
X			486000	Reg Mun EA Other	(477,950)	(612,666)		(641,748)	(641,748)	(689,969)	(16,000)			(705,969)	(716,708)	(727,659)	(738,840)	(753,620)			10.01%	(64,221)
F			490000	Surplus	-	-	(30,252)	(30,252)	(30,252)	-				-	-	-	-	-			-100.00%	30,252
	101943			**Subtotal**	**(559,261)**	**(727,025)**	**(30,252)**	**(786,182)**	**(786,182)**	**(806,429)**	**(16,000)**	**-**	**-**	**(822,429)**	**(835,478)**	**(848,789)**	**(861,680)**	**(878,910)**			**4.61%**	**(36,247)**
														10.01%	**1.52%**	**1.53%**	**1.54%**	**2.00%**	*Requisition % increase over prior year			
	101944	FP East Sooke Exp																				
10			500000	Salaries-FT/PT Reg			1,166	112,500	112,500	156,167				156,167	159,174	162,241	165,370	168,561	Chief/Assistant linked to FTE Tab	Step 4 for budget	38.82%	43667
10			500280	Wages&Ben-Other Reg	76,047	131,223	46,941	94,840	94,840	94,840	14,780			109,620	111,810	114,050	116,330	118,660			15.58%	14780
10			500510	W.C.B. Benefits	390	60		460	460	460				460	470	480	490	500			0.00%	0
1			501000	Travel Expenses CRD	151	1,030		410	410	410				410	420	430	440	450			0.00%	0
1			501040	CRD Vehicles -ORDERS	26,919	43,206	19,314	39,440	39,440	39,440	5,000			44,440	45,330	46,240	47,160	48,100			12.68%	5000
9			502030	Telecomm All	5,951	6,810	2,292	6,000	6,000	6,000				6,000	6,120	6,240	6,360	6,490			0.00%	0
3			503130	Contract for Srvces	8,570	8,263	4,036	11,550	11,550	11,550				11,550	11,780	12,020	12,260	12,510			0.00%	0
3			505010	Legal Services	-	-		1,450	1,450	1,450				1,450	1,480	1,510	1,540	1,570			0.00%	0
2			506010	Insurance-PublicLiab	1,607	1,732		1,873	1,873	2,637				2,637	2,769	2,907	3,052	3,205		MR_May22,2026	40.79%	764
2			506020	Insurance- Fidelity	10	10		10	10	10				10	11	12	13	14		MR_May22,2026	0.00%	0
2			506030	Insurance- Fire	2,395	7,690		7,390	7,390	8,070				8,070	8,474	8,898	9,343	9,810		MR_May22,2026	9.20%	680
2			506050	Insurance-GroupAccid	5,257	60		20	20	50	12,000			12,050	53	56	59	62		MR_May22,2026	60150.00%	12030
2			506090	Insurance- SrvcContr	170	170		160	160	160				160	168	176	185	194		MR_May22,2026	0.00%	0
4			508260	Purch Mtce-Buildings	8,797	17,020	3,301	17,150	17,150	17,150				17,150	17,490	17,840	18,200	18,560			0.00%	0
4			508270	Purch Mtce- Equip	6,374	4,507	4,337	9,160	9,160	9,160				9,160	9,340	9,530	9,720	9,910			0.00%	0
9			514030	Advertising	466	485		370	370	370				370	380	390	400	410			0.00%	0
9			514090	Subscriptions	346	(82)		550	550	550				550	560	570	580	590			0.00%	0
9			514230	VolunteerApprnDinner	5,833	7,181	219	7,330	7,330	7,330				7,330	7,480	7,630	7,780	7,940			0.00%	0
9			514250	InformationAndEductn	92			630	630	630				630	640	650	660	670			0.00%	0
5			514400	StaffTraining&Develp	29,825	19,779	9,353	29,140	29,140	29,140	860			30,000	30,600	31,210	31,830	32,470			2.95%	860
9			514420	Memberships & Profes	300	784	440	1,200	1,200	1,200				1,200	1,220	1,240	1,260	1,290			0.00%	0
9			514660	Janitor&CleaningSvcs	4,622	4,674	1,510	5,240	5,240	5,240				5,240	5,340	5,450	5,560	5,670			0.00%	0
9			514880	Meeting Expenses	30	22		250	250	250				250	260	270	280	290			0.00%	0
9			515010	Water	221	135	47	650	650	650				650	660	670	680	690			0.00%	0
9			515300	Firemen's Assn Allow	9,790	10,080	10,260	10,260	10,260	10,260				10,260	10,470	10,680	10,890	11,110			0.00%	0
6			530010	Alloc - Standard OH	15,367	16,504	7,158	21,473	21,473	24,466				24,466	24,980	25,480	25,989	26,509		MR_May22,2026	13.94%	2993
6			530150	Alloc-HumanResources	-			-	-	-				-	-	-	-	-	Not allocated anymore	MR_May22,2026		0
9			535040	Fuel-Diesel	(3,206)	641	(1,636)	5,560	5,560	5,560	(5,000)			560	570	580	590	600			-89.93%	-5000
9			535050	Fuel-Propane	9,221	6,376	4,451	7,640	7,640	7,640				7,640	7,790	7,950	8,110	8,270			0.00%	0
9			535090	Electricity	8,717	8,302	4,244	10,950	10,950	11,360				11,360	11,590	11,820	12,060	12,300			3.74%	410
7			538000	Supplies - Office	1,925	3,873	453	2,550	2,550	2,550				2,550	2,600	2,650	2,700	2,750			0.00%	0
7			538020	Supplies - First Aid	3,650	6,937	4,353	7,810	7,810	7,810	690			8,500	8,670	8,840	9,020	9,200			8.83%	690
7			538130	Supplies-Operating	12,365	15,165	7,993	17,160	17,160	17,160	(5,000)			12,160	12,400	12,650	12,900	13,160			-29.14%	-5000
7			538360	Supplies-PrtctClthg	10,634	26,571	7,315	13,330	13,330	13,330	(7,330)			6,000	6,120	6,240	6,360	6,490			-54.99%	-7330
9			570010	Interest - Internal	1,812	1,809	480	1,110	1,110	1,110				1,110	1,130	1,150	1,170	1,190			0.00%	0
1			590200	Equipment Purchase	9,853			-	-	-				-	-	-	-	-				0
8			595200	Contingency	-	-		45,252	45,252	15,000				15,000	15,300	15,610	15,920	16,240			-66.85%	-30252
9			601001	Labour Consumption	-			-	-	-				-	-	-	-	-	Real Estate Services			0
	101944			**Subtotal**	**264,510**	**351,017**	**138,027**	**490,868**	**490,868**	**509,160**	**16,000**	**-**	**-**	**525,160**	**523,649**	**534,360**	**545,261**	**556,435**			**6.99%**	**34,292**
	101947	FP E Sook Trf own Fd																				
A			547040	TrsfrsTo CAP ResFund	5,000	5,150		5,240	5,240	5,240				5,240	5,340	5,450	10,560	15,770				0
B			547070	TrsfrToEquipReplFund	129,573	161,587	36,986	110,960	110,960	110,960				110,960	113,180	115,440	279,809	280,395	60061		0.00%	0
	101947			**Subtotal**	**134,573**	**166,737**	**36,986**	**116,200**	**116,200**	**116,200**	**-**	**-**	**-**	**116,200**	**118,520**	**120,890**	**290,369**	**296,165**			**0.00%**	**-**
	102109	FP E Sooke Debt																				
C			570040	Accrued Debt Charges	4,231			-						-							#DIV/0!	0
C			570050	MFA DebtReserveFund	838	745		840	840	740				740	740	740	50	50		MR_June25,2026	-11.90%	-100
D			570100	Principal Payment	97,959	101,324		101,324	101,324	101,324	-			101,324	101,324	101,324	8,065	8,065			0.00%	0
Z			570110	Interest Payment	57,150	76,950	38,475	76,950	76,950	79,005	-			79,005	79,005	79,005	5,205	5,205			2.67%	2055
	102109			**Subtotal**	**160,178**	**179,019**	**38,475**	**179,114**	**179,114**	**181,069**	**-**	**-**	**-**	**181,069**	**181,069**	**181,069**	**13,320**	**13,320**			**1.09%**	**1,955**
																						0
	102163	FP E Sooke Comm Hall																				0
I			420600	Donations	-			-		-				-	-	-	-	-				0
H			420800	Rentals	(2,179)	(6,478)	(1,247)	(1,800)	(5,000)	(1,800)				(1,800)	(1,840)	(1,880)	(1,920)	(1,960)			0.00%	0
H			421000	Rentals- Room/Bldg	(24,600)	(25,224)	(8,620)	(25,860)	(25,224)	(26,508)				(26,508)	(27,170)	(27,850)	(28,550)	(29,260)	Rental Revenue comes from CC 101818 JDF SAR	MR_May21,2026	2.51%	-648
I			422300	Recovery Cost	-			-		-				-	-	-	-	-				0
I			429000	Interest Income	(486)	(682)	(192)	(210)	(682)	(210)				(210)	(210)	(210)	(210)	(210)				0
J			460070	Grant - Provincial	-			-		-				-	-	-	-	-				0
F			490000	Surplus	(11,043)	(8,781)	(20,552)	(20,552)	(20,552)	-			(29,135)	(29,135)							41.76%	-8583
11			502030	Telecomm All	-	-		300	-	300				300	310	320	330	340			0.00%	0
11			503130	Contract for Srvces	1,104	348	1,699	800	800	800				800	820	840	860	880			0.00%	0
11			506030	Insurance- Fire	2,395			-		-				-	-	-	-	-			#DIV/0!	0
11			508260	Purch Mtce-Buildings	4,855	12,519		22,942	12,519	2,858			29,135	31,993	3,050	3,250	3,470	3,680	2027-2031 Budget balanced on this line		39.45%	9051
11			514420	Memberships & Profes	150	-		170	170	170				170	170	170	170	170			0.00%	0
11			514590	Security	360	360	180	460	360	460				460	470	480	490	500			0.00%	0
11			514660	Janitor&CleaningSvcs	1,313	6,105	1,295	3,990	6,105	3,990				3,990	4,070	4,150	4,230	4,310			0.00%	0
11			535090	Electricity	1,489	796	361	4,850	1,450	5,030				5,030	5,130	5,230	5,330	5,440			3.71%	180
11			535100	Garbage Disposal	169	159	48	170	159	170				170	170	170	170	170			0.00%	0
11			538000	Supplies - Office	68	30		130	130	130				130	130	130	130	130			0.00%	0
11			538130	Supplies-Operating	994	296	38	630	630	630				630	640	650	660	670			0.00%	0
11			547040	TrsfrsTo CAP ResFund	-			-		-				-	-	-	-	-				0
11			570010	Interest - Internal	-			-		-				-	-	-	-	-				0
11			588000	Settlement to Asset	-			-		-				-	-	-	-	-			#DIV/0!	0
11			590200	Purchases-Equipment	8,481			-		-				-	-	-	-	-			#DIV/0!	0
11			590500	Purchases-Building	8,149			-		-				-	-	-	-	-			#DIV/0!	0
11			595200	Contingency	-	-		13,980		13,980				13,980	14,260	14,550	14,840	15,140			0.00%	0
11			601001	Labour Consumption	-			-		-				-	-	-	-	-	Real Estate Charges			0
	102163			**Subtotal**	**(8,781)**	**(20,552)**	**(26,990)**	**-**	**(29,135)**	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**-**				**-**
E	**1.357**	**East Sooke Fire Protection**		**Grand Total**	**(8,781)**	**(50,804)**	**156,246**	**-**	**(29,135)**	**-**	**-**	**-**	**-**	**-**	**(12,240)**	**(12,470)**	**(12,730)**	**(12,990)**				

Surplus to CRF
ERF
CFW -29135

Fire Chief additional cost is $70,500, 60k was already included in 2025 budget. Need to reduce salary line by $60l

CAPITAL REGIONAL DISTRICT

5 YEAR CAPITAL PLAN

2027 - 2031

Service #: 1.357

Service Name: East Sooke Fire

				PROJECT BUDGET & SCHEDULE									
Project Number	Capital Expenditure Type	Capital Project Title	Capital Project Description	Total Project Budget	Asset Class	Funding Source	Carryforward	2027	2028	2029	2030	2031	5 - Year Total auto-populates
~~19-01~~	~~Replacement~~	~~Squad Car~~	~~Replace 1999 Squad Vehicle~~	~~$ 300,000~~	~~V~~	~~ERF~~	~~$ 300,000~~	~~$ 300,000~~	~~$ -~~	~~$ -~~	~~$ -~~	~~$ -~~	~~$ 300,000~~
23-01	New	Mobile Data Terminal	Equip Apparatus with MDT's	$ 5,000	E	Cap	$ 3,300	$ 3,300	$ -	$ -	$ -	$ -	$ 3,300
24-02	New	Training Center	Completion of training center.	$ 26,000	E	Res	$ 11,000	$ 11,000	$ -	$ -	$ -	$ -	$ 11,000
26-01	Replacement	Personal Protective Equipment	Replace PPE Annual Ongoing	$ 95,546	E	ERF		$ 27,000	$ 27,000	$ 27,000	$ 27,000	$ 27,000	$ 135,000
26-02	Replacement	Fire Fighting Equipment	Replace Firefighting Eqiupment Annual Ongoing	$ 30,000	V	ERF	$ 22,000	$ 5,000	$ 5,000	$ 5,000	$ 5,000	$ 2,000	$ 22,000
26-03	Replacement	Engine 2	Engine 2 Replacement	$ 1,000,000	V	ERF	$ 200,000	$ 1,000,000		$ -	$ -	$ -	$ 1,000,000
26-04	Replacement	Pagers	Replacement of Pagers	$ 9,000	E	ERF	$ 3,000	$ 6,000	$ 3,000	$ -	$ -	$ -	$ 9,000
~~26-05~~	~~Renewal~~	~~Paving Project~~	~~Community Hall paving project~~	~~$ 8,000~~	~~B~~	~~Res~~	~~$ 8,000~~	~~$ 8,000~~	~~$ -~~	~~$ -~~	~~$ -~~	~~$ -~~	~~$ 8,000~~
27-01		Apparatus Bay Safety Equipment	Exhaust Extraction System	$ 80,000									$ -
													$ -
													$ -
													$ -
													$ -
													$ -
													$ -
													$ -
													$ -
			Grand Total	**$ 1,553,546**				**$ 1,360,300**	**$ 35,000**	**$ 32,000**	**$ 32,000**	**$ 29,000**	**$ 1,488,300**

East Sooke Fire Protection
Reserve Summary Schedule
2027 - 2031 Financial Plan

Reserve/Fund Summary

	Estimated	Budget				
	2026	2027	2028	2029	2030	2031
Capital Reserve Fund-Fire Dep	51,292	32,532	37,872	43,322	53,882	69,652
Capital Reserve Fund-Comm Hall	6,568	6,568	6,568	6,568	6,568	6,568
Equipment Replacement Fund	1,296,067	833,940	125,018	220,974	480,910	761,305
Operating Reserve Fund	-	-	-	-	-	-
Total	**1,353,927**	**873,040**	**169,458**	**270,864**	**541,360**	**837,525**

Reserve Schedule

Reserve Fund: 1.357 East Sooke Fire Protection - Capital Reserve Fund - Bylaw 3400

Reserve established for expenditures for or in respect of capital projects, construction, land purchases, machinery or equipment necessary for them and extension or renewal of existing capital works or payment of debt.

Reserve Cash Flow

Fund:	1079	Estimated	Budget				
Fund Centre:	101309	2026	2027	2028	2029	2030	2031
Beginning Balance		44,624	51,292	32,532	37,872	43,322	53,882
Transfer from Ops Budget		5,240	5,240	5,340	5,450	10,560	15,770
Transfer to Cap Fund		-	(24,000)	-	-	-	-
Interest Income*		1,428					
Ending Balance $		**51,292**	**32,532**	**37,872**	**43,322**	**53,882**	**69,652**

Assumptions/Background:

*Interest in planning years nets against inflation which is not included.

Reserve Schedule

Reserve Fund: 1.357 East Sooke Community Hall - Capital Reserve Fund - Bylaw 3400

Reserve established for expenditures for or in respect of capital projects, construction, land purchases, machinery or equipment necessary for them and extension or renewal of existing capital works or payment of debt.

Reserve Cash Flow

Fund:	**1079**	**Estimated**	**Budget**				
Fund Centre:	**102246**	**2026**	**2027**	**2028**	**2029**	**2030**	**2031**
Beginning Balance		14,116	6,568	6,568	6,568	6,568	6,568
Transfer from Ops Budget		-	-	-	-	-	-
Planned Purchase		(8,000)					
Interest Income*		452					
Ending Balance $		**6,568**	**6,568**	**6,568**	**6,568**	**6,568**	**6,568**

Assumptions/Background:

Reserve intended for Capital projects in Community Hall

*Interest in planning years nets against inflation which is not included.

Reserve Schedule

Reserve Fund: 1.357 East Sooke Fire Protection - Equipment Replacement Fund

ERF Group: ESOOKFIRE.ERF

Reserve Cash Flow

Fund:	1022	Estimated	Budget				
Fund Centre:	101948	2026	2027	2028	2029	2030	2031
Beginning Balance		1,185,107	1,296,067	833,940	125,018	220,974	480,910
Transfer from Ops Budget		110,960	110,960	113,180	115,440	279,809	280,395
Planned Purchase		-	(573,087)	(822,102)	(19,484)	(19,873)	-
Interest Income		-					
Ending Balance $		**1,296,067**	**833,940**	**125,018**	**220,974**	**480,910**	**761,305**

Assumptions/Background:

Reserve Schedule

Reserve Fund: 1.357 East Sooke Fire Protection - Operating Reserve Fund

Surplus monies from operation are transferred into this reserve to fund one-time program costs and to mitigate the fluctuation in requisition.

Reserve Cash Flow

Fund:	1500	Estimated	Budget				
Fund Centre:	105570	2026	2027	2028	2029	2030	2031
Beginning Balance		-	-	-	-	-	-
Transfer from Ops Budget		-	-	-	-	-	-
Transfer to Ops Budget-Core Budget		-	-	-	-	-	-
Transfer to Ops Budget		-	-	-	-	-	-
Interest Income*		-					
Ending Balance $		-	-	-	-	-	-

Assumptions/Background:

*Interest in planning years nets against inflation which is not included.

1.357 East Sooke Fire Protection

Combined Summary		Annual	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036
570110	Interest	59,205	57,150	79,005	79,005	79,005	5,205	5,205	-	-	-	-	-
570100	Principal	97,959	97,959	101,324	101,324	101,324	8,065	8,065	-	-	-	-	-
570050	DRF	-	-	-	-	-	-	-	-	-	-	-	-
	Total	**157,164**	**155,109**	**180,329**	**180,329**	**180,329**	**13,270**	**13,270**	**-**	**-**	**-**	**-**	**-**

Debt Issue LA3863-130 — **Description:**
Time borrowed 0.5 — **Notes:**
Sinking Factor 0.05181038

Loan Terms	Duration
Year Borrowed	2014
# Years	15
Completion	2029

Amounts	Expense	Annual				Retire							
4.10%	Interest	54,000	54,000	73,800	73,800	73,800	-			-	-	-	-
1,800,000	Principal	89,894	89,894	93,259	93,259	93,259	-			-	-	-	-
1.00%	DRF	-	-	-	-	-	-	-	-	-	-	-	-
	Total	**143,894**	**143,894**	**167,059**	**167,059**	**167,059**	**-**	**-**	**-**	**-**	**-**	**-**	**-**

Debt Issue LA3863-139 — **Description:**
Time borrowed Fall 0.5 — **Notes:**
Sinking Factor 0.05376658

Loan Terms	Duration
Year Borrowed	2016
# Years	15
Completion	2031

Amounts	Expense	Annual						Retire					
3.47%	Interest	5,205	3,150	5,205	5,205	5,205	5,205	5,205	-			-	-
150,000	Principal	8,065	8,065	8,065	8,065	8,065	8,065	8,065	-			-	-
1.00%	DRF	-	-	-	-	-	-	-	-	-	-	-	-
	Total	**13,270**	**11,215**	**13,270**	**13,270**	**13,270**	**13,270**	**13,270**	**-**	**-**	**-**	**-**	**-**

Debt Issue — **Description:**

	Total	-	-	-	-	-	-	-	-	-	-	-	-

Debt Issue — **Description:** Placeholder for future borrowing in 202X

	Total	-	-	-	-	-	-	-	-	-	-	-	-

Debt Issue — **Description:** Placeholder for future borrowing in 202X

	Total	-	-	-	-	-	-	-	-	-	-	-	-

East Sooke Community Hall





AGM
Nov.
2026

- The ES Community Hall is a hub of activity! In the past 12 months the Hall hosted 340 Public events or classes and 4 Private Rentals. The Hall was rented on 2 days for the Provincial Election.

- The ES Community Hall is entirely funded through rentals. *There is NO tax burden for East Sooke landowners associated with its operation.* JdF Search and Rescue, the primary tenant, leases the upstairs, the bays and uses the main Hall several times a month for training or meetings.

- The Hall is maintained and upgraded as needed. Projects in 2026 included:
  - Maintenance to roof, AED unit and heat pump
  - Inspections/tests completed on septic tank connection, backflow preventer valve, and fire protection system
  - Installation of a new toilet
  - Exterior: Driveway paving repaired, overgrown brush and trees removed, septic tank area landscaped, and fence rail repainted

- A group of five volunteers manages rentals, opens and closes for events, handles invoicing and payments, coordinates contracted work, and assists with cleaning and maintenance. This equates to many hours per week of volunteer time.

- Renters from East Sooke and from away comment on the cleanliness, attractiveness and welcoming vibe of our little Hall.

- To learn more, visit the website at eastsookecommunityhall.com .

East Sooke Community Hall Finances

as of 31 October 2026

OPERATING FUNDS

REVENUE	Lower Hall rental	2,565
	JDF SAR rental	21,550
	Interest Income	113
	SubTotal	**24,228**
	Surplus	20,552
	TOTAL	**44,780**
EXPENSE	Utilities	2,430
	Maintenance	5,886
	Cleaning	3,700
	Supplies	435
	SubTotal	**12,451**
	Other - under review	1,162
	TOTAL	**13,613**
OPERATING FUNDS TOTAL		**31,167**

CAPITAL RESERVE

Interest Income	222
Surplus (carried over)	14,116
Capital Project Asphalt Repair	-4,900
TOTAL	**9,438**

REPORT TO EAST SOOKE FIRE PROTECTION AND EMERGENCY RESPONSE SERVICE COMMISSION

October 28, 2026

SUBJECT

Commission Governance Practices, Agenda Packages, Meeting Records and Meeting Administration

ISSUE SUMMARY

The Capital Regional District (CRD) has implemented governance changes arising from the CRD Fire Services Governance Review while retaining local area fire commissions. Staff are recommending standardized practices for agenda packages, meeting records, meeting frequency and electronic participation to support the long-term sustainability of the local commission model, improve consistency across Electoral Area Fire Services, and align commission practices with the governance framework established through CRD Bylaw 3654 and Bylaw 4677.

BACKGROUND

The CRD Fire Services Governance Review received by the CRD in October 2023 examined governance arrangements, operational responsibilities, reporting relationships and administrative practices across Electoral Area Fire Services. The consultant identified governance, role clarity and administrative consistency challenges associated with the existing commission model and recommended replacing six local commissions with either a single regional commission or two sub-regional commissions. The review also identified concerns regarding the long-term sustainability of supporting multiple independent commissions with available staff resources.

Following consideration of the review, staff recommended retaining local commissions in recognition of the value they provide through local representation, community involvement, financial oversight and support for volunteer fire departments. At the same time, staff supported implementation of many of the review's broader recommendations respecting governance, oversight, staff support and role clarity.

Subsequently, the CRD adopted amendments to Bylaw 3654 and approved it to clarify authority, accountability and reporting relationships amongst commissions, fire chiefs and staff.

Under the current governance framework:

- Commissions exercise authority delegated by the CRD Board and provide local oversight, financial stewardship, recommendations and community input within authorities delegated by the Board.
- Fire Chiefs are responsible for the day-to-day operation of their departments and work collaboratively with staff on planning, budgeting and reporting matters.
- The Manager, Fire Services is responsible for oversight of Electoral Area Fire Services, fire service policy development, operational guidelines, fire chief support, compliance activities, strategic planning, budget coordination, service delivery recommendations and other responsibilities established under Bylaw No. 4677.
- Staff support commissions through governance advice, administrative coordination, financial planning support, interpretation of CRD policies and bylaws, and implementation of Board-approved governance direction. Agenda preparation and meeting administration may be performed by either CRD staff or commission volunteers provided commission practices remain consistent with the standards adopted by the Commission and with the governance framework established by the CRD Board.

The governance framework adopted by the Board therefore relies upon commissions, fire chiefs and staff performing distinct but complementary functions within a collaborative governance model.

While governance responsibilities have been modernized and clarified, administrative practices continue to vary significantly between commissions. Some commissions operate using staff-supported agenda packages, standardized meeting minutes, hybrid participation options and meeting schedules aligned with key business cycles. Other commissions continue to rely on administrative practices that pre-date the Governance Review and the subsequent amendments to Bylaws 3654 and 4677.

The recommendations contained in this report are intended to establish a consistent administrative framework that supports the governance structure approved by the Board while preserving the benefits of local commission governance.

ALTERNATIVES

Alternative 1 (Recommended)

That the East Sooke Fire Protection and Emergency Response Service Commission:

1. ***approve the Commission Agenda Package Standard in Appendix A;***

2. ***approve the Commission Minutes Standard in Appendix B;***
3. ***endorse the annual governance and reporting cycle in Appendix C;***
4. ***endorse the Commission Meeting Frequency Standard in Appendix D;***
5. ***endorse and support implementation of Hybrid Meeting Participation Standard in Appendix E where practical;***
6. ***Endorse the Roles and Responsibilities Framework in Appendix F;***
7. ***Advise staff to implement the governance and administrative practices described in this report commencing January 1, 2027; and***
8. ***receive this report for information.***

Alternative 2

That this report be referred back to staff for additional information.

IMPLICATIONS

Alignment with Existing Plans and Strategies

The recommendations support implementation of governance improvements arising from the CRD Fire Services Governance Review and are consistent with the governance framework established through Bylaw 3654 and Bylaw 4677.

Financial Implications

Implementation of the recommendations will require the purchase and maintenance of electronic meeting equipment to support hybrid participation across Electoral Area Fire Commissions.

The base equipment package is estimated at approximately $1,500 per commission location. Where additional equipment such as a dedicated computer, monitor, display screen or associated peripherals are required, costs will increase accordingly.

All equipment costs, maintenance costs and replacement costs will be funded through the regional CRD Electoral Area Fire Services operating budget.

While the use of hybrid meetings may reduce staff travel requirements and associated travel costs over time, the primary objective of the proposed investment is to improve accessibility, support commission and staff participation, enhance governance consistency and improve staff and volunteer safety during periods of limited daylight and adverse weather conditions.

Service Delivery Implications

Governance Sustainability

The Board's decision to retain local commissions rather than implement the consultant's recommendation for regional governance was predicated on achieving

many of the same governance outcomes through improvements to role clarity, reporting relationships, administrative practices and staff support.

The continued success of the local commission model therefore depends upon commissions, fire chiefs and staff operating collaboratively within the governance framework established through Bylaws 3654 and 4677. Standardized agenda packages, meeting records, annual reporting cycles, electronic participation and meeting schedules represent practical administrative measures intended to address many of the concerns identified in the Governance Review while preserving local representation and volunteer participation.

Agenda Packages

The purpose of an agenda package is to provide commissioners and members of the public with sufficient information to understand the matters under consideration prior to a meeting.

Current practices vary considerably amongst commissions. Some commissions receive complete agenda packages consisting of agendas, draft minutes, fire chief reports, staff reports, financial reports, correspondence and supporting documentation. Other commissions continue to utilize agenda packages that consist primarily of a meeting agenda containing discussion topics with limited or no supporting material.

Staff recommend that all substantive business items be supported by documentation wherever practical. Standard agenda packages would include:

- agenda;
- draft minutes from the previous meeting;
- fire chief reports;
- financial reports;
- staff reports;
- correspondence;
- supporting documentation; and
- informational items.

This approach supports transparency, informed decision-making and meaningful public participation.

Meeting Minutes

The purpose of meeting minutes is to create a concise and accurate record of meeting proceedings and decisions.

Current practices vary significantly amongst commissions. Staff recommend adoption of the standardized CRD meeting minutes template and limiting minutes to:

- attendance;

- motions;
- resolutions;
- actions;
- key discussion points; and
- meeting outcomes.

Reports, correspondence, presentations and supporting documents should remain part of the agenda package and not be duplicated within meeting minutes.

Meeting Frequency

Historically, some Electoral Area fire commissions met approximately ten times annually. This schedule evolved when fire chiefs provided monthly reports and administrative support structures differed significantly from those currently in place.

The Electoral Area Fire Services operating guidelines and proposed annual governance cycle align commission business with key quarterly operational, financial and governance milestones. This approach supports meaningful reporting and decision-making while allowing Fire Chiefs to focus on operational leadership, training, emergency preparedness and departmental administration rather than preparing reports solely to meet historical monthly meeting schedules.

The Governance Review identified concerns regarding staff capacity and the long-term sustainability of supporting multiple independent commissions. Since completion of the review, the Manager, Fire Services position has been assigned responsibility for supporting six commission-governed fire departments while also providing fire chief oversight, strategic planning, budgeting, policy development, asset planning, compliance oversight and broader service delivery responsibilities.

Staff attendance at approximately sixty commission meetings annually, most occurring outside regular business hours, is neither operationally necessary nor administratively sustainable where substantive business does not exist.

Staff recommend establishing six regular meetings annually aligned with key governance, budget and reporting milestones. Where no substantive business items are available, meetings would generally be cancelled and business deferred to a future meeting.

Electronic Participation

Electoral Area Fire Commissions serve rural communities where commissioners, fire chiefs, staff and the Electoral Area Director may at times be located outside the local service area, elsewhere in the region, or travelling outside the province or country for employment, business or personal reasons.

While commissioners and fire chiefs generally reside within reasonable proximity of their local meeting location, commissioners are volunteers and may have employment, business travel or other commitments that affect their ability to attend

meetings in person. Similarly, CRD staff and the Electoral Area Director often travel greater distances to attend meetings and may not always be located within the service area.

Electronic participation provides opportunities to:

- improve accessibility for commissioners, staff and the Electoral Area Director;
- support participation by volunteers who may be travelling or unable to attend in person;
- enable participation by commissioners who may otherwise be unavailable due to work commitments;
- improve staff efficiency;
- reduce the need for long-distance travel by staff and elected officials;
- and improve safety by reducing evening travel on rural roadways during periods of limited daylight and adverse weather conditions.

Electoral Area Fire Services will supply and maintain standardized electronic meeting equipment to support hybrid participation. Local volunteers will be responsible for storing, setting up and operating the equipment at their respective meeting locations.

The proposed hybrid model maintains the local government legislated requirement for in-person participation while providing flexibility for commissioners, fire chiefs, staff and the Electoral Area Director to participate remotely where appropriate.

Intergovernmental Implications

The recommendations improve consistency with governance and meeting administration practices utilized throughout the Capital Regional District and the broader local government sector.

CONCLUSION

The CRD Fire Services Governance Review October 2023 identified governance, accountability and administrative consistency challenges and recommended replacing local commissions with a regional governance structure due in part to concerns regarding governance consistency and staff capacity. Staff subsequently recommended retaining local commissions because of the significant value they provide through local representation, community involvement and support for volunteer fire departments.

The regional Board elected to retain local commissions while implementing many of the review's broader recommendations through amendments to Bylaw 3654 and adoption of Bylaw 4677. These changes clarified reporting relationships, governance responsibilities and service delivery accountability amongst commissions, fire chiefs and staff.

The recommendations contained within this report do not create new authorities, responsibilities or governance structures. Rather, they establish a standardized administrative framework intended to support the governance model previously approved by the Board and to address many of the sustainability concerns identified during the Governance Review.

Standardized agenda packages, meeting records, meeting schedules and electronic participation practices will improve consistency, transparency, accountability and administrative sustainability while maintaining the local commission model supported by the Board.

RECOMMENDATION

That the East Sooke Fire Protection and Emergency Response Service Commission:

1. ***approve the Commission Agenda Package Standard in Appendix A;***
2. ***approve the Commission Minutes Standard in Appendix B;***
3. ***endorse the annual governance and reporting cycle in Appendix C;***
4. ***endorse the Commission Meeting Frequency Standard in Appendix D;***
5. ***endorse and support implementation of Hybrid Meeting Participation Standard in Appendix E where practical;***
6. ***Endorse the Roles and Responsibilities Framework in Appendix F;***
7. ***Advise staff to implement the governance and administrative practices described in this report commencing January 1, 2027; and***
8. ***Receive this report for information.***

ATTACHMENTS

Appendix A – Commission Agenda Package Standard
Appendix B – Commission Minutes Standard
Appendix C – Annual Governance and Reporting Cycle
Appendix D – Commission Meeting Frequency Standard
Appendix E – Hybrid Meeting Participation Standard
Appendix F – Roles and Responsibilities Framework
Appendix G – Bylaw 3654 Consolidated
Appendix H – Bylaw 4677 Consolidated
Appendix I – 2023 Fire Services Governance Review

APPENDIX A

COMMISSION AGENDA PACKAGE STANDARD

Purpose

To ensure commissioners and members of the public receive sufficient information to understand matters under consideration and to support informed decision-making.

Standard Agenda Package Contents

Each regular commission agenda package shall include the following, where applicable:

1. Meeting Agenda
2. Draft Minutes of Previous Meeting
3. Revenue and Expenditure Report
4. Fire Chief Report
5. Staff Reports
6. Correspondence Requiring Commission Consideration
7. Supporting Documents and Attachments
8. Information Items

Agenda Package Principles

1. Agenda packages should be distributed sufficiently in advance of meetings to allow commissioners reasonable opportunity to review materials.
2. Substantive agenda items should be supported by written reports, correspondence or background information whenever practical.
3. Supporting materials should be provided as part of the agenda package rather than introduced for the first time during the meeting.
4. Agenda packages should be assembled into a single package for public distribution.
5. Matters requiring additional information may be deferred to a future meeting where necessary to support informed decision-making.

APPENDIX B

COMMISSION MINUTES STANDARD

Purpose

To establish a consistent and concise record of commission proceedings and decisions.

Minutes Shall Include

1. Attendance
2. Call to Order
3. Approval of Agenda
4. Adoption of Previous Minutes
5. Reports Received
6. Motions and Resolutions
7. Business Arising
8. New Business
9. Adjournment

Minutes Shall Record

- attendance;
- motions;
- resolutions;
- actions assigned;
- meeting outcomes; and
- key discussion points necessary to understand decisions of the Commission.

Minutes Shall Not Include

- complete Fire Chief reports;
- complete staff reports;
- financial reports;
- presentation materials;
- supporting correspondence; or
- documents already included within the agenda package.

Guiding Principle

Minutes are the official record of Commission proceedings and decisions.

Agenda packages are the official record of information considered by the Commission.

APPENDIX C

ANNUAL GOVERNANCE AND REPORTING CYCLE

January

- Election of Chair and Vice Chair
- Annual Report
- Five-Year Financial Plan – Review
- New Commissioner Orientation

April

- First Quarter Fire Chief Report
- Preliminary Financial Planning Discussion

May

- Financial Plan Workshop (if required)

June

- Five-Year Preliminary Financial Plan Recommendation

October

- Third Quarter Fire Chief Report
- Five-Year Financial Plan Recommendation - Final

November

- Annual General Meeting
- End-of-Year Governance Matters

General Principle

Commission meetings should align with key governance, reporting and financial planning activities rather than historical meeting schedules.

APPENDIX D

COMMISSION MEETING FREQUENCY STANDARD

Standard Meeting Schedule

Commissions shall normally schedule six regular meetings annually aligned with:

- annual reporting requirements;
- quarterly Fire Chief reporting;
- financial planning activities;
- annual general meetings; and
- other governance requirements.

Special Meetings

Special meetings may be called by the Chair where required to address:

- urgent matters;
- budget considerations;
- emergency issues; or
- other significant business requiring Commission attention.

Meeting Cancellation

A scheduled meeting should normally be cancelled where:

- there are no reports requiring review;
- there are no decisions requiring Commission consideration;
- there are no financial matters requiring discussion; and
- there is no substantive business before the Commission.

Guiding Principle

Meeting frequency should be driven by business requirements and governance needs rather than historical practice alone.

APPENDIX E

HYBRID MEETING PARTICIPATION STANDARD

Purpose

To improve accessibility, reduce travel requirements and support participation by commissioners, staff and fire department personnel.

Meeting Participation Options

Commission meetings may be conducted through:

- in-person attendance;
- electronic attendance; or
- hybrid attendance combining both formats.

Responsibilities

Electoral Area Fire Services

- Supply and maintain meeting equipment.
- Provide technical support and training as required.

Commission Volunteers

- Store meeting equipment.
- Set up equipment prior to meetings.
- Operate equipment during meetings.

Guiding Principle

Commission participants should be able to participate effectively regardless of physical location whenever practical.

APPENDIX F

ROLES AND RESPONSIBILITIES FRAMEWORK

Commission Responsibilities

The Commission is responsible for:

- providing local oversight;
- reviewing service levels and community needs;
- providing financial stewardship;
- making recommendations within delegated authority;
- representing community interests; and
- supporting long-term planning and sustainability of the fire service.

Fire Chief Responsibilities

The Fire Chief is responsible for:

- day-to-day operations;
- emergency response delivery;
- personnel management;
- administration of the fire department;
- implementation of Commission and CRD direction; and
- reporting on operational matters.

Manager, Fire Services Responsibilities

The Manager, Fire Services is responsible for:

- governance support;
- budget coordination;
- strategic planning;
- policy development;
- operational oversight;
- compliance activities;
- Fire Chief supervision and support; and
- implementation of Board-approved governance direction.

Guiding Principle

The effectiveness of the local commission model depends upon Commissioners, Fire Chiefs and staff working collaboratively within their respective responsibilities.

APPENDIX G

BYLAW 3654 Consolidated

Making a difference...together

BYLAW NO. 3654

FIRE PROTECTION AND EMERGENCY RESPONSE SERVICE COMMISSIONS BYLAW, 2010

Consolidated for Public Convenience
(This bylaw is for reference purposes only)

ORIGINALLY ADOPTED
(Consolidated with Amending Bylaws 3707,4608, 4721, and 4734)

For reference to original bylaws or further details, please contact the Capital Regional District,
Legislative Services Department, 625 Fisgard St., PO Box 1000, Victoria BC V8W 2S6
T: (250) 360-3127, F: (250) 360-3130, Email: legserv@crd.bc.ca, Web: www.crd.bc.ca

CAPITAL REGIONAL DISTRICT

BYLAW NO. 3654

****

A BYLAW TO CONVERT LOCAL FIRE PROTECTION AND EMERGENCY RESPONSE SERVICE COMMITTEES INTO COMMISSIONS AND TO ESTABLISH A CONSOLIDATED BYLAW FOR EXISTING LOCAL FIRE PROTECTION AND EMERGENCY RESPONSE SERVICE COMMISSIONS AND CONVERTED COMMITTEES

****

WHEREAS:

A. The Regional Board may establish a commission under section 176 (1)(g) of the *Local Government Act* to operate Regional District Services, undertake operation and enforcement in relation to the Regional Board's exercise of its regulatory authority, and manage property or an interest in property held by the Regional District;

B. The Regional Board established Committees to operate Volunteer Fire Departments and wishes to convert the Committees to Commissions under section 176(1) (g) of the *Local Government Act*; and

C. The Capital Regional District wishes to establish a consolidated bylaw for the management of Electoral Area Volunteer Fire Departments.

NOW THEREFORE the Board of the Capital Regional District, in open meeting assembled, enacts as follows:

1. Interpretation

(a) This bylaw includes the Schedules annexed hereto and the Schedules are hereby declared to form part of this bylaw.

(b) Definitions

In this bylaw unless the context otherwise requires:

"ADMINISTRATIVE AUTHORITY" means the ability to administer the service within the existing framework of bylaws and policies established by the Board; *(Bylaw 4608)*

"ADVISORY AUTHORITY" means a commission may only make recommendations to the Board through the appropriate standing committee; *(Bylaw 4608)*

"BUDGET" means the 5-year financial plan (operating and capital) in respect of a service;

"COMMISSION" means a commission established by the Regional District under this Bylaw, or another Bylaw of the Regional District;

"COMMITTEE" means a committee established by the Regional District under this Bylaw, or another Bylaw of the Regional District for the operation of a service referred to in Schedules A to E of this bylaw;

"CORPORATE OFFICER" means the person having responsibility for corporate administration under section 198 of the *Local Government Act*.

"DIRECTOR" means the Electoral Area Director for the Electoral Area in which the Commission is established;

"FINANCIAL OFFICER" means the person having responsibility for financial administration under section 199 of the *Local Government Act*;

"OVERSEE" means to provide oversight, watch or supervise that the operational, maintenance, and regulatory functions of the service is performed in conformance with Regional District Policy or government regulation; *(Bylaw 4608)*

"REGIONAL BOARD" means the Board of Directors of the Capital Regional District Board;

"REGIONAL DISTRICT" means the Capital Regional District;

"SCHEDULES" means the schedules or a schedule attached to and forming part of this Bylaw;

"SERVICE AREA" means the area designated to a Commission in the Schedules;

"STAFF" means the CRD employees assigned by the applicable General Manager to oversee and supervise the operational, maintenance, and regulatory functions of the applicable Fire Services, in accordance with applicable laws and CRD policies and procedures; *(Bylaw 4608)*

"VOLUNTEER FIRE DEPARTMENT" means a volunteer fire department established by the Regional District under this bylaw, or another bylaw of the Regional District to carry out the function contemplated in the establishing bylaw for the service.

2. Volunteer Fire Department Commission

(a) The Committees established under the "Committee Establishing Bylaws" listed below in column 1 are continued and renamed as per "New, Renamed Commissions" set out in column 2:

Committee Establishing Bylaw	New, Renamed Commission
East Sooke Fire Protection Service Area Management Bylaw No. 1, 2007	East Sooke Fire Protection and Emergency Response Service Commission
Otter Point Fire Protection Service Area Management Bylaw No. 1, 2003	Otter Point Fire Protection and Emergency Response Service Commission
Port Renfrew Fire Protection Local Service Area Fire Department Management By-law No. 1, 1990	Port Renfrew Fire Protection and Emergency Response Service Commission *(Bylaw 3707)*
Port Renfrew Local Community Services Committee Bylaw No. 1, 2005 and any amendments thereto	
Shirley Fire Protection Service Area Management Bylaw No. 1, 2008	Shirley Fire Protection and Emergency Response Service Commission
Willis Point Fire Protection Facilities Local Service Area Management Bylaw, 1995	Willis Point Fire Protection and Recreation Facilities Commission
North Galiano Fire Protection Service Area Management Bylaw No. 1, 2004	Galiano Island Fire Protection and Emergency Response Service Commission *(Bylaw 4721)*

(b) The Commission established by Willis Point Fire Protection and Recreation Facility Commission Bylaw No. 1, 1995 is dissolved and discontinued.

(c) The Fire Protection Local Service Commission established by Shirley Fire Protection Service Area Management Bylaw No. 1, 2008 is hereby continued and known as the “Shirley Fire Protection and Emergency Response Service Commission”.

(d) The Regional Board hereby establishes a Commission in each of the Service Areas named in the Schedules to manage a Volunteer Fire Department in that Service Area.

(e) The terms of office of the existing members of the Commissions shall continue until their expiry under Bylaw No. 3399; Bylaw No. 3173; Bylaw No. 3115; Bylaw No. 3280 and any amendments thereto; Bylaw No. 3584; and Bylaw No. 2336.

(f) As of January 1, 2026, the North Galiano Fire Protection and Emergency Response Service Commission shall be known as the Galiano Island Fire Protection and Emergency Response Service Commission, and its Service Area shall be those local service areas set out in Bylaws No. 1852, “North Galiano Island Fire Protection and Emergency Response Service Establishment Bylaw No. 1, 1990” and Bylaws No. 2148, “South Galiano Island Fire Protection and Emergency Response Service Establishment Bylaw No. 1, 1993”.

(Bylaw 4721)

3. Membership

(a) Unless otherwise specified in the Schedules, a Commission shall consist of seven (7) members as follows:

(i) The Director representing the Electoral Area; and

(ii) Six (6) individuals appointed by resolution of the Regional Board and representing the Service Area; only one member of the Volunteer Fire Department in the Service Area may be a member of the Commission, but none of the aforesaid Commission members shall be the fire chief or any officer.

(b) Despite subsection 3(a)(ii) and any Schedule to this bylaw, only in Service Areas with an estimated census population of 750 persons or less, a maximum of two (2) members of the Volunteer Fire Department in the Service Area may be members of the Commission but none of the aforesaid Commission members shall be the fire chief or any officer.

(Bylaw 4721)

(c) Other than the Director, Commission members shall be persons owning property or residing within the Service Area.

(d) The Corporate Officer shall, following each census, determine the estimated population of the service area for the purpose of this section.

4. Term of Office

The term of office for a member of a Commission other than the Director representing the Electoral Area shall be for a two (2) year period commencing the first day of January following each such appointment or until their successors are appointed.

5. Nominations

(a) A Commission shall hold an Annual General Meeting on or before the last day of November in each year to which the owners or occupiers of real property within a Service Area shall be invited to attend by written notice posted at least 30 days prior to the date of the Annual General Meeting.

(b) A Commission must accept nominations for the members of the Commission to be appointed effective the following 1st of January from individuals present at the Annual General Meeting, and if more nominations are received than there are positions to fill, a Commission must poll the owners or occupiers of real property within the Service Area who are present at the meeting.

(c) The names of persons nominated or the results of the poll under subsection (b) must be forwarded immediately after the Annual General Meeting to the Electoral Area Director of the Regional District.

6. Appointment

(a) All vacancies on a Commission must be advertised or posted locally at least thirty (30) days in advance of the Annual General Meeting.

(b) The Director shall seek recommendations for all appointments from the Commission but is not bound by a Commission's recommendation and may consult with other persons.

(c) The Director must provide the name of a person to the Board to fill a vacancy or in the case of a person whose appointment is to expire.

(d) Before the 1st of January every year, the Regional Board shall appoint or re-appoint members to a Commission to fill the terms of office of the members whose terms expire as of the 31st of December in each year.

(e) In the event of death, resignation or disqualification of a member of a Commission, the Regional Board shall appoint a successor for the remainder of such member's term.

(f) The Board may terminate the appointment of a Commission member who fails to attend three (3) consecutive regular meetings without the permission of a Commission.

(g) Without limiting paragraph (f), the Board may terminate the appointment of a Commission member who moves from the Service Area or ceases to own property in the Service Area where such person has ceased to attend at least one half of the regular meetings of the Commission.

7. Commission Procedure

(a) A Commission must, at its first meeting in January of each year, by secret ballot, elect a Chair and Vice Chair from among its members.

(b) For the conduct of business each member of a Commission shall have one vote.

(c) The rules, policies, procedures and the Delegation Bylaw which govern the Regional Board shall apply to a Commission where applicable.

(d) Meetings are open to the public.

(e) A quorum of a Commission is a majority of its members.

(f) If, as a result of members of a Commission declaring a conflict of interest in relation to a matter and, as a consequence, there is no longer a quorum of members of the Commission to decide on a particular issue, the issue shall be referred to the Regional Board for a decision.

8. Delegation of Powers and Duties

(a) The Regional Board hereby delegates to a Commission, subject to: (a) the policies and procedures of the Regional Board; and (b) limitations in the Capital Regional District Delegation Bylaw, a combination of administrative and advisory powers of the Regional Board, described in sections 9 and 10, respectively relating to the development, maintenance and operation of a volunteer fire department within the Service Area whether acquired before or after the adoption of this bylaw. *(Bylaw 4608)*

(b) The operational, maintenance and regulatory functions of this service shall be performed in conformance with Regional District policy or government regulation.

(c) For clarity, subject to the Local Government Act, RSBC 2015 c 1, unless a power, duty or function of the Capital Regional District Board has been expressly delegated by this bylaw or another CRD bylaw, all the powers, duties and functions of the CRD Board remain with the CRD Board, and the Commission may not further delegate powers, duties, or functions to another individual or body. Individual Commissioners have no delegated authority outside the body of the Commission in open meeting assembled, acting as a whole. *(Bylaw 4608)*

9. Advisory Authority of the Commission

(1) In collaboration and by consensus with staff, a Commission shall:

(a) Identify and advise on any contracted services necessary to run the day-to-day operations of the service;

(b) Set the size of the fire force for the Volunteer Fire Department within the Local Service Area;

(c) Review five-year financial operating and capital budgets and submit to the Regional District in the manner required by Section 12;

(d) Encourage the Fire Chief and members of the fire department to attend commission meetings to provide input to the decision making process; and

(e) Propose amendments of service levels for the Service Area. *(Bylaw 4608)*

(f) Advise on the appointment of a fire chief. *(Bylaw 4734)*

(2) For clarity, advisory authority includes advising on the needs of the Volunteer Fire Department, as well as providing advice and recommendations on matters related to the Fire Service referred by the Fire Chief, CRD Staff, or the Regional Board. It does not include service delivery decisions which are otherwise managed or delivered by the Fire Chief, the Volunteer Fire Department, or CRD Staff. *(Bylaw 4608)*

10. Administrative Authority of a Commission

1) A Commission shall, in the administration of a Volunteer Fire Department:

a) Not expend any funds whatsoever except those first approved by the Regional Board under Section 12;

b) Review and adopt operational rules and procedures for the organization and conduct of the Fire Protection Service, which rules and procedures shall be proposed by the Fire Chief and with the concurrence of Staff; and

c) Review and adopt procedures and allocations of funds required for the maintenance and upkeep of the Fire Hall and any and all firefighting machinery, equipment and protective clothing, which procedures and allocations of funds shall be proposed by the Fire Chief and with the concurrence of Staff. *(Bylaw 4608)*

2) For clarity, administrative authority means acting as the directing mind for those aspects of the service delegated by the Regional Board to the Commission. It does not include service delivery decisions which are otherwise managed or delivered by the Fire Chief, the Volunteer Fire Department, or CRD Staff, nor may it be exercised in a manner inconsistent with CRD policies, procedures, or other delegation instruments. *(Bylaw 4608)*

11. Reporting

A Commission shall,

(a) By the 30th day of November in each year, submit a written report to the Board of the Regional District outlining the operation the Volunteer Fire Department for that calendar year; and

(a) By December 31 of each year, submit to the Board the minutes of the annual general meeting.

12. Budget

(a) A Commission shall, per the timeline established by the Financial Officer in each year, submit five-year operating and capital budgets covering all anticipated costs and revenues of the Volunteer Fire Department in the operation and maintenance of the assets of the Capital Regional District utilized by the Volunteer Fire Department. *(Bylaw 4608)*

(b) The Budget shall:

(i) Be prepared by the Fire Chief with the concurrence of staff in a form approved by the Financial Officer; *(Bylaw 4608)*

(ii) Provide for the necessary funds for the administration, development, training, maintenance, debt servicing and operational expenses of the Volunteer Fire Department;

(iii) Allow for contributions to reserve funds recommended by the Finance Officer;

(iv) Be submitted for consideration of the Regional Board; and

(v) If requested by the Regional Board, be altered to the satisfaction of the Board.

13. Unauthorized Expenditures

A Commission shall not authorize an expenditure other than an expenditure provided for in the Budget as included in the approved financial plan of the Regional District.

14. Borrowing and Additional Funding

A Commission shall not accept funds advanced from any source other than the Regional District without prior approval from the Regional District.

15. Facilities and Equipment

Any facilities or equipment acquired by the Commission shall be acquired in the name of the Regional District, shall be the property of the Regional District and shall not be disposed of without the approval of the Regional District.

16. Contracts

The Commission shall not enter into contracts on behalf of the Regional District except:

(a) where the Commission has been granted authority to do so under the Delegation Bylaw; and

(b) in the name of the Regional District.

17. Regional Board Responsibilities

The Regional Board:

(a) may advance sums required under the approved budget for an expenditure in relation to the administration, development, maintenance and operation of the Volunteer Fire Department pending collection of any rate, tax or charge levied for the purpose of raising the necessary funds to meet the expenses set out in the approved budget; and

(b) requisition the necessary funds under Section 806.1 of the *Local Government Act* within the fire regulation unit and Service Area.

18. Staff Responsibilities

Staff shall:

(a) Ensure the Fire Chief supervises, directs, controls and regulates the members of the Volunteer Fire Department subject to the provisions of the *Fire Services Act* and any applicable Provincial, Federal or Regional District enactments that apply;

(b) Authorize expenditures on behalf of the Volunteer Fire Department as required for the operation of the Volunteer Fire Department which have first been approved by the Regional District under Section 12;

(c) Oversee the preparation of five-year financial plans, provide advice to the Fire Chief and the Commission on the preparation and submission of five-year financial plans;

(d) Oversee and assist with development and maintenance of long-term equipment replacement plans;

(e) Oversee and support the Fire Chief in all areas of Volunteer Fire Department administration consistent with CRD policy, procedure, and applicable legislation;

(f) Ensure the Volunteer Fire Department is compliant with all applicable enactments, including the *Fire Services (Safety) Act*, and *Workers Compensation Act*, RSBC 2019, c1, minimum training standards, including the Office of the Fire Commissioner Minimum Structure Firefighter Training Standard, and CRD policies and procedures;

(g) Provide the Commission with financial expenditure reports for the purpose of Commission oversight of operating and capital expenditures;

(h) Facilitate salaried employee and contractor recruitment processes, and supervise volunteer firefighter recruitment and appointment processes; and

(i) Facilitate and assist with strategic planning processes. *(Bylaw 4608)*

19. Repeal

(a) Bylaw No. 3399, cited as “East Sooke Fire Protection Service Area Management Bylaw No. 1, 2007” is hereby repealed;

(b) Bylaw No. 3115, cited as “Otter Point Fire Protection Service Area Management Bylaw No. 1, 2003” is hereby repealed;

(c) Bylaw No. 1806, cited as “Port Renfrew Fire Protection Local Service Area Fire Department Management By-law No.1, 1990” is hereby repealed;

(d) Bylaw No. 3280, cited as “Port Renfrew Local Services Committee Bylaw No. 1, 2005” is hereby repealed;

(e) Bylaw No. 3584, cited as “Shirley Fire Protection Service Area Management Bylaw No. 1, 2008” is hereby repealed;

(f) Bylaw No. 2333, cited as “Willis Point Fire Protection and Recreation Facility Commission Bylaw No. 1, 1995” is hereby repealed;

(g) Bylaw No. 2336, cited as “Willis Point Fire Protection Facilities Local Service Area Management Bylaw, 1995” is hereby repealed;

(h) Bylaw No. 3173, cited as “North Galiano Fire Protection Service Area Management Bylaw No. 1, 2004” is hereby repealed.

20. Citation

This bylaw may be cited as “Fire Protection and Emergency Response Service Commissions Bylaw, 2010”. *(Bylaw 3707)*

READ A FIRST TIME THIS	14th	day of	April	2010
READ A SECOND TIME THIS	14th	day of	April	2010
READ A THIRD TIME THIS	14th	day of	April	2010
ADOPTED THIS	14th	day of	April	2010

Original signed by Geoff Young
CHAIR

Original signed by Carmen Thiel
CORPORATE OFFICER

Schedule “A” - East Sooke

1. Definitions

In this bylaw, as applies to the East Sooke Fire Protection and Emergency Response Service Commission, unless context otherwise requires:

“DIRECTOR” means the Electoral Area Director for Juan de Fuca;

“EAST SOOKE COMMUNITY HALL” means the former fire station building located at 1397 Coppermine Road, East Sooke and owned by the CRD;

(Bylaw 4608)

“COMMISSION” means the East Sooke Fire Protection and Emergency Response Service Commission;

“SERVICE AREA” means the East Sooke Fire Protection Service Area as more particularly described in East Sooke Fire Protection and Emergency Response Service Establishment Bylaw No. 1, 2006;

“VOLUNTEER FIRE DEPARTMENT” means the East Sooke Volunteer Fire Department.

2. Membership

Despite Section 3 (a) of this bylaw, membership shall consist of eight (8) members as follows:

(a) The Director representing the Electoral Area; and

(b) Seven (7) individuals appointed by resolution of the Regional Board and representing the Service Area. Only one member of the Volunteer Fire Department in the Service Area may be a member of the Commission, but none of the aforesaid Commission members shall be the fire chief or any officer.

3. Delegation of Powers and Duties

(a) In addition to the powers delegated in Section 8 of this bylaw, the Regional Board hereby delegates to the Commission, subject to the policies and procedures of the Regional Board and limitations defined in the Capital Regional Delegation Bylaw, administrative powers of the Regional Board with respect to the equipment, maintenance, management and operation of the East Sooke Community Hall, and without limiting the generality of the foregoing, the Commission shall establish a scale of admission charges, appoint staff, determine operational rules, procedures and recreational programs and the collection of all revenues from, and payment of expenses of, the said operation.

(b) Notwithstanding the provisions of (a) above, the Regional Board retains the right of approval of the operational rules, procedures and policies. *(Bylaw 4608)*

4. Administration

In addition to the provisions of Section 10 of this bylaw, the Commission shall:

(a) review and adopt operational rules and procedures for the organization and operation of the East Sooke Community Hall; and

(b) review and adopt procedures and allocation of funds required for the maintenance and upkeep of the East Sooke Community Hall and any and all machinery, equipment, furniture and fixtures in conjunction with it. *(Bylaw 4608)*

5. Budget

In addition to the provisions of Section 12 of this bylaw, the Budget shall provide for the necessary funds for the administration, development, maintenance and operational expenses of the East Sooke Community Hall. *(Bylaw 4608)*

Schedule “B” - Otter Point

1. Definitions

In this bylaw, as applies to the Otter Point Fire Protection Commission, unless context otherwise requires:

“DIRECTOR” means the Electoral Area Director for Juan de Fuca;

“COMMISSION” means the Otter Point Fire Protection and Emergency Response Service Commission;

“SERVICE AREA” means the Otter Point Fire Protection Local Service Area as more particularly described in Otter Point Fire Protection and Emergency Response Local Service Establishment Bylaw No. 1, 1992, as amended;

“VOLUNTEER FIRE DEPARTMENT” means the Otter Point Volunteer Fire Department.

2. Membership

Despite Section 3 (a) of this bylaw, membership shall consist of seven (7) members, as follows:

(a) The Director representing the Electoral Area; and

(b) Six (6) individuals appointed by resolution of the Regional Board and representing the Service Area. Only one member of the Volunteer Fire Department in the Service Area may be a member of the Commission, but none of the aforesaid Commission members shall be the fire chief or any officer.

(Bylaw 4734)

Schedule “C” - Port Renfrew

(Bylaw 3707)

1. Definitions

In this bylaw, as applies to the Port Renfrew Fire Protection and Emergency Response Service Commission, unless context otherwise requires:

“DIRECTOR” means the Electoral Area Director for Juan de Fuca;

“COMMISSION” means the Port Renfrew Fire Protection and Emergency Response Service Commission;

“SERVICE AREA” means the Port Renfrew Fire Protection Local Service Area as more particularly described in Port Renfrew Fire Protection and Emergency Response Service Establishment Bylaw No. 1, 1989, as amended;

“VOLUNTEER FIRE DEPARTMENT” means the Port Renfrew Volunteer Fire Department.

2. Membership

Despite Section 3 of this bylaw, membership shall consist of seven (7) members as follows:

(a) The Director representing the Electoral Area;

(b) Three (3) individuals who shall be owners of real property within the Fire Protection and Emergency Response Local Service Area;

(c) Three (3) individuals who may be owners of real property, or residents within the Fire Protection and Emergency Response Local Service Area. One (1) of these individuals shall represent the Pacheedaht First Nation when service agreements for fire protection and/or solid waste are in place with the Pacheedaht and there have been no violations to the terms and conditions of the agreements.

(d) For Service Areas with an estimated census population of 750 persons or less, a maximum of two (2) members of the Volunteer Fire Department in the Service Area may be members of the Commission, but none of the aforesaid Commission members shall be the fire chief or any officer.

3. Nomination

Despite Section 5(b) of this bylaw:

(a) The Commission shall, at its regularly scheduled meeting in September:

(i) Submit to the Electoral Area Director its nominations for the members of the committee for the following term, with the exception of the Pacheedaht representative;

(ii) Invite residents or owners of real property in the Fire Protection and Emergency Response Local Service Area to submit additional nominations, on forms provided at the meeting, to the Electoral Area Director on or before 14 days from the date of the meeting; and

(iii) Schedule the Annual General Meeting which shall be held no sooner than 15 days from the date of the meeting, but in all cases shall be before the last day of October.

(b) The Pacheedaht First Nation shall submit their nomination for the member representing the band to the Electoral Area Director, the first appointment to be effective immediately with a term to expire on December 31, 2010.

4. Procedure

In accordance with Section 7 of this bylaw, the Commission shall:

(a) Hold a meeting quarterly or at the call of the Chair. In January of each year, establish a schedule of meetings which shall be posted on the community notice board situated at the transfer station, the post office and on the CRD website.

Schedule “D” - Shirley

1. Definitions

In this bylaw, as applies to the Shirley Fire Protection and Emergency Response Service Commission, unless context otherwise requires:

“DIRECTOR” means the Electoral Area Director for Juan de Fuca;

“COMMISSION” means the Shirley Fire Protection and Emergency Response Service Commission;

“SERVICE AREA” means the Shirley Fire Protection and Emergency Response service Area as more particularly described in Shirley Fire Protection and Emergency Response Service Establishment Bylaw No. 1, 1991;

“VOLUNTEER FIRE DEPARTMENT” means the Shirley Volunteer Fire Department.

Schedule “E” - Willis Point

1. Definitions

In this bylaw, as applies to the Willis Point Fire Protection and Recreation Facilities Commission, unless context otherwise requires:

“DIRECTOR” means the Electoral Area Director for Juan de Fuca;

“COMMISSION” means the Willis Point Fire Protection and Recreation Facilities Commission;

“SERVICE AREA” means the Willis Point Local Service Area created under Willis Point Fire Protection, Emergency Response and Recreation Service Establishment Bylaw No. 1, 1991;

“VOLUNTEER FIRE DEPARTMENT” means the Willis Point Volunteer Fire Department;

“WILLIS POINT COMMUNITY CENTRE” means the recreation facilities adjoining the fire hall in the Service Area and owned by the Regional District.

2. Membership

Despite Section 3 of this bylaw, membership shall consist of eight (8) members as follows:

(a) The Director representing the Electoral Area;

(b) Seven (7) individuals appointed by resolution of the Regional Board and representing the Service Area;

(c) For Service Areas with an estimated census population of 750 persons or less, a maximum of two (2) members of the Volunteer Fire Department in the Service Area may be members of the Commission, but none of the aforesaid Commission members shall be the fire chief or any officer.

(d) Other than the Director, Commission members shall be persons owning property or residing within the Service Area.

3. Delegation of Powers and Duties

(a) In addition to the powers delegated in Section 8 of this bylaw, the Regional Board hereby delegates to the Commission, subject to the policies and procedures of the Regional Board and limitations defined in the Capital Regional Delegation Bylaw, administrative powers of the Regional Board with respect to the equipment, maintenance, management and operation of the Willis Point Community Centre, and without limiting the generality of the foregoing, the Commission shall establish a scale of admission charges, appoint staff, determine operational rules, procedures and recreational programs and the collection of all revenues from, and payment of expenses of, the said operation.

(b) Notwithstanding the provisions of (a) above, the Regional Board retains the right of approval of the operational rules, procedures and policies.

4. Administration

In addition to the provisions of Section 10 of this bylaw, the Commission shall:

(a) review and adopt operational rules and procedures for the organization and operation of the Willis Point Community Centre; and

(b) review and adopt procedures and allocation of funds required for the maintenance and upkeep of the Willis Point Community Centre and any and all machinery, equipment, furniture and fixtures in conjunction with it.

5. Budget

In addition to the provisions of Section 12 of this bylaw, the Budget shall provide for the necessary funds for the administration, development, maintenance and operational expenses of the Willis Point Community Centre.

Schedule “F” - Galiano

1. Definitions

In this bylaw, as applies to the Galiano Island Fire Protection and Emergency Response Service Commission, unless context otherwise requires:

(Bylaw 4734)

“DIRECTOR” means the Electoral Area Director for the Southern Gulf Islands;

“COMMISSION” means the Galiano Island Fire Protection and Emergency Response Service Commission;

(Bylaws 4721, 4734)

“SERVICE AREA” means the area comprising the North Galiano Fire Protection Service Area, as described in Bylaw No. 1852, “North Galiano Island Fire Protection and Emergency Response Service Establishment Bylaw No. 1, 1990”, and the area comprising the South Galiano Fire Protection Service Area, as described in Bylaw No. 2148, “South Galiano Island Fire Protection and Emergency Response Service Establishment Bylaw No. 1, 1993”;

(Bylaw 4721)

“VOLUNTEER FIRE DEPARTMENT” means the Galiano Island Volunteer Fire Department.

(Bylaws 4721, 4734)

2. Membership

Despite Section 3 (a) and (b) of this bylaw, for a term commencing January 1, 2028 membership shall consist of seven (7) members representing the Service Area as follows:

(a) The Director representing the Electoral Area; and

(b) Six (6) individuals appointed by resolution of the Regional Board and representing the Service Area. Only one member of the Volunteer Fire Department in the Service Area may be a member of the Commission, but none of the aforesaid Commission members shall be the fire chief or any officer.

(Bylaw 4734)

2.1 Transitional – Membership

(a) As of January 1, 2026, the Commission shall represent both the service areas of both Bylaw No. 1852, “North Galiano Island Fire Protection and Emergency Response Service Establishment Bylaw No. 1, 1990” and Bylaw No. 2148, “South Galiano Island Fire Protection and Emergency Response Service Establishment Bylaw No. 1, 1993”.

(b) Despite section 3(a) and (b) of this bylaw, and section 2 of this Schedule, as of January 1, 2026, Commission membership, the Commission's membership shall consist of seven (7) members as follows:

(i) The Director representing the Electoral Area; and

(ii) Six (6) individuals appointed by Resolution of the Regional Board or as deemed appointed under this Schedule who must have the following qualities:

a. Up to three individuals representing the North Galiano Fire Protection Service Area, who own property or reside in that area;

b. Up to three individuals representing the South Galiano Fire Protection Service Area, who own property or reside in that area;

(c) Despite 2.1(b), only one member of the Volunteer Fire Department may be a member of the Commission. None of the Commission members shall be the fire chief or any officer.

(d) Unless otherwise appointed or replaced by resolution of the Board, the transitional directors for a two-year term of the combined Galiano Fire Commission as of January 1, 2026 shall be as follows:

(i) Three individuals, selected by resolution from among their number by the North Galiano Fire Commission, who would otherwise qualify under this Schedule;

(ii) Three individuals, selected by resolution from among their number by the directors of the South Galiano Fire Society, who would otherwise qualify under this Schedule;

(e) The individuals serving as transitional commissioners must accept their nomination in writing in advance of or by appearance at the first combined commission meeting.

(Bylaw 4721)

3. Commission Procedure

Despite Section 7 (a) of this bylaw, a Commission must, at its first meeting in January of each year, by secret ballot, elect a Chair, Vice Chair and Treasurer from among its members.

APPENDIX H

BYLAW 4677 Consolidated

Making a difference...together

BYLAW NO. 4677

CRD Fire Services Operation, Fire Prevention and Administrative Bylaw No. 1, 2026

Consolidated for Public Convenience
(This bylaw is for reference purposes only)

ORIGINALLY ADOPTED FEBRUARY 11, 2026
(Consolidated with Amending Bylaw 4763)

CAPITAL REGIONAL DISTRICT
BYLAW NO. 4677

****

A BYLAW TO ADDRESS THE OPERATIONAL POWERS AND CERTAIN ADMINISTRATIVE MATTERS RELATING TO FIRE DEPARTMENTS OPERATING UNDER THE AUSPICES OF THE CAPITAL REGIONAL DISTRICT, AND TO PROVIDE FOR CERTAIN FIRE PREVENTION MATTERS

****

WHEREAS:

A. The Capital Regional District has established a number of Fire Service Areas for the purpose of providing fire suppression, fire protection, fire prevention and emergency response services;

B. the Capital Regional District either provides such services through Commission Departments or through contracts with Society Departments or Service Departments;

C. the Capital Regional District is the Authority Having Jurisdiction for CRD fire services and is responsible for meeting all statutory obligations related to those services;

D. it is necessary to grant emergency and non-emergency powers to the Departments and their respective Members, and appropriate to regulate certain aspects of organization and administration of the Commission Departments and Society Departments;

E. the Regional District is committed to engagement and consultation with Commissions and Society departments on matters affecting the administration and operation of their fire services;

F. the Regional District wishes to establish and impose charges for the provision services provided under this Bylaw in certain circumstances;

G. the *Fire Safety Act*, SBC 2016, c. 19 requires the Regional District to designate fire inspectors to conduct safety inspections, and fire investigators to conduct fire investigations in accordance with that *Act*;

H. this Bylaw is intended to support effective, safe, and accountable fire service operations while maintaining clear and consistent roles and decision-making authorities;

I. an establishing bylaw is not required in order for the Regional District to provide a service for the purpose of Fire Inspections and Fire Investigations, as each are defined in section 1 of this Bylaw;

J. the Board of the Capital Regional District wishes to designate and set out the process for designation of Fire Inspectors and Fire Investigators, and to establish and impose charges payable in respect of Fire Inspection and Fire Investigation services; and

K. it is appropriate to address certain fire prevention matters;

NOW THEREFORE, the Board of the Capital Regional District in open meeting assembled, hereby enacts as follows:

Definitions and Interpretation

1. In this Bylaw, including in its recitals, the following capitalized terms shall have the following respective meanings:

   (a) **"Apparatus"** means any vehicle, equipment (including communications equipment), machinery, devices or materials used by a Department in connection with fire suppression or dealing with an Incident and any vehicle used to transport Members or supplies;

   (b) **"Authorized Services"** means the authorized services set for each Department in accordance with section 8 of this Bylaw;

   (c) **"BCWS"** means the British Columbia Wildfire Service;

   (d) **"Board"** means the Board of Directors of the Regional District;

   (e) **"Bylaw No. 3654"** means Bylaw No. 3654, "Fire Protection and Emergency Response Service Commissions Bylaw, 2010", as amended;

   (f) **"CAO"** means the Chief Administrative Officer of the Regional District or designate;

   (g) **"Commission"** means a commission established by the Regional District under Bylaw No. 3654, or another Bylaw of the Regional District;

   (h) **"Commission Department"** means any fire department operated by the Regional District under and in accordance with Bylaw No. 3654;

   (i) **"Departments"** means, collectively, the Commission Departments, the Society Departments and the Service Departments and "Department" means any one of them;

   (j) **"EMCR"** means the Ministry of Emergency Management and Climate Readiness or any successor thereto;

   (k) **"Fire Code"** means the most current version of the British Columbia Fire Code, adopted as regulation under the *Fire Safety Act*;

   (l) **"Fire Chief"** means the Member, appointed in accordance with this Bylaw or recognized under the relevant Service Agreement, in command of a Department;

   (m) **"Fire Commissioner"** means the fire commissioner appointed pursuant to the *Fire Safety Act*;

   (n) **"Fire Inspector"** means any individual or position designated as a fire inspector within the meaning of the Fire Safety *Act*:

      (i) by Board policy; or

      (ii) pursuant to this Bylaw;

   (o) **"Fire Investigation"** means a fire investigation contemplated by section 25 of the *Fire Safety Act*;

(p) **"Fire Investigator"** means any individual or position designated as a fire investigator within the meaning the *Fire Safety Act*:

(i) by Board policy; or

(ii) pursuant to this Bylaw;

(q) **"*Fire Safety Act"*** means the *Fire Safety Act*, SBC 2016, c. 19;

(r) **"Fire Safety Inspection"** means a fire safety inspection contemplated by section 9 of the *Fire Safety Act*;

(s) **"Fire Service Area"** means, in relation to a Department, the ordinary service jurisdiction within the Regional District of such Department, as referenced in the relevant service establishment bylaw listed in Schedule A to this Bylaw;

(t) **"General Manager"** means, the General Manager, Housing, Planning and Protective Services or such other position as may be designated from time to time by the CAO;

(u) **"Incident"** means an event or situation to which a Department has responded or would normally respond, whether alone, or in conjunction with other fire departments or emergency services;

(v) **"Incident Commander"** means the Member in charge of an Incident under the incident command system, as defined in the Regional Operational Guidelines or, in relation to a Service Department, as determined by the relevant Service Department in accordance with its incident command processes;

(w) **"Interface Fire"** means any fire in a wildland-urban interface region where residential, industrial, recreational and/or agricultural structures are located adjacent to or among combustible wildland fuels;

(x) **"Inspection and Investigation Policy for the CRD"** has the meaning given in section 19 of this Bylaw;

(y) **"Manager, Fire Services"** means the Manager, Fire Services or such other position as may be designated from time to time by the CAO;

(z) **"Members"** means a person employed, whether full-time, part-time, paid-on-call, or as a volunteer, and holding a position within a Department as an Officer or firefighter;

(aa) **"Mobile Food Vendor Premises"** has the meaning given in section 45 of this Bylaw;

(bb) **"Non-Volunteer Position"** means a position in a fire department where a person receives compensation for the performance of work on behalf of the fire department other than attendance to callouts or training;

(cc) **"OFC"** means the Office of the Fire Commissioner;

(dd) **"Officer"** means a Member who is recognized as an Officer within the relevant Department;

(ee) **"Pre-Incident Planning"** means advance planning for a Department's response to a potential Incident at a building or site in collaboration with the owner of the building including but not limited to identifying points of egress, water supplies, site- and building-specific risks, and other factors relevant to an emergency response at such location;

(ff) **"Provincial Training Standards"** means the most current training standards for fire services personnel established from time to time by the Fire Commissioner under the *Fire Safety Act*;

(gg) **"Public Building"** has the meaning ascribed thereto in the *Fire Safety Act*;

(hh) **"Regional District"** means the Capital Regional District;

(ii) **"Regional Operational Guidelines"** means operating guidelines for Commission Departments and Society Departments developed by the Manager, Fire Services in consultation with the relevant Fire Chiefs in accordance with this Bylaw;

(jj) **"Senior Manager"** means the Senior Manager, Protective Services or such other position as may be designated from time to time by the CAO;

(kk) **"Service Level"** means the Service Level set for each Department in accordance with section 8 of this Bylaw;

(ll) **"Service Agreement"** means, in relation to each Society Department and Service Department, the service agreement entered into between the relevant society or local government and the Regional District, pursuant to which the Regional District has contracted such society or local government to provide fire protection, fire prevention and other emergency response services in the relevant Fire Service Area;

(mm) **"Service Department"** means the fire department of another local government with which the Regional District has entered into a Service Agreement to provide fire protection, fire prevention and emergency response services in a Fire Service Area; and "Service Departments" means all such fire departments;

(nn) **"Society Department"** means a fire department operated by a society with which the Regional District has entered into a Service Agreement to provide fire protection, fire prevention and/or emergency response services in a Fire Service Area; and "Society Departments" means all such fire departments;

(oo) **"Staff"** means the Regional District employees assigned by the applicable General Manager to oversee and supervise the operational, maintenance, and regulatory functions of the applicable fire services, in accordance with applicable laws and Regional District policies and procedures.

2. References in this Bylaw to statutes, regulations, bylaws or policies, and to positions, titles or ministries, include the same as they may be amended, supplemented or replaced from time to time. A reference to a statute includes any regulations made thereunder.

3. This Bylaw does not contemplate or extend in its purpose, to any of the following:

(a) the protection of any person from economic loss;

(b) a guarantee or warranty by the Regional District or any of the service providers or agents, as to the service level expectations of any of the Departments operating pursuant to this Bylaw; or

(c) providing to any person a warranty with respect to the services authorized by this Bylaw or with respect to the certainty of timely responses to Incidents. Each of the Commission Departments and Society Departments is staffed principally by volunteers or paid-on-call Members, and the response to any given Incident may be affected by the availability, turnout and timing of response by Members. The Service Agreements with the Service

Departments contain or may contain limitations on the response obligations of the respective Departments covered by those agreements.

4. For certainty, each Member of a Commission Department is a “local public officer” of the Regional District within the meaning of section 738 of the *Local Government Act*.

5. The Fire Code is hereby adopted and made part of this Bylaw and may be enforced as part of this Bylaw within the Fire Service Areas.

6. The following schedules are incorporated into and form a part of this Bylaw:

   (a) Schedule A: List of Departments and Corresponding Fire Service Areas;

   (b) Schedule B: Fees and Charges for Fire Safety Inspections and Fire Investigations;

   (c) Schedule C: Fire Service Levels and Authorized Services.

Application

7. This Bylaw will apply to:

   (a) each Commission Department established and operated by the Regional District and to the Members of each such Department;

   (b) subject to the express terms of the relevant Service Agreements or any limitations set out herein, to the Society Departments and their Members;

   (c) only as expressly provided in this Bylaw, to the Service Departments and their respective Members;

   (d) if the Board has designated a member of an Improvement District Fire Department as a Fire Inspector or Fire Investigator, to the provision of Fire Inspections and Fire Investigations by that Department; and

   (e) persons and properties within the Fire Service Areas and, with respect to Fire Investigations and Fire Investigations only, within all of the electoral areas of the Capital Regional District.

Service Levels and Authorized Services

8. The Service Level and Authorized Services for each Commission Department and Society Department will be set from time to time by the Board by amending Schedule C of this Bylaw, based on the recommendation of the Manager, Fire Services. The Manager, Fire Services will make service level recommendations based on consultation with a Commission and the Fire Chief for a service area in accordance with Provincial Training Standards and will make recommendations for Authorized Services based off of the Regional Operational Guidelines. The Service Level and Authorized Services of each Service Department will be the level and authorized services set by the local government that has established, and which operates such Service Department. Notwithstanding any declared Service Level or Authorized Services, in relation to any particular Incident the relevant Department will only provide services at the level consistent, and the type or kind authorized with the qualifications and training of the Members responding to such Incident.

Manager, Fire Services

9. The CAO may, from time to time, appoint a Manager, Fire Services, subject to budgetary approval by the Board. Where no Manager, Fire Services has been appointed, a reference in this Bylaw to the "Manager, Fire Services" shall be read as "Senior Manager".

10. The responsibilities of the Manager, Fire Services include the following:

    (a) overseeing:

        (i) the development and implementation of Commission Department and Society Department training programs that meet or exceed the Provincial Training Standards,

        (ii) the training of the Members of Commission Departments and Society Departments for their various roles, including their role as Fire Inspectors and Fire Investigators,

        (iii) appropriate training record maintenance by the Commission Departments and Society Departments, and

        (iv) the Commission Departments' and Society Departments' implementation of required WorkSafe BC processes, including the regular operation of joint committees;

    (b) developing, revising and maintaining consistent Regional Operational Guidelines and policies for Commission Departments and Society Departments, which guidelines shall cover or address all required provincial standards relating to the operation of a fire department, including the requirements of this Bylaw, WorkSafe BC requirements and the Provincial Training Standards; and

    (c) exercising such other powers, or fulfilling such other responsibilities, as may be set out in this Bylaw, the job description applicable to the Manager, Fire Services, or any other relevant Regional District bylaw or Board policy.

11. The Manager, Fire Services may exercise the authorities of a Fire Chief as set out in section 33 of this Bylaw in the Fire Service Areas and may exercise the authority of the Board under section 14 of the *Fire Safety Act* within the electoral areas of the Regional District.

12. The Manager, Fire Services is hereby designated as a Fire Investigator and a Fire Inspector within the meaning of the *Fire Safety Act* subject to the individual fulfilling that role or position meeting the training and qualification requirements for a Fire Inspector and/or Fire Investigator under the *Fire Safety Act.*

13. The Manager, Fire Services will be responsible for conducting, or causing to be conducted, Fire Investigations within the Fire Service Areas, and in the other parts of the Regional District's electoral areas not included within a Fire Service Area, and reporting same to the OFC in accordance with the *Fire Safety Act*.

14. The Manager, Fire Services will be responsible for conducting, or causing to be conducted, Fire Safety Inspections, within the Fire Service Areas, and in the other parts of the Regional District's electoral areas not included within a Fire Service Area.

15. The Manager, Fire Services will consult with the Fire Chiefs in relation to the implementation or material revision of any policies affecting one or more Commission Departments or Society

Departments, including Apparatus procurement, qualifications and standards for Officers (including Fire Chiefs), budgets, training, and Regional Operational Guidelines.

16. The Manager, Fire Services is authorized to provide advice and make recommendations to other officers and employees of the Regional District, the Board and, subject to any applicable Regional District policies and procedures, to the public, in relation to:

    (a) improving or revising the operations, jurisdiction or services offered by all or any of the Departments;

    (b) the availability of adequate water supply and pressure;

    (c) the procurement and maintenance of fire protection equipment and Apparatus;

    (d) the enforcement of measures for the prevention or suppression of fire and the protection of life and property;

    (e) life safety or rescue equipment;

    (f) the development, implementation and operation of a fire inspection system in any part of the Regional District; and

    (g) fire prevention generally, including public education.

Staff

17. In relation to Commission Departments, Staff responsibilities are set out in Bylaw No. 3654.

Fire Inspectors and Fire Investigators

18. The Board will designate, by resolution of the Board, individuals or positions within a Commission Department, Society Department or a Service Department as a Fire Inspector and/or Fire Investigator for those Department's respective Fire Service Areas.

19. A Fire Inspector may only conduct a Fire Inspection in accordance with the Inspection and Investigation Policy for the CRD as may be set by the General Manager, Housing, Planning and Protective Services from time to time and may exercise the powers of a Fire Inspector as provided in, and subject to, the *Fire Safety Act*, and, in relation to Commission Departments and Society Departments, any Regional Operational Guidelines.

20. A Fire Investigator may only conduct a Fire Investigation in accordance with the Inspection and Investigation Policy for the CRD and may exercise the powers of a Fire Investigator as provided in, and subject to, the *Fire Safety Act*, and, in relation to Commission Departments and Society Departments, any Regional Operational Guidelines.

21. Where a Fire Inspector has conducted a Fire Safety Inspection, whether within or outside of an existing Fire Service Area, the Regional District may recover the full cost of undertaking such Fire Safety Inspection from the owner or occupier of the premises or the property, by levying a charge as set out in Schedule B.

22. Where a Fire Investigator has conducted a Fire Investigation in relation to premises, property or a vehicle, whether located within or outside of an existing Fire Service Area, the Regional District may recover the full cost of undertaking such Fire Investigation from the owner or occupier of the premises, the property or vehicle, by levying a charge as set out in Schedule B.

Fire Chiefs and Non-Volunteer positions – Commission Department and Society Department

23. Each of the existing Fire Chiefs of the Commission Departments, as at the date of this Bylaw, is hereby ratified and confirmed as a Fire Chief for the purposes of this Bylaw.

24. The Senior Manager and Manager, Fire Services will establish and update, from time to time, the minimum qualification and training requirements for the position of Fire Chief, and non-volunteer positions, for Commission Departments and, subject to the terms of the relevant Service Agreement, each Society Department. Such qualification and training requirements will be developed and updated in consultation with the Commission Departments and Society Departments.

25. In relation to Fire Chief and Non-Volunteer Position vacancies in Commission Departments, the Manager, Fire Services will, in consultation with the relevant Commission in accordance with the Capital Regional District Recruitment and Retention Policy, conduct assessments of applicants for any open position before making a recommendation to the CAO.

26. Fire Chiefs and Non-Volunteer Positions of the Commission Departments will be appointed by the CAO on the recommendation of the Manager, Fire Services. Such recommendation shall consider the advice of the relevant Commission, consistent with CRD recruitment and Human Resources policies. The final appointment decision remains the responsibility of the CRD.

27. The CAO, subject to any Regional District policies relating to personnel management, may remove any Fire Chief, Officer or Member of a Commission Department.

28. A Fire Chief of a Commission Department is responsible for the day-to-day operations of his or her Department, including:

    (a) all emergency operations;

    (b) preparing the annual budget for the Department in collaboration with the Manager, Fire Services;

    (c) advising the Commission through the Manager of Fire Services on matters relating to the operation, maintenance, and strategic development of the services provided by the Department and the Department; and

    (d) providing regular reports to the Manager, Fire Services on the operation of his or her Department.

29. A Fire Chief of a Commission Department or a Society Department, or his or her designate, shall forward requests for goods or services required by his or her Department, to the Manager, Fire Services for approval prior to ordering such goods or services; provided that the Fire Chief may authorize any single budgeted expenditure up to, but not exceeding, $10,000 for goods or services required by his or her Department.

30. A Fire Chief of a Commission Department and, subject to the relevant Service Agreement, a Fire Chief of a Society Department, is authorized:

    (a) to enforce Regional Operational Guidelines for the proper and efficient administration and operation of his or her Department and enforce such additional rules, policies and guidelines as are not inconsistent with the Regional Operational Guidelines; and

(b) to collect and disseminate information regarding fires and fire hazards in the Fire Service Area in which his or her Department is located and to promote fire prevention and fire safety.

31. A Fire Chief of a Commission Department or a Society Department will oversee the Members of the relevant Department and the training of those Members in accordance with the Provincial Training Standards so that they are able to fulfill their respective roles, including acting as Officers and for any roles to which they are assigned at or in relation to an Incident. A Fire Chief of a Commission Department or a Society Department is responsible for maintenance of training records for all Members under his or her command including the recording of the Members' training in the relevant Department's records management system or, where relevant, within any centralized records management system operated by the Regional District and made available to the Commission Departments and Society Departments.

32. The Fire Chief of a Commission Department may appoint or remove Officers and appoint or remove Members of the relevant Commission Department, subject to any standards, requirements or processes established by the Manager, Fire Services under this Bylaw, and any Regional District policies relating to the management of personnel.

Operational Powers

33. A Fire Chief and (except as provided) any Member, or other person authorized by the Fire Chief to act on behalf of the Fire Chief, may exercise one or more of the following powers:

(a) enter onto property and inspect premises for compliance with this Bylaw and for conditions that may cause a fire, increase the danger of a fire or increase the danger to persons or property from a fire;

(b) if property is endangered by debris caused by lumbering, land clearing or industrial operation, require the person who is carrying on or who has carried on the operation, or the owner or occupier of the land on which the debris exists, to dispose of the debris, and undertake any other actions for the purpose of removing or reducing the danger as is necessary or advisable in the circumstances;

(c) in relation to an Incident (including during any related overhaul, clean up or Fire Investigation):

(i) to take measures considered necessary to prevent and suppress fires or mitigate an Incident, including but not limited to the demolition or removal of buildings, structures and other materials to prevent the spread of fire, mitigate risk or protect persons or property in connection with an Incident;

(ii) to enter, at any time, premises, property, structures or things where the Incident is occurring or has been reported, and to cause any Member or Apparatus of a Department to enter as he or she deems necessary or advisable, in order to combat, control or deal with the Incident;

(iii) to enter, pass through or over, or station on, buildings or property proximate to the Incident, and to cause any Member or Apparatus of a Department to enter, pass through or over, or station on buildings or property proximate to the Incident, where he or she deems it necessary or advisable to gain access to the Incident or to protect any person or property;

(iv) to exercise control over access to, and to evacuate, areas proximate to or affected by an Incident (including public property, private property, buildings, streets and highways), including managing vehicular and pedestrian traffic, as he or she deems necessary or advisable to prevent interference with the Department's response, or the response of other emergency services, to the Incident and/or to reduce the risk to life or property; and

(v) to take such other actions as may be necessary to: suppress a fire or mitigate an Incident; ensure the safety of Members, other emergency responders and the public; and prevent or reduce damage to property;

(d) to enter a Public Building, or other property, structures, or storage areas, at any reasonable time, for the purposes of conducting Pre-Incident Planning;

(e) to enforce this Bylaw and any other Regional District bylaws, rules, orders and regulations relating to the prevention and suppression of fires and protection of life and property in emergency situations; and

(f) in relation to non-emergency matters, to enter onto property or premises in accordance with section 284 of the *Local Government Act* or, if exercising a power under the *Fire Safety Act*, enter onto property or premises as provided in the *Fire Safety Act*.

34. For certainty, the Fire Chief and/or Incident Commander may, in his or her sole discretion, restrict or terminate emergency response activities in any circumstances where the Incident is considered to exceed the training or capabilities of the responding Members, or Apparatus available to them.

Authorized Services

35. Each Commission Department, and, subject to the relevant Service Agreement, each Society Department, is only authorized to provide or undertake services set out within that Department's Authorized Services and Service Level as shown in Schedule C.

36. Notwithstanding section 35 of this Bylaw, a Commission Department or Society Department will only provide those services for which its Members are trained and equipped in accordance with Provincial Training Standards and the Regional Operational Guidelines.

37. Service Departments are authorized to provide the fire protection, fire prevention and emergency response services set out in the relevant Service Agreement.

Commission Department and Society Department Jurisdiction and Mutual Aid

38. The jurisdiction of each Commission Department and Society Department shall be the relevant Fire Service Area specified in the service establishment bylaw identified in Schedule A in relation to such Department. Each Service Department is authorized to respond into the relevant Fire Service Area set out in its Service Agreement and, for certainty, may respond into portions of the Regional District proximate to such Fire Service Area where an Incident threatens or affects the Fire Service Area.

39. A Commission Department or a Society Department may respond to an Incident outside of its ordinary Fire Service Area in the following circumstances:

(a) if authorized to respond by EMCR and given a task number for such response, or in accordance with an agreement with or procedures established by BCWS or any other provincial or federal emergency agency recognized by the Regional Operational Guidelines;

(b) to provide fire suppression where a wildfire or an Interface Fire imminently threatens any part of the relevant Commission Department's Fire Service Area, in accordance with any agreements or procedures of BCWS or EMCR;

(c) in accordance with the terms of a mutual aid or automatic aid agreement with a municipality within the Regional District, or a mutual aid agreement with another regional district, First Nation, municipality or the Province;

(d) in accordance with the terms of any service agreement with another local government, regional district, federal government, or First Nation;

(e) in connection with an order made pursuant to the *Emergency and Disaster Management Act*, SBC 2023, c.37 and the associated regulations and the respective declaration of a state of local emergency or Provincial emergency; and

(f) if authorized to respond by the CAO or designate.

40. A Fire Chief of a Commission Department or Society Department, or his or her designate, may, in his or her sole discretion, refuse to respond to calls to Incidents described in subsections 39(a) through (f) of this Bylaw inclusive; provided that any refusal of a mutual or automatic aid request shall be in accordance with the terms of the relevant aid agreement.

41. Where there is no mutual or automatic aid agreement between the relevant Departments, a Commission Department or a Society Department may respond outside of its ordinary Fire Service Area in support of another Commission Department or Society Department (the "**Requesting Department**"):

(a) at the request of the Fire Chief or designate of the Requesting Department; or

(b) at the direction of the Manager, Fire Services.

42. Where a Department (the "**Responding Department**") has received a request for assistance under section 41:

(a) the Fire Chief or designate of the Responding Department may, in his or her discretion, refuse the request for assistance, provided that this refusal is immediately communicated to the Requesting Department through the Regional District's dispatch provider;

(b) the Fire Chief or designate the Responding Department may, in his or her discretion, but subject to the Department's Service Level and Authorized Services, determine the nature and extent of any assistance that will be provided; and

(c) Incident responses will be managed in accordance with the Regional Operational Guidelines, including use of the incident command system described therein.

43. The Manager, Fire Services shall be advised as soon as possible of all responses by Departments described in section 39 or section 41 or of a decision to refuse such a call in accordance with either section 40 or subsection 43(a). Where required, the Manager, Fire

Services will communicate with other Departments or mutual aid partners with respect to either providing support or heightened coverage as a result of a mutual aid request or response by a Commission Department or Society Department outside of its Fire Service Area.

44. Where another local government's fire department (the "**Outside Responding Department**") provides emergency response services within a Fire Service Area or other part of the Regional District under a mutual aid or automatic aid agreement, the Outside Responding Department, in relation to any particular Incident:

    (a) is authorized to exercise the powers and authorities specified in the relevant mutual aid or automatic aid agreement, as the case may be; or

    (b) where the relevant mutual aid or automatic aid agreement does not expressly address the issue of powers and authority, is entitled to exercise the same powers and authority as the Outside Responding Department has within its own jurisdiction.

Inspections of Mobile Food Vendors Premises

45. For the purposes of this Bylaw, a "Mobile Food Vendor Premises" means a vehicle, trailer, cart, bicycle, or other conveyance used to prepare and sell food and beverages.

46. The Manager, Fire Services, as Fire Inspector, may conduct a Fire Safety Inspection of a Mobile Food Vendor Premises operating anywhere within the electoral areas of the Regional District.

47. A Fire Inspector within a Department may conduct a Fire Safety Inspection of a Mobile Food Vendor Premises operating within that Department's Fire Service Area.

48. A Mobile Food Vendor Premises shall meet the following requirements, as applicable:

    (a) there must be installed or available fire protection equipment, including fire extinguishers, appropriate to the type of cooking being undertaken;

    (b) all commercial cooking units must be installed, certified and maintained in accordance with the requirements of the Safety Standards Act and regulations;

    (c) any propane cylinders must be stored in a safe fashion, away from cooking and heat devices;

    (d) any tents or awnings in use must be kept clean and free from grease build-up or other flammable residues, and conform to the flame resistance requirements CAN/ULC S-109: Standard Method for Flame Tests of Flame-Resistant Fabrics and Films, which conformance shall be identified by a manufacturer's label on such tent or awning; and

    (e) the siting of the Mobile Food Vendor Premises, clearances, and other matters related to fire safety that may be set by a Fire Inspector must be met at all times.

49. Where a Fire Inspector has conducted a Fire Safety Inspection of a Mobile Food Vendor Premises, whether within or outside of an existing Fire Service Area, the Regional District may recover the full cost of undertaking such Fire Safety Inspection in accordance with section 21 of this Bylaw.

Fire Safety Plans

50. Where an owner of any building or property within a Fire Service Area is required by the Fire Code to develop and maintain a fire safety plan (a "Fire Safety Plan"), a copy of such Fire Safety Plan, and any updates thereto, shall be submitted to the relevant Department for review in accordance with the Fire Code. The Manager, Fire Services may prescribe the form in which any Fire Safety Plan is to be submitted, including that the Fire Safety Plan must be submitted in a specified electronic format.

51. The Fire Safety Plan will be reviewed not less than annually by the owner of the building or property and updated if required. The Fire Safety Plan must be updated and a new Fire Safety Plan submitted to the relevant Department for review at any time that there has been any change to a building or property, or any change to the use thereof, that makes the existing Fire Safety Plan inaccurate or obsolete.

52. Notwithstanding any review of Fire Safety Plan by a Department, the owner of the building or property in respect of which such Fire Safety Plan is submitted remains solely responsible and therefore the Regional District shall not be liable for any defect in any Fire Safety Plan, or for any loss, damage, costs or injuries arising in connection therewith.

53. The Regional District may recover the full cost of undertaking a review of a Fire Safety Plan from the owner of the building or property, by charging a fee as provided in Schedule B.

Vacant Premises

54. For the purposes of this Bylaw, "Vacant Premises" includes a lot, building or other structure in respect of which one or more utility services have been intentionally discontinued (other than temporarily in connection with maintenance, repair or upgrading), such that the condition of the premises is not suitable for regular human habitation or other occupancy, or which is uninhabited for a continuous period of more than 30 days.

55. The owner of Vacant Premises must ensure that at all times:

    (a) the Vacant Premises are free from litter and debris, or accumulations of combustible or flammable materials;

    (b) all openings in the Vacant Premises are securely closed and fastened in a manner to prevent the entry of unauthorized persons; and

    (c) any sprinkler systems or fire alarm systems required by the Fire Code, remain operational.

56. Where the owner of Vacant Premises fails to maintain such Vacant Premises as required by section 56:

    (a) the Fire Chief of the Fire Service Area in which such Vacant Premises are located may send a notice to the owner requiring that such Vacant Premises be brought into compliance with this Bylaw; or

(b) the Manager, Fire Services may send a notice to the owner of Vacant Premises, whether located within a Fire Service Area or not, requiring that such Vacant Premises be brought into compliance with this Bylaw.

57. Where the owner of Vacant Premises fails to bring such Vacant Premises into compliance with this Bylaw by the time specified in the notice under section 56, the Manager, Fire Services or relevant Fire Chief may cause such Vacant Premises to be brought into compliance with this Bylaw by Regional District employees, agents or contractors, at the cost and expense of the owner.

Damaged Buildings

58. The owner of a building or other structure that has been damaged due to fire, explosion or similar event must immediately act to ensure that the damaged building or structure is guarded, or that all openings and points of entry into the damaged building or structure are kept securely closed and fastened in a manner so as to prevent the entry of unauthorized persons. If the owner fails to provide the necessary security to the damaged building within two hours following an incident:

(a) in relation to a damaged building within a Fire Service Area, the relevant Fire Chief may cause the work to be carried out at the cost and expense of the owner; or

(b) whether the damaged building is located within a Fire Service Area or not, the Manager, Fire Services may cause the work to be carried out at the cost and expense of the owner.

Cost Recovery

59. In addition to any other provision of this bylaw that entitles the Regional District to charge for provision of services, the Regional District may charge for and recover its costs from the owner of any property or building, or the operator of a vehicle, in relation to the following:

(a) the cost of hiring any specialized equipment or personnel to manage an Incident, including post-Incident clean up;

(b) the provision by a Department or Manager, Fire Services of any services or responses outside of a Fire Service Area; and

(c) in connection with an Incident involving hazardous materials or dangerous goods, the cost of any decontamination, repair or replacement of a Department's apparatus or equipment.

60. In order to recover service costs, the Regional District may add an administrative fee equal to 15% of the costs being recovered, for any amount that is charged under section 59.

Orders

61. Where a Fire Inspector has conducted a Fire Safety Inspection of any premises or property, the Fire Inspector may issue an order in connection with any deficiencies discovered, as provided for in, and in the manner and form contemplated by, the *Fire Safety Act*. The Fire Inspector, if an individual other than the Manager, Fire Services, will confirm the contents of any such order with the Manager, Fire Services before the order is issued. The Manager, Fire

Services will file with the OFC a summary of all orders issued under this section 62 on a monthly basis, or such other time specified by the OFC, in the form required by the OFC.

62. Where the Manager, Fire Services, or person designated by the Manager, Fire Services, has conducted an inspection of premises or property exercising the special fire protection powers under the *Local Government Act*, or a Fire Chief or designate has undertaken such an inspection exercising the powers under subsection 33(a) of this Bylaw, the Manager, Fire Services or designate, or the Fire Chief or designate (as the case may be) may issue an order in connection with any deficiencies discovered. Any order issued under this section 63 will be in substantially the same form as the orders prescribed under *Fire Safety Act*.

63. Where a person to whom an order issued as contemplated by section 62 of this Bylaw fails to abide by such order, or fails to take the actions required by the order within the timeframe stipulated in the order, the Manager, Fire Services or person designated by the Manager, Fire Services:

    (a) may take such corrective actions as are required to bring the premises into compliance as required by the order, and to retain third parties, as required, to undertake the necessary work; and

    (b) may charge the cost of any such corrective action to the owner of the premises or property.

64. Without limiting the right of the Regional District to take such other enforcement actions as it deems appropriate or necessary:

    (a) any costs incurred by the Regional District under section 62 in relation to securing a premise pursuant to section 16 of the *Fire Safety Act* may be recovered in the manner provided by section 18 of the *Fire Safety Act*; and

    (b) any costs incurred by the Regional District under section 63 in relation to orders issued pursuant to the *Local Government Act*, or any other costs or charges that may be levied pursuant to this Bylaw, may be recovered, to the extent applicable, by the Regional District in the manner provided by section 399 of the *Local Government Act*.

Other

65. No person shall:

    (a) impede, hinder or obstruct any Member at an Incident and every person in the proximity of an Incident shall comply with orders or directions of a Member responding to the Incident;

    (b) during an Incident, obstruct or otherwise interfere with access roads or other approaches to the Incident, or with access to fire hydrants, reservoirs or bodies of water required for fire suppression purposes;

    (c) damage, destroy, obstruct, impede or hinder the operation of any Apparatus, or, unless authorized by the Fire Chief, Incident Commander or other Officer, travel across a fire hose;

    (d) refuse to permit any Member to enter into or upon premises or property in relation to which an alarm or other request for assistance has been received, or in or upon which

a Member has reasonable grounds to believe that an Incident has occurred or may occur;

(e) interfere with any Member or refuse to permit any Member to enter into or upon premises or a fire scene to determine the cause and origin of a fire or the cause of activation of a fire alarm system; and

(f) except as authorized by the Fire Chief, an Officer or an Incident Commander:

(i) enter any building, structure, vehicle or area involved in or threatened by an Incident; or
(ii) refuse to move from such a building, structure, vehicle or area when directed to do so by a peace officer or Member.

66. Any person who violates any provision of section 65 may, in addition to any other penalty, be removed from the scene of an Incident by a peace officer or the Fire Chief, an Officer or Incident Commander (or their designate).

(Bylaw No. 4763)

67. Any person who damages Apparatus in contravention of subsection 65(c), in addition to any other penalty, shall be liable for the cost of repairing or replacing the Apparatus.

(Bylaw No. 4763)

68. No person shall falsely represent himself or herself as a Member of a Department, or wear or display any Commission Department or Society Department uniform, badge, cap, button, insignia or other paraphernalia for the purpose of such false representation.

69. Any person who violates any provision of this Bylaw, shall be guilty of an offence and shall be liable upon summary conviction therefor to a penalty of, at minimum, Five Thousand dollars ($5,000), for every such violation, which penalty and cost shall be recoverable and enforceable upon summary conviction in the manner provided by the Offence Act (B.C.).

70. Each day that a contravention of this Bylaw continues constitutes a separate offence.

(Bylaw No. 4763)

71. This Bylaw may be cited as the “Capital Regional District Fire Services Operational, Fire Prevention and Administrative Bylaw No. 1, 2026”.

READ A FIRST TIME THIS	11th	day of	February	2026
READ A SECOND TIME THIS	11th	day of	February	2026
READ A THIRD TIME THIS	11th	day of	February	2026
ADOPTED THIS	11th	day of	February	2026

CHAIR

CORPORATE OFFICER

Schedule A

Departments and Fire Service Areas

The following is a list of the Departments established by or contracted to the Regional District, the Fire Service Areas in which they respond and the relevant service establishment bylaws:

Department	**Fire Service Area and Establishment Bylaw**
East Sooke Volunteer Fire Department	**3390** - East Sooke Fire Protection and Emergency Response Service Establishment Bylaw No. 1, 2006
Galiano Island Volunteer Fire Department	**1852** - North Galiano Island Fire Protection and Emergency Response Service Establishment By-law No. 1, 1990 **2148** - South Galiano Island Fire Protection and Emergency Response Service Establishment Bylaw No. 1, 1993
Malahat Volunteer Fire Department	**2731** - Malahat Fire Protection Local Service Establishment Bylaw No. 1, 1999
Otter Point Volunteer Fire Department	**2042 -** Otter Point Fire Protection and Emergency Response Local Service Establishment Bylaw No. 1, 1992
Pender Island Volunteer Fire Department	**2050** - Pender Islands Fire Protection and Emergency Response Service Establishment Bylaw No. 1, 1992
Port Renfrew Volunteer Fire Department	**1753** - Port Renfrew Fire Protection and Emergency Response Service Establishment Bylaw No. 1, 1989
Saanich Fire Department	**2506 -** Durrance Road Fire Protection and Emergency Response Service Establishment Bylaw No. 1, 1997
Saturna Island Volunteer Fire Department	**2165** -Saturna Island Fire Protection and Emergency Response Local Service Contribution Establishment Bylaw No. 1, 1993
Shirley Volunteer Fire Department	**1927** - Shirley Fire Protection and Emergency Response Service Establishment Bylaw No. 1, 1991
Willis Point Volunteer Fire Department	**1951** -Willis Point Fire Protection, Emergency Response and Recreation Service Establishment Bylaw No. 1, 1991

Schedule B

Fees and Charges

Fire Safety Inspections and Fire Investigations

1. The following fees and charges may be levied against the owner or occupier of premises or property whether located within or outside of a Fire Service Area in connection with a Fire Safety Inspection undertaken as provided in this Bylaw and the *Fire Safety Act*:

   a. For Fire Safety Inspections that were requested by the owner or occupier of the premises or property:

Description	Amount
Fire Inspection – Minimum Fee	$95
Fire Inspection – Regular Working hours pro-rated in 15-minute intervals	$115
Fire Inspection – After hours pro-rated in 15-minute intervals	$165
Comfort Letter, per building, first hour	$120
Comfort Letter, per building, subsequent hours pro-rated in 15-minute intervals	$115

   b. For Fire Safety Inspections that were conducted based off a complaint by a member of the public:

Description	Amount
First hour (including travel time to and from the premises or property for one Inspector)	No Charge
Second and subsequent re-inspections per hour in a calendar year	$115

   c. For Fire Safety Inspections that were believed advisable by the Fire Inspector, without receiving a complaint:

Description	Amount
First hour (including travel time to and from the premises or property for one Inspector)	No Charge
Second and subsequent re-inspections per hour in a calendar year	$115

d. The following fees and charges may be levied against the owner of premises or property, or the owner of any vehicle or thing, whether located within or outside of a Fire Service Area in connection with a Fire Investigation undertaken as provided in this Bylaw and the *Fire Safety Act*:

Description	Amount
First hour (including travel time to and from the premises or property for one Department Vehicle)	No Charge
Each hour after the first hour	$160

Fire Safety Plans

Description	Amount
Initial Review (flat rate) per plan	$150
Subsequent review for compliance	$100 per hour

Damage, Destruction, or Demolition of a Building

Description	Amount
Damage, Destruction, or Demolition of a Building	Hourly rate of Equipment and staffing costs of each Member for actual time Member and Equipment attend at the site, plus any out-of-pocket expenses incurred by the Regional District to complete the work
Post-Incident Fire Watch	
Securing Fire Damaged or Vacant Building	

Schedule C

Service Levels and Authorized Services

1. The Service Level and Authorized Services in columns B and C of the table below, respectively, are the set Service Level and Authorized Services for the corresponding Department set out in column A of the table below.

A - Department	Declared Service Level	Authorized Services
East Sooke Volunteer Fire Department	Interior	Medical – Per BC EHS Operational Response Plan Vehicle and Machinery Extrication Rescue – Low Slope - Operations
Galiano Island Volunteer Fire Department	Interior	Medical – Per BC EHS Operational Response Plan Vehicle and Machinery Extrication Rescue – Low Slope - Operations
Otter Point Volunteer Fire Department	Interior	Medical – Per BC EHS Operational Response Plan Vehicle and Machinery Extrication Rescue – Low Slope - Operations
Pender Island Volunteer Fire Department	Full Service	Medical – Per BC EHS Operational Response Plan Vehicle and Machinery Extrication Rescue – High Angle – Operations Confined Space – Operations
Port Renfrew Volunteer Fire Department	Exterior	Medical – Per BC EHS Operational Response Plan Vehicle and Machinery Extrication Rescue – Low Slope - Awareness
Saturna Island Volunteer Fire Department	Exterior	Medical – Per BC EHS Operational Response Plan Vehicle and Machinery Extrication Rescue – Low Slope - Operations
Shirley Volunteer Fire Department	Interior	Medical – Per BC EHS Operational Response Plan Vehicle and Machinery Extrication Rescue – Low Slope - Operations
Willis Point Volunteer Fire Department	Exterior	Medical – Per BC EHS Operational Response Plan Vehicle and Machinery Extrication Rescue – Low Slope - Awareness

APPENDIX I

CRD FIRE SERVICES GOVERNANCE REVIEW OCTOBER 2023

Capital Regional District

Fire Services Governance Review

Prepared for:
Jonathan Reimer
Manager, Fire and Emergency Services
Capital Regional District

Prepared by:
Tim Pley & Associates Ltd.

Submitted:
Final: September 8, 2023

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1. Executive Summary

The Capital Regional District (the "CRD"), like many regional district governments in British Columbia, is the Authority Having Jurisdiction (the "AHJ") for a number of fire protection services within electoral areas. The CRD is responsible for eleven electoral area fire protection service areas and facilitates service delivery in each area in a manner intended to work best for that service area's constituents and the CRD. The CRD utilizes three methods to facilitate fire protection service delivery; contracting service delivery from a neighbouring local government's fire department; contracting a stand-alone society to provide fire protection services; and most commonly, operating a fire department by way of a CRD-established commission.

In each fire protection service area that is serviced by a society-owned or commission-led fire department (collectively, the "Departments") can be found a group of residents who are heavily invested in the delivery of fire protection services in their community. In all of these areas the Department relies on volunteers to commit considerable time and effort to serve as firefighters, fire officers, support staff or society/commission board members.[1] Most of these individuals live in the communities where they serve, and while the motivation to be involved in the delivery of fire protection services within their communities differs between individuals, one can generalize that volunteering to directly provide or support the provision of fire protection services in one's community involves a selfless act of giving. Throughout this project and in the writing of this report, the Consultants have striven to understand and respect the contribution made by those individuals to their communities.

Fire protection is a local government service, and subject to a complex collection of regulatory requirements and recognized operating, staffing and training standards. This report identifies various regulatory change drivers affecting the fire service in British Columbia. These regulatory change drivers have led to a significant evolution in the way local governments manage and oversee their fire services and have fundamentally impacted the way in which fire protection services are delivered in rural areas. Methods and approaches that once worked are becoming less effective or more challenging to sustain, and some practices are no longer permitted. As such, local governments like the CRD have been compelled to review their processes and materially adjust their oversight and management of fire service delivery. Fire and emergency response service management has necessarily become far more technical and far more complex than in the past. The requirements to meet appropriate standards – whether in training, or equipment/apparatus use and maintenance, or occupational health and safety processes – has made proper oversight essential. For local governments, ensuring that such oversight is in place and functioning properly are critical elements of proper risk management, both to protect the local government itself and to ensure the safety of emergency responders and the public they serve.

[1] Many of the firefighters in CRD Departments and society-owned Departments typically receive some remuneration for training and responding to emergency incidents, and are properly categorized as paid-on-call firefighters, although the involvement of these individuals in providing fire protection services is essentially volunteering. The paid-on-call/volunteer firefighter model is the most common model utilized in British Columbia.

The effects of regulatory change drivers on the rural fire service are being compounded by the impacts of societal changes. At the same time that regulatory changes are making it more challenging and costly to meet minimum training and operating requirements, the pool from which fire departments traditionally draw firefighters is drying up. Resident populations in rural communities are aging and volunteerism has waned. Rural fire services rely on volunteers, and many rural departments now struggle to recruit, train and retain an adequate number of qualified firefighters. This confluence of factors has adversely impacted delivery of fire protection services in rural areas, and local governments have found it increasingly necessary to update and revise their approach to governing and overseeing their fire departments while supporting their firefighters.

The need to adjust to a changing landscape is clear. Leaders, however, need to be mindful that "making adjustments" has real impacts on people who have invested, often heavily, in serving their communities in ways that have become engrained in the lives of individuals, families and communities. Implementing change should be done with compassion, active listening, and efforts to be inclusive, using a clear road map into which stakeholders have had input.

Responding to regulatory change drivers can be described as being primarily an administrative responsibility. The CRD, recognizing this, has developed and continues to improve its Protective Services department which is staffed with fire service professionals who, along with staff in other CRD departments, can oversee the needed change and ensure that the CRD's statutory and regulatory responsibilities are being properly met. The current governance structures, however, are complex and the reporting lines and roles to be played by professional staff and volunteers are unclear.

The Departments are also challenged by change drivers. In many cases the Departments and fire chiefs are struggling with increased administrative workloads, and not able to take full advantage of the direct support that could be available to them from the CRD's professional staff if the reporting relationships were different than those currently in place.

This project involved the Consultants reviewing the governance models currently utilized by the CRD and making recommendations for improvements. As noted, at a high level, there are three fundamental approaches to fire service delivery in the CRD:

1. delivering the service through a fire department which is the direct responsibility of the CRD (six service areas). Administrative responsibility and oversight of each such Department has been devolved to a CRD-appointed volunteer Commission, to which various of the CRD Board's powers have been delegated. The responsibilities of such Commissions are very broadly cast and, in some cases, not as well understood as they perhaps should or need to be. The role to be played by the CRD's Protective Services and other professional staff in relation to Department oversight and management is poorly defined;
2. contracting for the service from a neighbouring local government (two service areas); and
3. contracting for the service from an arm's length, volunteer, not-for-profit society, pursuant to a service agreement (three service areas). The terms of the service

agreements vary by jurisdiction and, in some cases, may not clearly allocate responsibility for certain fundamental matters (e.g., risk and liability).

The Consultants undertook a comprehensive review to ensure as full an understanding of the current state as possible. A detailed document review and analysis, covering materials ranging from bylaws and service agreements to occupational health and safety matters and budgets was undertaken, the results of which are reflected in this report. The Consultants also travelled to every rural community with a CRD fire service area, and met with each fire chief and society president or commission chair, or their alternate. The Consultants and the CRD jointly considered it critical that this review be informed by local conditions, practices and concerns.

In each community visited, the Consultants were warmly received and hosted at a fire hall and/or a family home. The open and honest engagement was greatly appreciated and was critical for properly understanding the challenges and issues being faced at the local level. In each case, stakeholders expressed their appreciation for the support they have received from CRD staff, while indicating frustration with what is viewed as the priority given to bureaucratic processes by local government.

The Consultants met with CRD employees from Protective Services and other CRD departments, including Finance and Human Resources. In each case, the Consultants encountered professionals who want to better support the Departments while ensuring that they are acting within compliance of regulatory requirements and CRD policies. In a number of instances, it was clear that the fire service required a bespoke approach by staff.

The current situation can be summarized as having good, service-focused people in communities and in CRD offices using their respective best efforts to support one another and help the CRD and Departments succeed, despite being hampered in some respects by the governance model(s) within which they operate. The Consultants' review of background materials and meetings with staff and with the stakeholders in nine communities have given rise to recommended changes in the governance models utilized by the CRD:

- For the Commission-led Departments, we recommend that the Commissions become advisory, with terms of reference focused on financial oversight (budget input and review) and community engagement. This approach aligns with the role the Commissions are currently fulfilling. Department oversight and support, to ensure regulatory requirements and standards are being met, will fall to appropriate CRD staff – particularly, Protective Services and Human Resources.
- Where the service is contracted from another local government, the CRD needs to ensure that the relevant service agreement covers off the essential matters – including the level of service provided, grant of operational powers to the service provider's department, reporting, and liability allocation. A service agreement checklist has been provided to help guide the review and updating of these agreements (see Appendix 4).
- In relation to the Society-owned Departments, the service agreements need to be reviewed and updated. Where a Society wishes to remain responsible for emergency service delivery, it needs also to be prepared to accept the risks which are attendant on that service delivery (including for matters such as occupational health and safety

processes). Alternatively, as has happened in many other regional districts, one or more societies may wish to step back from being responsible for emergency service delivery and instead take on a non-operational role – such as financial oversight, social events and activities, community engagement, recruitment and retention efforts, and similar matters. In those cases, the CRD will need to be prepared to take on responsibility for providing oversight and support to the relevant Department.

This report outlines measures that can be taken to enable the CRD to continue to contract fire protection service delivery from two of three societies currently active in that capacity, while also ensuring that the regulatory requirements are being met and the CRD properly protected. In the case of the third society-led Department, this report provides recommendations to redefine roles in order that the CRD can directly manage that Department while the society moves to a supporting role.

The implementation of these changes may be challenging for some. However, if handled in ways that respect and involve all stakeholders, change implementation can result in the sustainable delivery of fire protection services in a manner compliant with regulatory requirements, which provides the highest possible level of safety for firefighters and residents.

Each of the nine fire departments and their governing structures was examined separately, and in some cases unique aspects related to governance were found. This report outlines those one-off matters and makes recommendations for the CRD to consider change or resolution where appropriate.

Passion for community and service was apparent in every interaction the Consultants had with fire service providers. Rural fire protection services cannot continue to be provided without the active involvement of community members, whether they are responding to emergencies or supporting those responses in a governance or other role. That involvement is fundamental to the continued success of the CRD's fire services. However, the CRD must respond to regulatory and societal changes. Charting the path forward, if it is to result in success, must include meaningful involvement of those currently providing fire protection services.

The Consultants would like to express gratitude for being entrusted with this review, and for the hospitable and open manner with which all participants received us and engaged with us in discussions.

Nothing in this report should be construed as legal advice. The CRD should review any recommendations or issues outlined in this report through its ordinary legal review processes.

2. Summary of Recommendations

The following section extracts the recommendations contained within the report. The more expansive discussion in the report contains details regarding each of these recommendations.

For convenience, the relevant headings are included as a guide to the section from which the particular recommendation is extracted.

4. Current State – Capitol Regional District

Recommendation #1:	The CRD should work with its Commission-led Departments to comprehensively review and update OH&S processes – including programs in use and implementing operational guidelines – in the Departments for which it is directly responsible. A common OH&S program designed for the Departments, should be developed in consultation with them, and implemented through common operational guidelines. The program should, among other things, lay out clearly the requirements for operation of a joint committee or worker representative system, respiratory program, and WHMIS program.
Recommendation #2	The CRD's Human Resources Department is well staffed with individuals who are expert in OH&S requirements. The role and responsibility of such staff in overseeing and guiding the Departments in the fulfilment of their OH&S obligations should be clarified.
Recommendation # 3	The CRD should review with its Commission-led Departments whether the operation of a single joint committee across multiple Departments (or perhaps two such committees), would provide an effective way of helping the Departments manage the administrative burden of OH&S processes, while ensuring proper centralized oversight.
Recommendation #4	The responsibilities of the Society-owned Departments for operation and implementation of a comprehensive set of OH&S processes should be clarified in the relevant service agreements. If those Departments wish to remain responsible for emergency service delivery, any potential residual liability of the CRD for their OH&S matters should be addressed contractually, to the extent possible.
Recommendation #5	When the service agreements with the CVRD and Saanich are updated, the responsibility of the service providers to properly manage the OH&S processes for their respective fire departments should be specifically addressed.

Recommendation #6	The CRD should develop and implement an operational powers bylaw covering both the Commission-led and Society-owned Departments. Such bylaw can also be used to address administrative and reporting issues for the Commission-led Departments.
5. Change Drivers	
Recommendation #7	If a fire safety inspection obligation is imposed on the CRD when the *Fire Safety Act* is proclaimed in force, it likely will require both a service establishment bylaw (to authorize the new service) and either a new powers bylaw or an update to the Departments' existing powers and authority. The form of these bylaws will depend on how the obligation ultimately is framed, and the decision of the CRD, in consultation with its Departments, as to how this new obligation will be met.
Recommendation #8	When the *Fire Safety Act* comes into force, the CRD, in consultation with its Departments, will need to determine how it can best meet its new obligation to undertake border-to-border fire investigations within the Electoral Areas. The CRD may need to implement a new service establishment bylaw to fund this work, and to authorize the undertaking of such investigations. The form of bylaw will depend on how the obligation ultimately is framed, and the decision of the CRD, in consultation with its departments, as to how this new obligation will be met.
Recommendation #9	When the *Fire Safety Act* comes into force, it will be necessary to update the Departments' powers to reflect the new powers and authority granted by that statute. When such powers are updated, it will be important to specify the extent to which the powers and authority can be exercised outside an existing fire service area, and by whom. The form of these bylaws will depend on how the obligation ultimately is framed, and the decision of the CRD, in consultation with its Departments, as to how this new obligation will be met.
Recommendation #10	When the revisions to the current *Emergency Program Act* are brought into effect, it will be necessary to update the emergency program bylaws and corresponding agreements with its various service participants.
Recommendation #11	The CRD, in consultations with the Departments, should review the existing individual OHS programs related to decontamination procedures and mental wellness challenges, and develop a regional district approach to address the identified needs.

6. Neighboring Jurisdiction Contracted Areas	
Recommendation #12	When the Saanich Agreement is updated with respect to Durrance Road, consideration should be given to address the following issues: • extending the termination notice – given the challenges in replacing Saanich as a service provider, any termination provision should require an extended notice period to the CRD; • expressly granting operational powers and authority to Saanich in relation to its emergency (and any non-emergency) response activities in the Durrance Rd. service area; • dropping reference to the Saanich smoke alarm bylaw, as that bylaw has been incorporated into Saanich's Fire Prevention Bylaw No. 9712; and • the CRD needs to ensure that it has met the obligations under section 7 and 8 to authorize fire inspections in the service area by the Saanich Fire Department and has implemented a regulatory bylaw equivalent to Saanich's Bylaw No. 9712 covering the service area.
Recommendation #13	The CVRD Service Agreement has expired and needs to be renewed. When it is updated, a number of issues have been flagged for consideration in any new service agreement including: expressly recognizing that the service is being provided by volunteers or paid-on-call firefighters; granting operational powers and authority to the MVFD; building out a robust dispute resolution; and addressing any relevant service limitations (e.g., private bridges, other property access issues, etc.)
7. Commission-led Departments	
Recommendation #14	Bylaw No. 3654 will need to be updated to address any changes made to the Commission model.
Recommendation #15	Any updated Commission Handbook (and/or updated bylaw) should expressly address responsibility for OH&S matters, as well as the role to be played by the CRD's professional staff in relation to Department oversight.
Recommendation #16	When Bylaw 3654 is updated, consider making it an operational powers bylaw as well, granting operational powers and authority to the various Departments (including any service areas receiving emergency response services under contract from a Society or other local government). Alternatively, create an

	operational powers bylaw covering all of the CRD's fire service areas.
Recommendation #17	CRD Fire Commissions should be moved from having delegated Board authority, to operating on an advisory basis. Their responsibilities should be recast and clarified, principally covering: • Budget review and input; • Quarterly or semi-annual financial reviews; • Engagement in any strategic planning for the Department; and • Community outreach and engagement, for both financial matters and recruitment purposes.
Recommendation #18	CRD fire chiefs should report directly to a newly created CRD staff position – Manager of Electoral Area Fire Services.
Recommendation #19	The CRD should explore the matter of CRD fire chief employment status. CRD fire chiefs (and deputies) should be engaged as exempt employees of the CRD. Alternatively, if the CRD prefers to engage one or more fire chiefs as independent contractors, matters of liability protection, WorkSafe BC coverage and compliance with Canada Revenue Services requirements should be considered and addressed.
8.0 Society-owned Departments	
Recommendation #20	Society-owned and operated fire departments present a series of unique risk management and liability issues. If the Societies wish to continue to be responsible for the provision of emergency response services, they must be prepared to accept the potential liability and risk that accompanies such service provision. The service agreements with the Societies should be updated to clearly reflect that allocation of risk and responsibility. Certain other issues should also be addressed in the service agreements, including: enhanced reporting obligations; an improved, graduated dispute resolution process; clarifying OH&S obligations (and accompanying risk allocations); and clearly specifying what support is being provided by the CRD to the Society-owned Departments.
Recommendation #21	The CRD, in consultation with the Pender Island Society, should review whether the provision in the Pender Island Agreement which suggests that members of the Society are entitled to avail themselves of the protections under section 738 of the Local Government Act and are covered by the CRD's indemnity

	bylaw, is correct and accurately reflects the legal position of the Society and its members.
Recommendation #22	The CRD should engage with the South Galiano Volunteer Fire Department Society to explore conversion of the South Galiano Volunteer Fire Department to a CRD-operated department. The role of the Society should be redefined, and consideration given to the Society fulfilling the advisory role provided by commissions in other service areas until such time as a Southern Gulf Islands Fire Advisory Commission is established.
Recommendation #23	The CRD should facilitate discussions involving the South and North Galiano Fire Chiefs, the Society Chairs from both South and North Galiano, and the Commission Chair from North Galiano for the purposes of exploring the potential for the two departments to deepen their partnership, up to and including the potential to consolidate the two departments into one.
9. CRD Organizational Structure	
Recommendation #24	The CRD should consider the consolidation of Fire Commissions (Advisory) into two Advisory Fire Commissions, one representing the Southern Gulf Islands and the other representing the Juan de Fuca area.
Recommendation #25	The CRD should create and fill a Manager of Electoral Area Fire Services position. This position would be responsible for supervising CRD fire chiefs, supporting and liaising with Fire Commissions, as well as managing fire service agreements with other local governments and societies.
Recommendation #26	The CRD should expand from 0.5 FTE to full time the Assistant position assigned to Electoral Area Fire and Emergency Services. As soon as is possible staff resources should be increased in order that the full-time Assistant position is assigned only to Electoral Area Fire Services.
Recommendation #27	The CRD should create and fill a new Fire Training Officer position. The incumbent would report to the Manager of Electoral Area Fire Services
Appendix 2: Commission-led Departments	
Recommendation #28	The CRD should investigate the ownership of North Galiano #2 fire hall and land upon which it is situated.
Recommendation #29	The CRD should begin engaging with Pacheedaht First Nation as soon as possible on the matter of a shared services agreement for the next twenty year period, given that the current agreement expires in 2028.

Recommendation #30	The CRD should consider a joint application to the *Community to Community* grant fund program, managed by UBCM, with Pacheedaht First Nation for the purpose of facilitating discussions on the next iteration of their shared fire services agreement.
Recommendation #31	The CRD and Pacheedaht should discuss a Pacheedaht presence on the Commission that is better reflective of the Pacheedaht involvement in the community and their funding commitment to the provision of fire protection services.
Recommendation #32	The CRD should clarify the employment status of Paid on Call Firefighters, and whether that status changes at times when those personnel perform work other than regular training, maintenance and emergency response.
Recommendation #33	The CRD should clarify the ownership and responsibilities in terms of operations, liability, maintenance and replacement of the fire training facility located at the Otter Point fire hall.
Appendix 3: Society-owned Departments	
Recommendation #34	The CRD should clarify the ownership and responsibilities in terms of operations, liability, maintenance and replacement of the fire training facility located at the Pender Island fire hall.
Recommendation #35	Bylaw No. 2165 *Saturna Island Fire Protection and Emergency Response Local Service Contribution Establishment Bylaw,* should be revised consistent with other recommendations in this report, and to authorize the CRD to provide fire protection services, rather than limiting the CRD to funding fire protection services provided by the Society.
Recommendation #36	When the Saturna Island service agreement is renewed, it should stipulate: • That facilities, equipment and apparatus are owned by the CRD or that upon dissolution of the service agreement that such ownership transfers to the CRD; • Society reporting obligations including on matters of finance, operational service delivery, training and OH&S.

3. Methodology

The methodology for this review involved a multi-phased approach. A kick off meeting was conducted on December 14, 2023, with senior CRD staff [2] to refine the scope of work and gain an initial understanding of the various fire departments and their respective governance structures. The project scope of work was refined and agreed upon, and the timeline for the project was modified, in part, given the need to travel to rural communities for engagement, and the challenges that the winter season imposed on such travel.

Following the kick off meeting, the Consultants met with the Fire Services Leadership Group. This meeting served to introduce the Consultants to the Departments, enable the Consultants to introduce the project and its methodology, and provide an opportunity for the Department officers to provide input on matters that should be examined. The Consultants also met separately with the two Electoral Area Directors to update them on the project and project methodology, and to take their input on matters that should be examined. In both cases, the Electoral Directors appeared to be well-informed and provided insights that helped during the engagement process.

A comprehensive array of documents was provided by the CRD and reviewed by the Consultants. The materials reviewed include:

- service establishment bylaws;
- commission establishment bylaws and related CRD policies;
- occupational health and safety materials;
- budget and financial materials for each fire service;
- service agreements, both with societies and other local governments; and
- mutual aid agreements.

The document review provided a sharpened insight into the matters that should be addressed during site visits in communities and at CRD offices. Interview guides were developed to support and maximize the value of site visit interviews. Those guides included questions that were generic to more than one department, as well as specific questions for individual departments based on issues identified during the document review.

The Consultants conducted site visits and interviews at the six commission-led Departments and the three society-owned Departments. These visits involved, at a minimum, the fire chief and board or society chairperson, or delegate. In some cases, other Department personnel, or society/commission representatives were present. Meetings were primarily conducted in fire halls and, on occasion, in a home or elsewhere in a public setting.

The Consultants met again on May 16-17, 2023 with CRD staff from the departments of Human Resources, Administration, Occupational Health & Safety, Legislative Services, Finance, Corporate Services, Fleet Services and Protective Services. These meetings were conducted in

[2] Shawn Carby, Senior Manager of Protective Services; Jonathan Reimer, Manager Electoral Area Fire and Emergency Programs; and Chris Vrabel, Fire Services Coordinator

Victoria at the CRD offices, and provided an opportunity for staff to identify issues of concern and for the Consultants to clarify matters identified during the in-community site meetings and document review.

Subsequent to the extensive document review and in-person interviews, the Consultants developed a draft report. The initial draft was shared with the CRD on July 28, 2023. Input from CVRD staff members was provided, both during a Zoom session on August 17, 2023 and in marked up versions or written comments, and a final report was produced, taking that input into consideration.

4. Current State – Capital Regional District

As a starting point, it needs to be recognized that, for local governments, fire protection is an optional service.[3] Unlike police and ambulance, which are established under and/or operate pursuant to provincial statutes and have a uniform range of powers across the province, a fire department only has the power and authority granted to it under the local bylaw which creates and defines its operations. Outside of its operating jurisdiction – which, in the case of a service established by a regional district, is the boundaries set in the service establishment bylaw – a fire department has no specific authority to act at or to respond to an incident. Care must be taken, therefore, to ensure that each Department has the full range of powers needed to respond effectively to incidents within its jurisdiction. Where it is responding outside of its ordinary jurisdiction, express consideration should be given to the source of the Department's powers to respond to and operate at an incident – whether under a fire service contract, under a mutual or automatic aid agreement, or in support of another emergency response agency.

Similarly, there is no standard range of services defined for a fire department. A fire department is authorized to provide only those services which are stipulated in its service establishment and operational bylaws. Given that fire departments are the only "all hazards" response agency directly controlled by local government, it is recommended that both the grant of powers and authorization to respond to incidents be very broadly cast, but that their exercise be made subject to training and the availability of necessary personnel and equipment.

The CRD is responsible for eleven fire protection service areas. Services are provided by way of contracting service delivery from neighbouring municipalities in two service areas, by contracting service delivery from independent societies in three other service areas, and directly provided by the CRD in the remaining six service areas. For each of the six service areas, where fire protection services are provided directly by the CRD, authority to operate each fire department has been delegated to a fire commission. Within these three broad approaches to fire protection service delivery, there are often material variations from Department to Department, reflecting local conditions and issues.

[3] All except the City of Vancouver which is required to have a fire department pursuant to the Vancouver Charter.

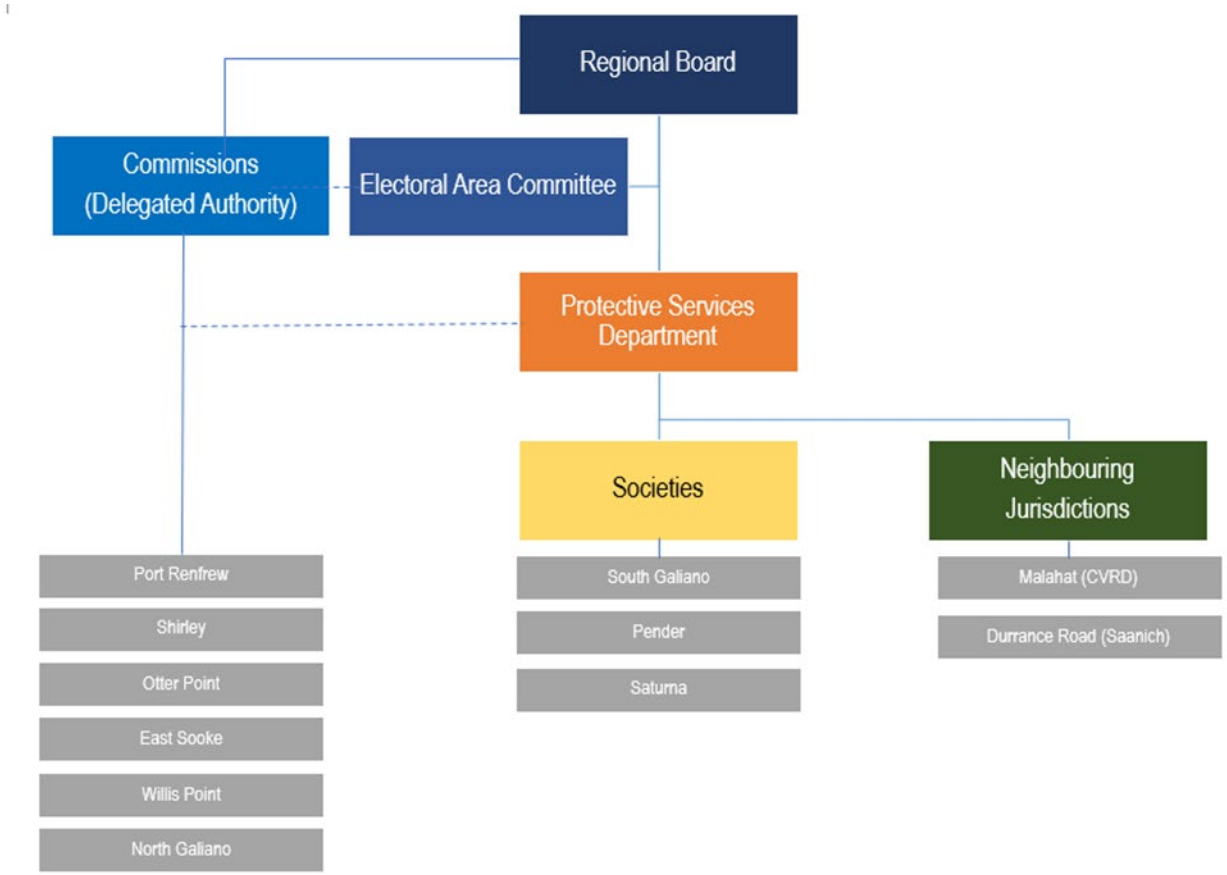
Table 1: CRD Fire Service Governance Models

CRD Contracts Services from Neighbouring Jurisdiction	CRD Contracts Services from an Independent Society	CRD Directly Delivers Services by way of Delegated Authority to a Commission
Malahat (CVRD)	South Galiano	Port Renfrew
Durrance Road (Saanich)	Pender	Shirley
	Saturna	Otter Point
		East Sooke
		Willis Point
		North Galiano

In most cases, the fire protection service delivery models utilized by the CRD are long-standing and were largely developed or created before the establishment of a professionally staffed Protective Services department.

4.1 CRD Fire Services – Current Governance State

Figure 1: Current Governance State of CRD Fire Services

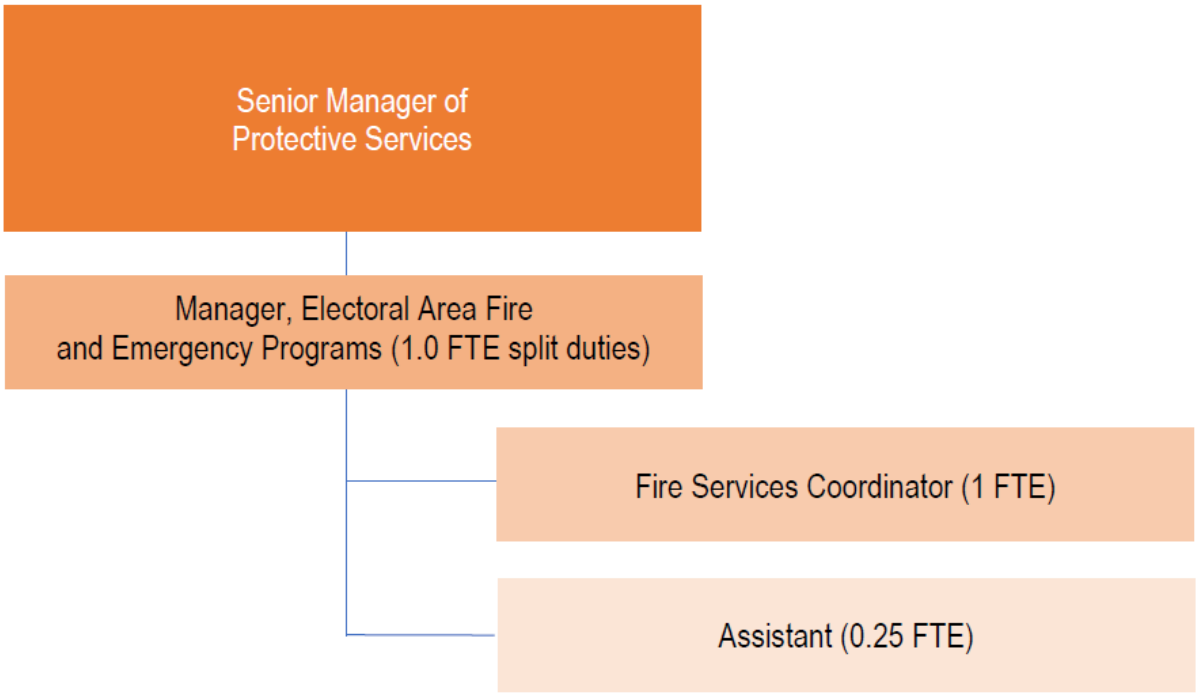


This report will examine separately and in detail the Neighbouring Jurisdiction, Society, and Commission fire service delivery models. [4]

4.2 CRD Protective Services Staffing Model

The CRD Protective Services Department is staffed at a level greater than previously. The chart below shows the staffing levels and reporting relationships.

Figure 2: CRD Protective Services Staffing Model



The recommended future CRD governance model and Protective Services department staffing are examined later in this report.

4.3 Current State – Occupational Health and Safety

The statutory basis for occupational health and safety programs is found in the *Workers Compensation Act* [RSBC 2019], ch.1 (the "WCA"), and the *Occupational Health and Safety Regulation*, B.C. Reg. 296/97 (the "OH&S Regulation"), as well as in other regulations and the policies of WorkSafe BC. The requirements are complex and prescriptive. The WCA was

[4] In practice, Commission and Society matters are referred to the Electoral Area Committee prior to consideration by the Board.

comprehensively updated and revised in 2019: although the changes made were not substantive, virtually all of the divisions and sections were renumbered.[5]

The CRD's OH&S responsibilities for its various fire services are also complex, with the CRD appearing to have a shared responsibility for any OH&S failings by Society-owned departments, and potentially even with services contracted from Saanich and the CVRD.

From a high-level perspective, and assuming that the CRD does in fact have a shared responsibility for and OH&S failings by Society-owned departments or other local government fire departments from which service is contracted by the CRD, the CRD's risks and obligations for OH&S matters can be summarized as follows:

- In relation to the Commission-operated Departments, the CRD is directly responsible for all OH&S matters, as it owns and operates the relevant Departments and is considered the employer of the members and officers.
- In relation to the Society-owned Departments, the CRD may have material exposure to OH&S risks or matters, as indicated in the Legal Opinion.
- In relation to the other contracted services, the CRD conceptually could have some OH&S risk even though the services are being delivered by another entity.

For both the Society-owned Departments, and the other contracted services, we recommend that the underlying service agreements be updated to expressly address the OH&S risks that are associated with those arrangements. For Society-owned Departments, if the relevant Society remains responsible for emergency service delivery:

- it should give an express covenant that it will abide by and meet all requirements of the WCA and OH&S Regulation, which covenant should be supported by an indemnity in favour of the CRD in relation to any claim against the CRD arising from OH&S matters for which the Society is responsible; and
- as indicated in the Legal Opinion, in relation to any property or structures owned by the CRD, the Society should be designated as the prime contractor under the WCA, and a notification of hazard issued.

This approach will help to ring-fence and mitigate the CRD's risks in this area, to the extent that it is possible to do so contractually.

Alternatives to this approach include:

- implementing through the relevant service agreement formal oversight of the Society-owned Departments, with regular reporting obligations covering OH&S matters (including OH&S processes, training and training levels, and apparatus and equipment maintenance); or

[5] The WCA was updated under the *Statute Revision Act*, with the revised statute brought into force with effect as of 6 April 2020, pursuant to OIC 103, 20 March 2020, and OIC 153, 30 March 2020. Under the *Statute Revision Act*, the updating can clarify and reorganize the statute in question, but not make substantive changes to it.

- taking over direct responsibility for emergency service delivery of the Society-owned Departments, and for the related OH&S processes.

The service agreements with the CVRD and Saanich also should expressly address OH&S matters, including a covenant to abide by the WCA and OH&S Regulation, as well as the appointment of the other local government as prime contractor, along with a notice of hazard.

In relation to the Commission-operated Departments, the WCA mandates that the relevant local government's occupational health and safety program is supposed to apply to its fire departments.[6] Many local governments, however, develop a compliant, standalone program for their fire departments, given the special circumstances and risks that they face.

The CRD has a sophisticated and expert group of staff responsible for human resources, including safety and OH&S matters. The CRD has a complete OH&S program[7] and is "COR" certified.[8] The COR process is based on a three-year cycle: an external reviewer conducts the first COR audit while follow up audits are then conducted internally in years two and three. The cycle then repeats.

During the on-site reviews, however, the Consultants encountered some uncertainty regarding the role that the CRD's professional staff are intended to play in relation to the Departments. At the review with CRD staff in May 2023, they noted that, prior to 2017, there was virtually no contact unless a response was required to a workplace incident. Since that time, however, more work has been undertaken. Two of the Commission-operated Departments were included in the CRD's initial COR evaluation process (Otter Point and East Sooke) in 2021. Following that initial process, another Commission-operated Department (Shirley) and one Society-owned Department (South Galiano) were included in the internal audit process.

Other than the review of South Galiano, interactions between the CRD and the Society-owned Departments on OH&S matters, however, remains minimal or non-existent. Notwithstanding the COR audits, moreover, there remains material uncertainty at the Department level regarding the OH&S requirements and processes. In some cases, it may be that the matters identified for correction during the COR process have not yet been addressed.[9]

Based on discussions with both CRD staff and the Departments:

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[6] The language in section 3.1(1.1) of Part 3 of the OH&S Regulation notes that the employer's OH&S program must cover the "whole of the employer's operations".

[7] CRD, "Corporate Occupational Health & Safety Program Manual" (rev. 10 Aug. 2022).

[8] WorkSafe BC operates the "certificate of recognition" or "COR" program, which involves a certification process for the participating employer which, if successfully passed, means the employer is recognized as having an OH&S program "that exceeds regulatory requirements". COR certification results in an abatement of premiums. See: https://www.worksafebc.com/en/health-safety/create-manage/certificate-recognition.

[9] Each of the COR audits of the individual Departments identified various shortcomings and gaps in their OH&S documentation and processes.

- the roles to be played and allocation of responsibilities for OH&S matters remains somewhat unclear, and there were gaps in the understanding at the Department level as to what was required in this regard;
- the Commission-operated Departments were not consistent in their approach to OH&S matters, and the CRD had not been consistent (particularly during the period of the pandemic) in providing orientation to the Commissions regarding human resources and OH&S policies and requirements; and
- the CRD's human resources function does not currently allocate any costs to the Departments, even though support is provided to some degree.

One OH&S element that is particular to the fire service is found in section 31.3 of Part 31 of the OH&S Regulation. This section requires that, where an employer is required to maintain a joint committee, it must operate a separate joint committee (or appoint a separate worker representative) for each of its fire departments.[10] Joint committee meetings must be held monthly and the minutes from those meetings made available to the members.[11] Of the Commission-operated Departments, most were not meeting this obligation.

Based on discussions with the individual Commission-operated Departments and with CRD staff, the current state of OH&S management can be summarized as follows:

East Sooke: The Department went through the initial COR review. The Fire Chief indicated that the Department was holding monthly safety meetings with its members, but it did not appear to have a formal joint committee/worker representative structure. It did not appear to be aware of the master CRD OH&S program, and indicated that its operational guidelines on OH&S matters were out of date.

Otter Point: The Department went through the initial COR review. It indicated that it has a standalone OH&S program, but had not updated it for more than a decade. The Department seeks to focus on safety, starting from when members are new recruits. It reported that it was struggling to meet the formal joint committee requirements.

Port Renfrew: The Department indicated that it did not have a separate OH&S program, and was not operating a joint committee/worker representative system. It has not been subject to the COR process.

Shirley: The Department went through the COR review in 2022, conducted internally. The Fire Chief noted that it had a separate OH&S program, which is tracked through its operational guidelines. It was not clear when the program had last been updated. The Department was holding safety meetings every two months (rather than monthly, as is prescribed), but did not appear to have a proper joint committee or worker representative appointed.

Willis Point: Although Department has not gone through the COR evaluation process, the Fire Chief was aware of the Department's various OH&S requirements. It is operating a joint

[10] The need for a separate joint committee (or worker representative) for fire departments is set out in s. 31.3 of Part 31 of the OH&S Regulation.

[11] WCA, s. 37(3) and s. 44(b).

committee, but is not posting its minutes as required (it stores them, but is not making them generally available to members). The Department regards the joint committee to be responsible for accident investigations.

North Galiano: The Department also indicated generally good understanding of and compliance with OH&S processes. The Fire Chief indicated that the Department is operating a joint committee that meets monthly. The Department does not currently conduct formal, annual reviews of the committee operation. Meeting minutes are recorded and posted in each fire hall, but not forwarded to the CRD.

We recommend that the CRD create an updated, common, standardized OH&S program that is used by each Commission-operated Department and which can be implemented through common operational guidelines. That program will need to specify the processes for both the appointment and operation of a joint committee and/or a worker representative where the number of members is fewer than 20. It can include a standardized agenda for each joint committee/worker representative meeting – one that covers required safety checks, but is sufficiently flexible to enable each Department to review matters of local concern. Copies of the monthly meeting minutes, in addition to being posted at each workplace as required by the WCA, should be centrally collected by the CRD.

This program can be shared with the Society-owned Departments, which should be contractually obligated either to use the forms made available by the CRD or to implement a substantively similar and fully compliant OH&S program and related processes.

The CRD, in consultation with the Fire Chiefs, should arrange for appropriate OH&S training for joint committee / worker representative members. The CRD can also lead the annual review of the underlying program, and provide each Department with standardized forms for conducting an evaluation of its joint committee/worker representative system.

By adopting this approach, program updating and evaluation can be centrally managed to ensure that OH&S processes remain compliant and reflect any changes to the WCA and OH&S Regulation. Similarly, the common operational guidelines will ensure that each Department implements the program appropriately and consistently.

The centrally maintained program can also be used by the Society-owned Departments. Whichever mitigative approach is adopted – whether or not it includes oversight – the creation and maintenance of a fully up-to-date program which the Society-owned Departments can implement will reduce the administrative burden on those Departments and ensure that their OH&S processes meet all current requirements.

4.4 Operational Powers Bylaw

As noted in the introduction to this section 4 of this report, structure firefighting is a local government service, one which is defined by the establishment and operational bylaws which create the relevant fire departments. In particular, however, a fire department's emergency and non-emergency powers and range of authorized services need to be specified. One of the gaps

in the CRD's regulatory structure for its fire services is that there is no express operational powers bylaw. These types of bylaws are used to address the following issues (among others):

- defining the services the fire department is authorized to provide, and the level at which such services are to be provided;
- establishing the process by which a fire department's service level is established or changed under the Provincial Training Standards;[12]
- granting the fire department the necessary operational powers to respond to and control the scene at an incident, including: the power to enter, cross over or station on private property; the right to tear down buildings or remove things to prevent the spread of fire or mitigate an incident; the right to order local evacuations; the right to control entry into or near the scene, etc.; and
- providing the powers needed to undertake non-emergency work – such as conducting fire inspections, or developing pre-incident plans.

In addition, such bylaws typically address various administrative and governance processes, including:

- appointment of the Fire Chief;
- appointment of other officers;
- the Fire Chief's authority, responsibilities and reporting lines;
- various administrative functions, such as budget development, capital and operating expenditure processes and similar matters.

In some cases, fire preventions matters – such as control of open burning, fire safety plan reviews, mandatory or voluntary fire inspection processes, and similar matters – will also be addressed.

The CRD should, in consultation with its Departments (including the Society-owned Departments), develop an appropriate operational powers bylaw. With respect to administrative matters, the bylaw's application should be limited to the Commission-led Departments. Any such issues affecting the Society-owned Departments should be addressed in the relevant service agreement.

4.5 Recommendations

Recommendation #1: The CRD should work with its Commission-led Departments to comprehensively review and update OH&S processes – including programs in use and implementing operational guidelines – in the Departments for which it is directly responsible. A common OH&S program designed for the Departments, should be developed in consultation with them, and implemented through common operational guidelines. The

[12] Office of the Fire Commissioner, *British Columbia Structure Firefighter Minimum Training Standards* (Third Edition, September 2022) (the "Provincial Training Standards"), at p.8.

	program should, among other things, lay out clearly the requirements for operation of a joint committee or worker representative system, respiratory program, and WHMIS program.
Recommendation #2	The CRD's Human Resources Department is well staffed with individuals who are expert in OH&S requirements. The role and responsibility of such staff in overseeing and guiding the Departments in the fulfilment of their OH&S obligations should be clarified.
Recommendation #3	The CRD should review with its Commission-led Departments whether the operation of a single joint committee across multiple Departments (or perhaps two such committees), would provide an effective way of helping the Departments manage the administrative burden of OH&S processes, while ensuring proper centralized oversight.
Recommendation #4	The responsibilities of the Society-owned Departments for operation and implementation of a comprehensive set of OH&S processes should be clarified in the relevant service agreements. If those Departments wish to remain responsible for emergency service delivery, any potential residual liability of the CRD for their OH&S matters should be addressed contractually, to the extent possible.
Recommendation #5	When the service agreements with the CVRD and Saanich are updated, the responsibility of the service providers to properly manage the OH&S processes for their respective fire departments should be specifically addressed.
Recommendation #6	The CRD should develop and implement an operational powers bylaw covering both the Commission-led and Society-owned Departments. Such bylaw can also be used to address administrative and reporting issues for the Commission-led Departments.

5. Change Drivers

The regulatory environment within which fire services are delivered has developed and changed extensively over the past 20 years. An increased focus on training, standards and OH&S matters, driven by occupational risks to the firefighters and the need to deliver effective services to the public, has increased the administrative and operational requirements for fire departments, with a concomitant increase in the cost of service delivery. The CRD will need to assess the impact of and respond to several upcoming changes to the legal and regulatory environment. Across the province, other local governments, fire department societies and improvement districts are also adjusting to these same challenges.

This section explores several pending change drivers and examines the effect that these changes may have on the fire service across the CRD.

5.1 Pending Change Drivers - Legal and Regulatory Changes

Changes to two key pieces of provincial legislation – the *Fire Safety Act* and the *Emergency Program Act (*the "EPA"*)* – are pending, both of which will have an impact on the CRD and its Departments.

5.2 Fire Safety Act

The Province introduced the (then) new *Fire Safety Act* in April 2016, but has not yet brought the statute into force.[13] There are a number of reasons for the implementation delays, but the most significant is the question of what the impact of the new statute will be on regional districts. Under the existing *Fire Services Act*, fire investigations are carried out by Local Assistants to the Fire Commissioner ("LAFCs") and/or by the Fire Commissioner's staff. Under the *Fire Safety Act*, regional districts will be directly responsible for fire investigations in their respective electoral areas, regardless of whether a fire department provides coverage where the fire occurred. More significantly, however, in 2018, Minister Farnworth indicated that it was the Province's intention to amend the *Fire Safety Act* to require regional district governments to conduct fire safety inspections of public and commercial buildings on the same basis as is required of incorporated municipalities.[14] New training requirements for both fire investigations and fire inspections will also be introduced.

Once the new act comes into force, it may materially affect the CRD's obligations with respect to fire investigations and may also impose a fire inspection obligation. As such, it is useful to understand what these new obligations will be. It may also be useful for the CRD actively to participate in any discussions between the Province and local government stakeholders (e.g.,

[13] The *Fire Safety Act* passed third reading on 27 April 2016. See: https://www.leg.bc.ca/parliamentary-business/legislation-debates-proceedings/40th-parliament/5th-session/bills/third-reading/gov04-3.

[14] Letter, Farnworth (Minister of Public Safety and Solicitor General) to Booth (President, Union of BC Municipalities), 30 July 2018.

through the UBCM). At a high level, this new statute impacts (or potentially impacts) the following principal matters relevant to the CRD and its departments:

- the fire inspection regime applicable to "public buildings";[15]
- fire investigations; and
- the powers exercised by fire chiefs and local governments.

5.2.1 Fire Inspections

Under the new *Fire Safety Act*, the existing obligation to operate a regular system of inspections is being replaced by the obligation to establish a risk-based compliance monitoring system for public buildings which encompasses:

- fire safety inspections; and
- fire safety assessments.

The current status of this initiative is unclear. However, if imposed, it may create a border-to-border obligation for the CRD: all "public buildings", whether or not located in an existing fire service area, would require compliance monitoring through the use of fire safety inspections.

Following a transition period, "fire inspectors" conducting fire inspections will need to meet the training and proficiency requirements specified by the Fire Commissioner. Those requirements, which are expected to be similar in format to the Playbook, have not yet been issued. However, these new training requirements could potentially impact the training of officers and members in each Department, who will have to meet the new standards if they are to be made responsible for fire safety inspections.[16]

If this obligation is imposed, the CRD will need to conduct risk assessments of public buildings within the unincorporated areas. There are several options available, including:

- direct Departments to undertake that work in their service areas;
- contract the service to its Departments outside of fire protection service areas;
- create a position responsible for conducting such inspections and compliance monitoring; or
- hire an external third party to undertake such inspections.

It may even come to pass that the Province will take on the task of conducting fire inspections and undertaking risk assessments in regional areas through its recently expanded OFC staff resources. Depending on if and how the obligation is created, it may also be necessary for the CRD to create a service area to fund this function in areas not covered by an existing fire

[15] The concept of public buildings is very broad, and covers off the buildings that require inspection under sections 26 and 36 of the *Fire Services Act*. The term "public buildings" is defined in s. 1.

[16] Regional districts will likely be afforded options as to how they will meet any new servicer obligation.

service area. Costs can also be recovered by imposing fees for fire inspections, which, under the *Fire Safety Act*, must be done by bylaw.[17]

Fire safety inspections will need to comply with the (yet to be issued) regulations under the Fire Safety Act.[18] An inspection regime will then need to be developed based on the risk assessments that are conducted. Conceptually, the *Fire Safety Act* moves away from the existing "regular" inspection requirements imposed by the Fire Services Act, where, in practice most municipalities seek to inspect all properties annually, and heads towards a more flexible regime, where inspection frequency is based principally on risk. Under this approach, higher hazard or non-compliant properties should be subject to more frequent inspections, while lower risk, compliant properties can be inspected less frequently (perhaps coupled with intervening self-assessments by the owners during the non-inspection years).

The new Fire Safety Act also introduces the concept of a "fire safety assessment," which is the self-inspection of a property by the owner. Under the existing Fire Services Act, there is some uncertainty about whether self-inspection systems comply with the statutory requirements.[19] That issue is now laid to rest. However, it will be up to the CRD to determine which public buildings are to be permitted or required to conduct self-assessments, which can be decided as part of the overall risk analysis that must be conducted. The new self-assessment by owners will have to be conducted "in the form and manner required by the Fire Commissioner" under the new statute.[20] It is expected that the Fire Commissioner will issue policy or forms covering fire safety assessments, though these have not yet been released.

Section 10 of the Fire Safety Act grants various powers to fire inspectors to enter premises, conduct their inspection (including testing and taking of samples, etc.), and to require the production of records related to the premises by the owner or occupier. Section 11 empowers a fire inspector to issue orders requiring an owner bring the property into compliance with the Fire Safety Act and regulations (which regulations will include the Fire Code).

5.2.2 Fire Investigations

While an argument can be made that LAFCs" (and not local governments *per* se) are currently responsible for fire investigations and reporting, the new *Fire Safety Act* makes it clear that the obligation will now fall directly on the "local authority" (which includes a regional district). The

[17] Under ss. 20(2) and (3) of the Fire Safety Act, the CRD will be permitted, by bylaw, to charge "a reasonable fee" for conducting a fire safety inspection required by the new Act. Subsection 20(4) specifies the criteria which may be applied when setting such fee.

[18] *Fire Safety Act*, s. 20(1)(b).

[19] For opposing views, see the Fire Inspection and Prevention LAFC Inspection Working Group Sub-Group, *BC Fire Services Act: Regular System of Inspections – Considerations for Development* (January 2015) at p. 8 (suggesting such a system, on its own, is not compliant with the *Fire Services Act*); versus: L. Staples, Q.C., "Opinion letter to Fire Chiefs' Association of British Columbia," dated 30 Aug. 2012, which holds that such a system of self-inspections can be implemented in compliance with the existing *Fire Services Act* requirements.

[20] Fire Safety Act, s. 21(1).

requirements relating to fire investigations are set out in Part 7 of the *Fire Safety Act* (ss. 22 – 27). As with fire inspectors, a local authority:[21]

> *"must designate in writing persons or a class of persons as fire investigators to conduct fire investigations."*

Following a transition period, fire investigators must meet the training standards which are to be specified by the Fire Commissioner.[22] Those standards have not yet been promulgated. Unless the CRD provides fire investigation services centrally, this new training standard will likely impact fire department officers, who are most likely to be charged with investigating fires in the absence of a CRD central service delivery model.

Under Section 25, each local authority is required to commence a fire investigation within five days of learning of a fire that has destroyed or damaged property or resulted in death or injury. The investigation must examine the "cause, origin and circumstances" of the fire. The facts ascertained about the cause, origins and circumstances of the fire must then be submitted to the OFC within 30 days after such fire.[23]

Fire investigators are granted broad powers of entry onto property or premises for the purposes of conducting a fire investigation, and to remove a record or thing, conduct testing, take samples and make such records, as required.[24]

5.2.3 Powers and Authority – Fire Safety Act

Under the *Fire Services Act*, powers and authority were granted principally through the mechanism of appointing fire chiefs (and others) as LAFCs.[25] The role of the local assistant, however, is being abolished.[26] In place of the powers currently granted to local assistants, the new statute:

- Grants a fire chief (or designate) the power to order a tactical evacuation where he or she "believes that there is an immediate threat to life due to a fire or explosion";[27] and
- Deems "fire chiefs," fire investigators and fire inspectors to be peace officers for the purposes of the new act.

In addition, as noted above, broad powers are granted to fire investigators conducting investigations and to fire inspectors conducting inspections. Additionally, local authorities are

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[21] *Fire Safety Act*, s. 23(1).

[22] *Fire Safety Act* s. 23(2); the transition period is provided for in s. 53.

[23] It is unclear in the statute whether the report must be submitted 30 days after the date of the fire, or 30 days after completion of the investigation of the fire.

[24] *Fire Safety Act*, s. 27.

[25] *Fire Services Act,* s. 6.

[26] Under s. 55 of the *Fire Safety Act*, local assistants are required to return their badges within three months of the new statute coming into force.

[27] Fire Safety Act, s. 13.

granted the power to order a "preventive evacuation" where the local authority "believes that conditions exist on or in the premises that fire on or in the premises would endanger life."[28] Each of these new powers should be contemplated when any bylaw updates occur.

When the *Fire Safety Act* comes into force, it will be necessary to update Bylaw No. 1508 (or any replacement bylaw) to address the requirements and authorities.

5.3 Emergency Program Act

Changes to emergency planning often have a major impact on local fire departments. Even in local governments where fire departments are not responsible for emergency management, fire services are often charged with significant operational and incident oversight responsibilities by the relevant local government – whether for wildfires, floods or other area-significant emergencies. As such, changes to the *Emergency Program Act*, and to the underlying emergency program, impact CRD fire services.

The CRD's obligation to prepare for and respond to a major emergency is prescribed under the existing *Emergency Program Act*. Among other things, the *Emergency Program Act* requires a local authority to prepare and maintain an emergency plan, assess area risks, establish and maintain an emergency management organization, provide training to its staff and volunteers, exercise its emergency plan and establish procedures to implement its plan (including responses, management of victims' needs and recovery processes).[29] The *Emergency Program Act* permits a local authority to appoint an emergency program coordinator ("EPC") and/or one or more committees, and to delegate its authority (other than the authority to declare a state of local emergency) to such EPC, committee(s) or its emergency management organization.[30]

The Province is proposing to update and replace the existing *Emergency Program Act*. New legislation is expected to be introduced during the 2023 fall sitting of the Legislature. The EPA has been under consideration for replacement by the Province since 2015. The more recent efforts to update the statute have been delayed, somewhat ironically, by a series of major disasters – including major wildfire seasons, some significant flooding seasons, and, most recently, the pandemic.[31]

The new statute can be expected to implement the Sendai Model, which was adopted in British Columbia in 2018, and require local governments to include a broader range of stakeholders, especially First Nations, in emergency planning activities. Under the Sendai model, an increased focus on risk identification and, more significantly, mitigation, can be expected. When

[28] On fire inspectors' powers, see ss. 10 and 11; on fire investigators' powers, see s. 26. The power of a "local authority" to order a preventive evacuation is set out in s. 14 of the *Fire Safety Act*.

[29] EPA, s. 6, and *Local Authority Emergency Management Regulation*, B.C. Reg. 380/95 (as amended), s. 2.

[30] EPA, s. 6(4).

[31] See: "Where we are now" at: https://www2.gov.bc.ca/gov/content/safety/emergency-management/emergency-management/legislation-and-regulations/modernizing-epa#next.

the new Act is passed, the CRD will need to update its emergency program bylaws and corresponding agreements with various of its service participants.

Emergency planning in the CRD is complex and multi-layered, involving the regional district government, the various municipal governments and the Province. Certain of the fundamental agreements are in the process of review and replacement, and there is a significant number of committees with varying mandates and responsibilities. When the new Act is passed, the CRD should also expect an increase in workload mandated to local governments, impacting the CRD's current Staff capacity. It is likely that the CRD's level of staffing allocated to Emergency Management will require reconsideration. This will present an excellent opportunity to revisit and rationalize the entire emergency planning structure.

5.4 Pending Change Drivers – Occupational Health & Safety

The current state of occupational health and safety programs within CRD fire service was examined earlier in this report in Section 4.3: Current State – Occupational Health and Safety. This section references change driving factors. All of the regional district's fire services are impacted by expanding health and safety matters that include:

- Firefighting-related cancer presumptions (now 20 presumptively recognized cancers);
- Exposure to contaminants such as asbestos;
- Increased decontamination requirements;
- Mental Health; and
- Heart disease.

A consolidated, regional approach to addressing these emerging health and safety risks is advisable.

5.5 Recommendations

Recommendation #7	If a fire safety inspection obligation is imposed on the CRD when the *Fire Safety Act* is proclaimed in force, it likely will require both a service establishment bylaw (to authorize the new service) and either a new powers bylaw or an update to the Departments' existing powers and authority. The form of these bylaws will depend on how the obligation ultimately is framed, and the decision of the CRD, in consultation with its Departments, as to how this new obligation will be met.
Recommendation #8	When the *Fire Safety Act* comes into force, the CRD, in consultation with its Departments, will need to determine how it can best meet its new obligation to undertake border-to-border fire investigations within the Electoral Areas. The CRD may need to implement a new service establishment bylaw to fund this work, and to authorize the undertaking of such investigations. The form of bylaw will depend on how the

	obligation ultimately is framed, and the decision of the CRD, in consultation with its departments, as to how this new obligation will be met.
Recommendation #9	When the *Fire Safety Act* comes into force, it will be necessary to update the Departments' powers to reflect the new powers and authority granted by that statute. When such powers are updated, it will be important to specify the extent to which the powers and authority can be exercised outside an existing fire service area, and by whom. The form of these bylaws will depend on how the obligation ultimately is framed, and the decision of the CRD, in consultation with its Departments, as to how this new obligation will be met.
Recommendation #10	When the revisions to the current *Emergency Program Act* are brought into effect, it will be necessary to update the emergency program bylaws and corresponding agreements with its various service participants.
Recommendation #11	The CRD, in consultations with the Departments, should review the existing individual OHS programs related to decontamination procedures and mental wellness challenges, and develop a regional district approach to address the identified needs.

6. Neighbouring Jurisdiction Contracted Areas

The provision of fire protection services to two CRD fire protection service areas (Malahat and Durrance Road) is achieved by contracting services from neighbouring local governments. The contractual nature of service provision is discussed below. In both cases, the CRD has enabled provision of fire protection services by way of a contract for services with a neighbouring local government fire department.

Absent these contractual arrangements, it would not be feasible to provide fire protection services in these two service areas – which are too far from any existing CRD department to receive services, and are too small to sustain their own departments. As such, the CRD should continue to provide fire protection services to these areas by contracting services from the neighbouring local government fire departments, and monitor the service contracts to ensure that the needs of the CRD and its constituents continue to be met.

The service establishment bylaws for the contracted service areas appear to be in good shape, and cover the matters required to be addressed to enable the CRD to contract for the provision of services. One issue that may be considered by the CRD is whether the establishment bylaws for those services should expressly contemplate that the CRD will be contracting for the provision of the service from another local government.

6.1 Durrance Road

6.1.1 Service Establishing Bylaw

The Durrance Road service area was established pursuant to the Durrance Road Fire Protection Local Service Area Establishment Bylaw No. 1, 1997 (“Bylaw No. 2506”). The bylaw title was amended in 2005 to: “Durrance Fire Protection and Emergency Response Service Establishment Bylaw No. 1, 1997.”

The current service area participant is the Juan de Fuca Electoral Area. Bylaw No. 2506 was almost immediately amended by Bylaw No. 2507, which permitted fees and other charges to be levied within the service area (this bylaw was not provided for review but was cited in the recitals to a later amending bylaw).

Bylaw No. 2506 was further amended in 2002 by Bylaw No. 3033: Durrance Road Fire Protection Local Service Area Establishment Bylaw No. 1, L997, Amendment Bylaw No, 1, 2002. This amending bylaw replaced section 5 of Bylaw No. 2507 and increased the maximum requisition to the greater of $1350 from $1200 or a property value tax rate of $.70/1000 (vs. a maximum parcel tax of $150).

Bylaw No. 2507 was further amended by Bylaw No. 3216: Durrance Fire Protection and Emergency Response Service Establishment Bylaw No, 1, 1997, Amendment Bylaw No, 2, 2004 (adopted in 2005).

Bylaw No. 3216 deleted the service authorization language and replaced it with the following new section 1 (which expanded the authorized services using the standardized language adopted for other CRD service establishment bylaws):

> The fire protection service provided within the local service area created under Bylaw 2506, cited as "Durrance Road Fire Protection Local Service Area Establishment Bylaw No. 1, 1997" is hereby converted and established as a Fire Protection and Emergency Response Service within the service area defined in Section 1 and is the service of:
>
> (a) fire prevention;
>
> (b) fire suppression; and
>
> (c) assistance in response to:
>
> > (i) requests from the Provincial Ambulance Service for extrication of persons from damaged motor vehicles;
> >
> > (ii) requests for assistance in the extrication of persons from damaged buildings, structures or from situations involving natural hazards;
> >
> > (iii) emergencies where police or ambulance personnel are unavailable or are unable to respond adequately and the equipment and personnel of the department is required to respond to the situation;
>
> in situations where the Fire Chief determines that the personnel and equipment resources of the Fire department are capable of responding to the emergency."

Bylaw No. 3216 also added another property to the service area, and:

- changed the bylaw name to: Durrance Fire Protection and Emergency Response Service Establishment Bylaw No. 1, 1997; and
- authorized the CRD or its contractor (i.e., Saanich) to respond to emergencies outside of the service area boundaries if permitted by the contract with the contractor.

Service Agreement

The CRD has entered into a fire services agreement with Saanich dated 25 October 2022 (the “Saanich Agreement”). The Saanich Agreement has an effective date of 1 September 2022 and expires on 31 August 2027. It covers a very small number of properties in the Durrance Road area.

Under sections 1 and 4 of the Saanich Agreement, the Saanich Fire Department provides fire suppression and fire prevention services, including fire inspections.

The pricing provisions in sections 5 and 6 include what amounts to an annual standby fee of the greater of $2,500 or $250 per parcel in the service area. In addition, in the event of a call-out to any of the properties, a call-out charge calculated using the most recent Inter-Agency

Operational Procedures and Reimbursement Rates Agreement [32] is applied, using a minimum call-out of two hours.

The CRD is required to authorize fire safety inspections in the service area, and to adopt regulatory bylaws comparable to Saanich's Fire Prevention and Life Safety Bylaw, 2021, No. 9712 ("Bylaw No. 9712"), as well as its Smoke Alarm Bylaw, 1993, No. 7126, and Street Address Bylaw, 1995, No. 7453." When the Saanich Agreement is updated, reference to the Smoke Alarm Bylaw can be dropped, as it was substantively subsumed within Bylaw No. 9712, and then repealed back in 2021.

When the Saanich Agreement is renewed, the termination provision (section 10) should be revisited. Given the importance of fire protection services, and the challenges in negotiating a replacement service, a 90-day notice period for termination seems too short.

In addition, the operational powers and authority of the Saanich Fire Department to operate within the Durrance Road Service Area should be expressly set out.

6.2 Malahat

6.2.1 Service Establishing Bylaw

The Malahat service area was originally established in 1985 as a specified area under Bylaw No. 1368, *Malahat Fire Protection Specified Area Bylaw, No. 1, 1985*." This specified area was converted to a local service pursuant to the *Malahat Fire Protection and Emergency Response Service Establishment Bylaw No. 1, 1999* (as such bylaw was renamed in 2004/05) ("Bylaw No. 2731").

The original service participant was the "Langford Electoral Area" which is now the Juan de Fuca Electoral Area.

As with the Durrance Road service area, Bylaw No. 2731 was materially amended with effect in early 2005, pursuant to the *Malahat Fire Protection and Emergency Response Service Establishment Bylaw No. 1, 1999, Amendment Bylaw No. 1, 2004.* Among other things, the amending bylaw more completely described the service being provided, conforming it to the standard language used in the CRD's other service establishment bylaws. It also renumbered the provisions of Bylaw No. 2731, and renamed the bylaw.

6.2.2 Service Agreement

The service agreement with the Cowichan Valley Regional District (the "CVRD") appears to have expired. The Consultant was provided with a copy of an agreement dated 16 February 2012, which had an effective date of 1 January 2012, and expired on 31 December

[32] The Inter-Agency Operational Procedures and Reimbursement Rates Agreement is updated annually by agreement between the Office of the Fire Commissioner, the Fire Chiefs' Association of BC and the BC Wildfire Service.

2016. Notwithstanding its expiry, the parties have continued to treat the agreement as being in effect.

Under section 2 of the CVRD Agreement, the CVRD has agreed to provide fire prevention, suppression, investigation and emergency response services (including to motor vehicle accidents) in the Malahat Service Area. The service is provided on a 24-hour per day basis (s. 5).

The CVRD Fire Chief is permitted to undertake fire inspections of buildings, and to inspect and test fire hydrants (s. 4).

The taxpayers in the Malahat Service Area pay their proportionate share of the cost for the Malahat Volunteer Fire Department (the "MVFD") (which is not actually named in the agreement) (s. 6).

When the CVRD Agreement is renegotiated, it is recommended that:

- The MVFD which is responsible for providing the service should be specifically identified. Any reference to an applicable standard of care or level of service should specifically be tied to the MVFD, rather than to the CVRD as a whole.
- The fact that the MVFD relies on volunteers and paid-on-call members should be expressly acknowledged. The possibility that a response may be insufficient or delayed as result of a slow or inadequate turnout of members should be recognized and covered by the release and indemnity.
- The MVFD's operational powers and authority within the CRD Service Area should be specifically set out. This can be done in a number of ways, including by reference to the Department's own operational powers bylaw.
- If the MVFD's Fire Chief is expected to act as the LAFC within the CRD Service Area, this should be recognized in the CVRD Agreement, and an appropriate application made to the Fire Commissioner.
- A robust dispute resolution process should be included in the agreement.
- The CVRD's reporting obligations should be set out in terms of both frequency and content– e.g., number of incidents, fire losses, response times, etc.
- We would recommend that the agreement have a clause which permits an annual roll-over at the end of the term, to avoid situations like the present one, where the Service Agreement technically has expired.
- Issues related to proper addressing on properties, access to properties, crossing of any private bridges, and similar operational impediments should be addressed.
- The extent of the fire prevention and inspection services provided should be carefully worded. If the *Fire Safety Act* is amended to require fire safety inspections of public buildings in unincorporated areas of regional districts, the additional costs (and the right to charge inspections fees) may need to be addressed.

6.3 Recommendations

Recommendation #12	When the Saanich Agreement is updated with respect to Durrance Road, consideration should be given to address the following issues: • extending the termination notice – given the challenges in replacing Saanich as a service provider, any termination provision should require an extended notice period to the CRD; • expressly granting operational powers and authority to Saanich in relation to its emergency (and any non-emergency) response activities in the Durrance Rd. service area; • dropping reference to the Saanich smoke alarm bylaw, as that bylaw has been incorporated into Saanich's Fire Prevention Bylaw No. 9712; and • the CRD needs to ensure that it has met the obligations under section 7 and 8 to authorize fire inspections in the service area by the Saanich Fire Department and has implemented a regulatory bylaw equivalent to Saanich's Bylaw No. 9712 covering the service area.
Recommendation #13	The CVRD Service Agreement has expired and needs to be renewed. When it is updated, a number of issues have been flagged for consideration in any new service agreement including: expressly recognizing that the service is being provided by volunteers or paid-on-call firefighters; granting operational powers and authority to the MVFD; building out a robust dispute resolution; and addressing any relevant service limitations (e.g., private bridges, other property access issues, etc.)

7. Commission-led Departments

The CRD uses a Commission governance model in the following six service areas:

- North Galiano Island;
- Willis Point;
- East Sooke;
- Otter Point;
- Shirley; and
- Port Renfrew.

Reviews of individual Commission-led Departments, including detailed reviews of their establishment bylaws and the findings from the in-person meetings, are found in Appendix 2. For East Sooke, a review of the service agreement with Sooke is also included.

The Commission structure in use involves the delegation of all of the CRD Board's administrative authority (subject to certain limitations and restrictions), under Bylaw No. 3654, which was passed in 2010.[33] Bylaw No. 3654 harmonized the structure used to manage CRD-owned and operated fire departments. It delegates to each Commission the "administrative powers of the Regional Board with respect to the development, maintenance and operation of a volunteer fire department within the [relevant] Service Area…".[34] While the delegated authority is nominally limited by reference to CRD Board policies, and to "limitations in the Capital Regional Delegation Bylaw," those policies have not been expressly enumerated (and are likely not known to the Commissions), and Bylaw No. 4186 - the "Delegation Bylaw" – does not reference or expressly address the delegation of powers to the Commissions.[35]

Bylaw No. 3654 also spells out certain specific duties, including appointing a fire chief, authorizing and managing expenditures within the approved budget, preparing a five-year financial plan, and "encouraging" the fire chief to attend Commission meetings.[36]

Notwithstanding these obligations (and the general obligation to "operate" the relevant Department), section 16 of Bylaw No. 3654 prohibits Commissions from entering into contracts unless authorized under the Delegation Bylaws. Based on the Consultant's review, it is not clear if these restrictions are entirely understood by each of the Commissions and whether they are operationally practicable (e.g., contracting for every day services required by the Department).

[33] CRD, *Fire Protection and Emergency Response Service Commissions and Related Local Services Bylaw, 2010*.

[34] Bylaw No. 3654, s. 8(a).

[35] Although capitalized, the term "Delegation Bylaw" is not defined in Bylaw No. 3654. Bylaw No. 4186 is *Capital Regional District Delegation Bylaw No. 1, 2017*, and we have assumed that it is this bylaw that is being referenced.

[36] Bylaw No. 3654, s. 9, "Duties". See also s. 11 (Reporting) and s. 12 (Budgeting).

Bylaw No. 3654 sets a minimum size for commissions (seven members, including the relevant Electoral Area director)[37] and expressly permits firefighters (but not officers) to be Commission members (s. 3, "Membership"). All Commission members are unremunerated volunteers, except for the Electoral Area director.

The inclusion of firefighters on the Commission structure – which is, in essence, the CRD's immediate oversight entity for each of the relevant Departments – creates a potential conflict, as a firefighter is put in the position of overseeing the Fire Chief's decisions. The Consultants noted that there was consensus among the Commission Chairs and Fire Chiefs that the limited presence of firefighters on Commissions is an asset that assists in the Commission's understanding of operational matters, and in practice has not resulted in command and control conflicts. However, if the current role of the Commissions is maintained, it may make more sense for the Fire Chief to be an *ex officio*, non-voting appointee to each Commission, to provide that operational insight - in the same way that, in the corporate world, CEOs are typically appointed to a corporate board of directors.

The *Commission Handbook* (2020) (the "Handbook") issued by the CRD is unclear about who is responsible for managing OH&S matters, an issue which also is not addressed in Bylaw No. 3654. The Handbook, after reviewing the nature of the CRD's OH&S obligations at a high level, notes:[38]

> "The CRD Human Resources Department, which includes Corporate Occupational Health & Safety, is responsible for advising on required work-rated programs and standards."

This obligation, however, falls to the CRD – and, by extension, to the Commissions themselves, given the delegation of authority and responsibility under Bylaw No. 3654. Given the OH&S challenges faced by the Departments, it would be useful to clarify in both the Handbook and any relevant bylaw establishing the Commissions, how OH&S matters are to be addressed.

7.1 Service Establishment Bylaws – Commission-led Departments

For the CRD to provide services, a service establishment bylaw is required. The current form and content required for such bylaws are set out in the *Local Government Act*,[39] though some of the establishment bylaws pre-date that statute and take a somewhat different form.

In general, the service establishment bylaws for the CRD-operated Departments are in reasonable shape, though several could be updated to adopt the current formulation of cost recovery methods found in section 378 of the *Local Government Act*.

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[37] In some cases – such as with Willis Point – the number of Commission members may be varied in the Schedules to Bylaw No. 3654.

[38] CRD, *Commission Handbook* (2020), section 13, "Occupational Health and Safety," at p. 29.

[39] See: *Local Government Act,* Part 10, Division 3.

Individual service establishment bylaws are reviewed in detail in Appendix 2.

7.2 What Works Well

The Consultants met with each Commission Chair (or alternate) and Fire Chief. In every case, Commission Chairs were found to be very informed and engaged, and relationships between Commission Chairs and Fire Chiefs were observed to be functional and mutually supportive, although at times with an understandable level of misalignment of perceived responsibilities.

The general (but not exclusive) view from Commission chairs was that they represented the local community (rather than operating as a delegated agent of the CRD Board). As such Commission members provide a local perspective to service delivery and desired level of services that would be missed if the Department was run only by the CRD (remotely) without a vehicle for local input and engagement. This was observed consistently in all Commission-led service areas. Commission Chairs reported consistently that they perceived that Commissions add value in terms of financial oversight of fire department budget, expenditures and corresponding property tax requisitions. In a majority of cases the Consultants observed a tendency by the Commission to focus on controlling costs and taxation levels.

7.3 What Improvements are Needed

While the Commissions were all active in their monitoring of Department budgets and finances, it was less clear that they understood their responsibilities for overseeing other regulatory requirements applicable to the fire service – including OH&S matters and training standards. There has not been much training of Commission members given the hiatus created by the pandemic, which means that the full extent of their role may not be properly understood.

There also was some uncertainty about the role and responsibilities of Protective Services staff in relation to fire department operations. These roles and responsibilities are not addressed in Bylaw No. 3654 or in the Commission Handbook.

While the Commissions do provide necessary local input, they tended not to be very active in community outreach. That outreach is important as a recruitment tool for the Departments and to ensure that the service level and budgetary decisions being made are understood by the service area residents. Again, there has been a lack of training for Commissions and the direction and guidance provided in the form of the Commission Handbook and underlying bylaw is very generalized.

The reporting obligations from the Commissions to the CRD Board are relatively few given the breadth of their responsibilities, and somewhat observed in the breach. If those responsibilities are maintained, the reporting obligations, particularly in relation to regulatory issues (OH&S and training, in particular) would require significant enhancement.

7.4 Recommendations for Change in the Commission Model

The safe and effective delivery of fire services has become an increasingly technical and highly regulated undertaking, one the requires professional administration. The risks associated with this service, moreover, make oversight and reporting critical, to ensure the safety of both firefighters and the public, and to mitigate risk for the local government.

As a matter of practice, the Commissions have tended to focus themselves on financial oversight and budgetary matters. We would recommend that this continue – but that the Commissions be moved from having delegated Board authority, to operating on an advisory basis. Their responsibilities would be recast and clarified, principally covering:

- Budget review and input;
- Quarterly or semi-annual financial reviews;
- Engagement in any strategic planning for the Department; and
- Community outreach and engagement, for both financial matters and recruitment purposes.

There is significant potential for Commissions to be an effective two-way communication conduit between CRD and community – a view shared by both the Commissions themselves, and CRD staff. This role should become a principal focus, to improve community engagement and ensure that the local voice is heard at the CRD-level.

At the same time, it may be worth revisiting the number of appointees to the Commissions, as, in practice, not all appointees appear to be operating at the same level of engagement. It may be possible to move to having five members appointed to the Commission to fulfil the revised purposes, making succession planning easier while still ensuring sufficient members to share the workload.

In the fullness of time, it may also be possible to transition from having six local commissions to two – one covering Juan de Fuca and one for the Southern Gulf Islands, with representation from all service areas. Moving to this model is included in the future organization chart show in section 9.3 below, but would need to be determined based on how the new advisory model works, and whether a move to this two-Commission model would still enable sufficient connection to each of the local communities.

In keeping with most other governance models for regional district fire services:

- the individual Fire Chief is made principally responsible for the daily administration and operation of the relevant Department, within the approved budget (and subject to CRD policies on expenditures). The Fire Chief would work with the advisory Commission on budget and financial matters, and community engagement, but would provide regular reporting to a designated position (described below) in the CRD;
- the professional staff in Protective Services are made responsible for providing oversight, assistance and administrative support to the Departments (or arranging for such support from other CRD functions), including:

- creating and maintaining a centralized set of operational guidelines developed in consultation with the Departments;
- creating standard approaches to training, including supporting materials to enable proper delivery of training programs by each Department and the evaluation and recording of each member's qualifications;
- creating and helping to manage and oversee consistent OH&S processes in each Department, including a standardized OH&S program and the operation of one or more joint committees or worker representative systems, along with all necessary documentation and training to support these processes;
- assisting with budget development and procurement;
- assisting with recruitment and retention efforts, and working the Fire Chiefs and their advisory Commissions to improve community involvement with the Departments; and
- providing technical and administrative assistance and training as required for use of records management systems and financial management processes.

In the short term:

- Commissions should be converted to an advisory capacity with a revised and focused set of responsibilities. Bylaw No. 3654 would be revised accordingly and new terms of reference for the Commissions would be developed with them.
- The CRD should create a full-time Manager of Electoral Area Fire Services position, to whom the Fire Chiefs would report.
- The Manager of Electoral Area Fire Services would liaise with and support the Commissions in their revised roles.
- The administration staff function committed to Fire should be increased from 0.25 FTE to 0.5 FTE (a full-time position shared with Emergency Management).
- The relationship between the CRD and its Fire Chiefs should be clarified. To ensure that the Fire Chiefs have the benefit of the protections embedded in section 738 of the *Local Government Act*, their role as employee of the CRD should be confirmed.

In relation to the Fire Chiefs' employment status, we note that there was some discussion about whether they were independent contractors, dependent contractors, or employees. The determination of employment/contractor status is complex, multi-faceted and beyond the scope of the Consultants' expertise. However, whatever minor financial benefits may accrue to the Fire Chiefs for being independent contractors (e.g., the ability to write off certain business-related expenses and to avoid source deductions), such status would likely take them outside of the ambit of the section 738 protections. As such, from a risk and liability mitigation standpoint, it is likely better for the Fire Chiefs to be categorized as CRD employees, and entitled to the benefit of the liability exemption under the *Local Government Act*, as well as the CRD's indemnity bylaw.

If a Fire Chief wishes to retain his or her designation as an independent contractor, and the CRD determines that it is possible to structure the role in such a way as to meet the various tests for such a relationship, it will be necessary for them to carry their own liability insurance and WorkSafe BC coverage.

It also should be noted that, for other officer ranks and for the firefighters themselves, it is important that they are categorized either as employees of the CRD or volunteers of the CRD, to ensure that the *Local Government Act* liability exemption applies in relation to their emergency response activities. The situation with respect to ancillary work – e.g., repairing a fire hall – can be handled differently, provided that there is a service agreement or contract in place, and the individual has independent WorkSafe BC coverage for the work being performed, along with appropriate liability insurance.

In the longer term, and depending on how the Society model evolves:

- The administration staff function committed to Fire should be increased from 0.5 FTE to 1.0 FTE; and
- A full-time Regional Training Officer position should be created.

7.5 Recommendations

Recommendation #14	Bylaw No. 3654 will need to be updated to address any changes made to the Commission model.
Recommendation #15	Any updated Commission Handbook (and/or updated bylaw) should expressly address responsibility for OH&S matters, as well as the role to be played by the CRD's professional staff in relation to Department oversight.
Recommendation #16	When Bylaw 3654 is updated, consider making it an operational powers bylaw as well, granting operational powers and authority to the various Departments (including any service areas receiving emergency response services under contract from a Society or other local government). Alternatively, create an operational powers bylaw covering all of the CRD's fire service areas.
Recommendation #17	CRD Fire Commissions should be moved from having delegated Board authority, to operating on an advisory basis. Their responsibilities should be recast and clarified, principally covering: • Budget review and input; • Quarterly or semi-annual financial reviews; • Engagement in any strategic planning for the Department; and • Community outreach and engagement, for both financial matters and recruitment purposes.
Recommendation #18	CRD fire chiefs should report directly to a newly created CRD staff position – Manager of Electoral Area Fire Services.
Recommendation #19	The CRD should explore the matter of CRD fire chief employment status. CRD fire chiefs (and deputies) should be

	engaged as exempt employees of the CRD. Alternatively, if the CRD prefers to engage one or more fire chiefs as independent contractors, matters of liability protection, WorkSafe BC coverage and compliance with Canada Revenue Services requirements should be considered and addressed.

8. Society-owned Departments

The CRD has created three service areas where fire protection is delivered under contract by an independent, arm's length, not-for-profit society: Pender Island, Saturna and South Galiano. The use of societies as a vehicle for delivering fire services was once fairly common. Indeed, many regional district departments throughout the province had their origins as society-owned departments. This approach was taken at a time when regional districts generally lacked the administrative structures to manage such services, regulatory requirements were less demanding, and there was a recognized need, at the local level, for the creation and operation of a fire department. In essence, volunteer societies filled a gap by delivering services where the local government lacked the capacity to do so.

As the regulatory requirements have become more complex and maintenance of volunteer societies more challenging, and as regional district governments developed better capacity to deliver fire services, the use of societies as a mode of emergency service delivery has dwindled. Risk management has also come to the fore as a major issue. Where a society is responsible for emergency service delivery, it potentially is liable where there is a bad outcome – either for a member of the public or one of its firefighters. Unlike the situation for members of a regional district fire department, it is not clear that the individual liability exemption found in section 738 of the *Local Government Act* applies to the members of a society-owned and operated department. As such, societies and their boards need to carry sufficient liability insurance to cover the potential risks that they face.

In general, given the risks associated with the delivery of emergency response services, we tend to favour moving away from a society-operated model, however high-functioning it may be. The societies could and should continue to function – to support recruitment and retention, to assist with external fund-raising, to undertake outreach to the community, and to provide the critical social element that supports the operation of volunteer and paid-on-call departments. However, they should not be made responsible for undertaking emergency response activities which carry such a high potential risk of liability for a volunteer organization, and for which a local government is better positioned.

Where a society wishes to continue to be fully responsible for emergency service delivery, the issue of risk allocation becomes critical. If the local government is not providing oversight and does not have control over operations, then the society needs to be prepared to bear the risks associated with its operations, an issue that needs to be properly addressed in any service agreement.

As such, the contracts between the CRD and the various Societies should be approached as agreements with arm's length third parties, with appropriate risk allocation and indemnification provisions. If the Societies intend to be responsible for emergency service delivery, and to operate independently of regular oversight by the CRD, then liability and responsibility for the service needs to rest with the Society, rather than the CRD.

One aspect of the Provincial Training Standards is the requirement for the "Authority Having Jurisdiction" or "AHJ" to set the service level at which its fire department operates. One of three

service levels may be chosen: Exterior; Interior; or Full Service. The Office of the Fire Commissioner has indicated that, in its view, where the local government is funding the service, it is the AHJ in relation to that department, even if the department is owned and operated by a society. This creates a complex situation, and would seem to support the interpretation that the CRD has a shared responsibility for OH&S failings by contracted Society-owned departments. As such, the issue of the service level, and the obligation of the relevant Society to meet the requirements of the Provincial Training Standard relevant to the chosen service level, needs to be addressed in any updated service agreement.

The next sections examine the Society Departments at a high level. More detailed individual reviews of the Society Departments, including the service establishment bylaws and existing service agreements, are found in Appendix 3.

8.1 What Works Well

The society model as it is currently utilized by the CRD in three fire protection service areas was viewed by the Society and/or Fire Chief to be working well in several ways, including:

- representing the interests of local communities in terms of service level determination and control of costs that impact taxation;
- fostering a sense of local autonomy and control of own destiny;
- overall community engagement;
- helping recruitment and retention of volunteer/POC firefighters; and
- minimizing in some aspects of the workload of the CRD compared to the Commission model.

The Consultants observed the common and natural tendency of local communities to regard the regulatory needs of the governing body as an impediment, and to regard relinquishing of direct, society control to equate with an increase in bureaucracy and expense, and a loss of local control.

8.2 What Improvements are Needed

The three Society-owned Departments operate at different levels in terms of sustainability of the model and operational outcomes. They also operate under three separate service agreements, which, while they have some commonalities, actually vary quite widely from one another. These agreements are reviewed in detail, with suggested revisions, in the individual department review sections below. We also have included a checklist of the principal issues to be addressed in fire service agreements as Appendix 4. However, at a high level, the service agreements need to clearly address the following issues:

1. A clear definition of the services being provided by each Society.

2. A clear specification of any support that is available to the Society from the CRD (e.g., from Protective Services – such as sharing of common operational guidelines, etc.).

3. A covenant from each Society to deliver the services in compliance with applicable laws and regulations, including the Provincial Training Standards and OH&S requirements.

4. A process for establishing the annual service fee and Department budget.

5. An allocation of responsibility where there is negligence claim against, or service delivery failure by a Society (e.g., failure to follow OH&S processes), supported by insurance and backed by an indemnity in favour of the CRD.

6. A graduated dispute resolution process.

7. Clear, regular reporting obligations from each Society on financial matters, contractual obligations and services delivered.

8. Proper records keeping by the Societies covering:
    a. personnel matters (including training, OH&S matters, discipline, etc.); and
    b. apparatus and equipment maintenance, repair, and testing.

Additional challenges with the Society model include:

- shortage of administrative support;
- the potential for Society continuity issues – i.e., ensuring successorship on the Board with qualified and interested directors;
- a focus at the Board level on overseeing budgets and expenditures, with less attention to regulatory obligations and matters that mitigate risk; and
- a blurring of the lines between what assets are owned by the Society versus the CRD, and which body is responsible for maintenance and replacement costs of assets.

8.2.1 Recommendations for Changes in the Society Model

The Societies operate at different levels and have different short and long-term requirements.

As a general approach, given the strength of commitment from societies operating fire departments under contract with the CRD, the CRD should be prepared to work with the Societies under the terms of revised and improved service agreements, provided that it is comfortable that the liability and risk issues can be adequately managed. At the same time, the CRD should be prepared to respond to future requests to convert a Society-operated department to one directly operated by the CRD.

The service agreements with the Societies need to be reviewed and updated to address the issues noted in the previous section, to clarify obligations, responsibilities and liability allocation.

In relation to South Galiano, based on the Consultants' meetings with the Society, the Fire Chief and CRD staff, this department is Society-owned but operates similarly to the commission-led model. It appears possible and desirable to transition this service to one that is directly operated by the CRD. One of two approaches is possible for role of the Society to be transitioned:

- The Society continues as a social organization, providing advisory input on community matters and views (e.g., budgetary and taxation issues), while assisting with social events and community engagement functions. In this model, the Fire Chief becomes an employee of the CRD and is subject to direct CRD oversight, while the Society functions in an advisory role, and maintains its position as owner of certain fundamental assets (e.g., the land upon which the fire hall sits, and the old fire hall). In this model, the Society would receive a rental income stream as landlord, which would help to fund its on-going community and department support operations. The Society would have no responsibility for emergency service delivery.
- The second option would be to wind up the Society and move to an advisory Commission model, as recommend for the Commission-led Departments in section 7, above. This approach poses both change management and some legal challenges. The Society has a broad community membership, is the owner of real property, and as such may prefer to continue in a modified role with regard to the fire department.

From the CRD's perspective, either approach would be acceptable. This is a matter that should be reviewed with the Society.

In addition, the possibility of functionally consolidating fire service delivery between the two fire protection service areas on Galiano Island came up during this review. The two Departments already work closely together. Any operational consolidation of the two Departments would require that a common method of community input be created. North Galiano has both a Commission and a society, with the latter assisting with fundraising and social events. South Galiano has its Society. Before any formal consolidation of the two service areas was undertaken, it would be necessary to agree how local community input would be provided to the newly integrated Department.

8.3 Recommendations

Recommendation #20	Society-owned and operated fire departments present a series of unique risk management and liability issues. If the Societies wish to continue to be responsible for the provision of emergency response services, they must be prepared to accept the potential liability and risk that accompanies such service provision. The service agreements with the Societies should be updated to clearly reflect that allocation of risk and responsibility. Certain other issues should also be addressed in the service agreements, including: enhanced reporting obligations; an improved, graduated dispute resolution process; clarifying OH&S obligations (and accompanying risk allocations); and clearly specifying what support is being provided by the CRD to the Society-owned Departments.
Recommendation #21	The CRD, in consultation with the Pender Island Society, should review whether the provision in the Pender Island Agreement which suggests that members of the Society are entitled to avail

	themselves of the protections under section 738 of the Local Government Act and are covered by the CRD's indemnity bylaw, is correct and accurately reflects the legal position of the Society and its members.
Recommendation #22	The CRD should engage with the South Galiano Volunteer Fire Department Society to explore conversion of the South Galiano Volunteer Fire Department to a CRD-operated department. The role of the Society should be redefined, and consideration given to the Society fulfilling the advisory role provided by commissions in other service areas until such time as a Southern Gulf Islands Fire Advisory Commission is established.
Recommendation #23	The CRD should facilitate discussions involving the South and North Galiano Fire Chiefs, the Society Chairs from both South and North Galiano, and the Commission Chair from North Galiano for the purposes of exploring the potential for the two departments to deepen their partnership, up to and including the potential to consolidate the two departments into one.

9. CRD Organizational Structure

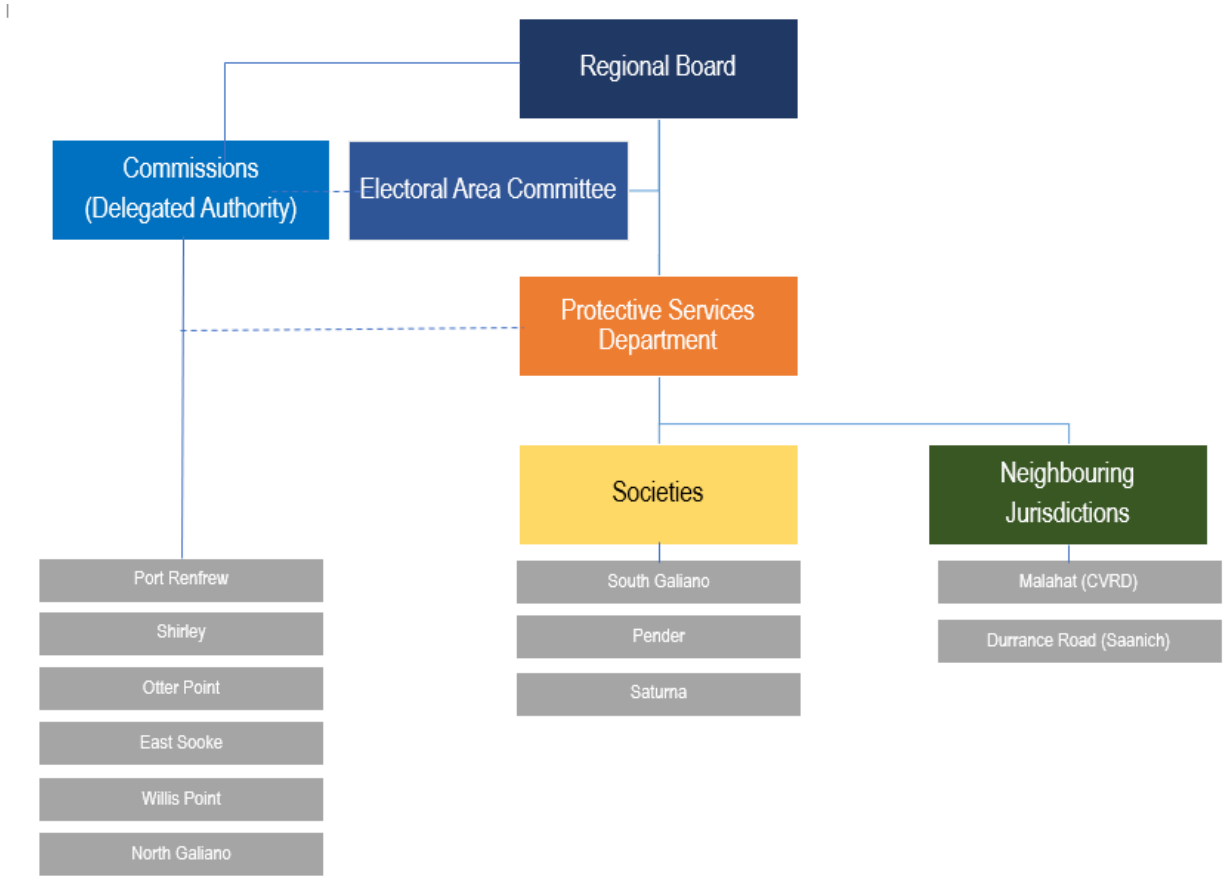
As outlined earlier in this report, the CRD is responsible for provision of fire protection services in eleven fire service areas. In two cases fire service is provided by a neighbouring local government's fire department, enabled through a service agreement. In three cases, fire protection service is provided by a society-owned fire department funded by the CRD through a service agreement. In the six remaining cases fire protection service is provided directly by the CRD, and those fire departments are managed by a CRD commission under delegated CRD Board authority.

The current organizational structure indicates that the CRD Protective Services department oversees the CRD's interests with regard to the service agreements, holding contractors accountable to the terms of those agreements. Where current service agreements are deficient as noted in this report, the Protective Services department has limited ability to direct those service deliverers adequately to meet the needs of the CRD.

The six fire commissions, by the nature of the authority delegated from the CRD Board to each commission, do not report to the Protective Services department, nor do the fire chiefs or personnel in those departments. The reporting relationship appears to bypass the staff functions of the CRD, with each commission "reporting" directly to the Board. In reality there appears to be very little reporting to the Board by the Commissions, nor were instances observed of the Board directing the Commissions. The relationship between the Commissions and the CRD appears to effectively be one that involves CRD staff advising the Commissions and their fire chiefs. Any direct control by the CRD over CRD commission-led fire department activities is affected on matters of finance, involving CRD staff compelling commissions and fire departments to adhere to CRD procurement and other financial policies.

9.1 CRD Fire Services – Current State[40]

Figure 3: Current State of CRD Fire Services



Recommendations in this report, if implemented, would result in changes to the organization chart that include:

- The current relationship between the CRD and two societies (Pender Islands and Saturna Island) would continue, with renewed service agreements in place, and a clearly defined primary CRD staff point of contact for interactions between the societies and the CRD;
- Governance of the South Galiano Island Fire Department would be converted from a society-owned department to a department managed directly by the CRD, with the Society's role to be defined, potentially remaining in place as a landlord to the Department and in a support capacity to the Department. The reporting relationship in this case would involve the South Galiano Fire Chief reporting directly to a staff position in the CRD Protective Services department. The South Galiano Society could, if

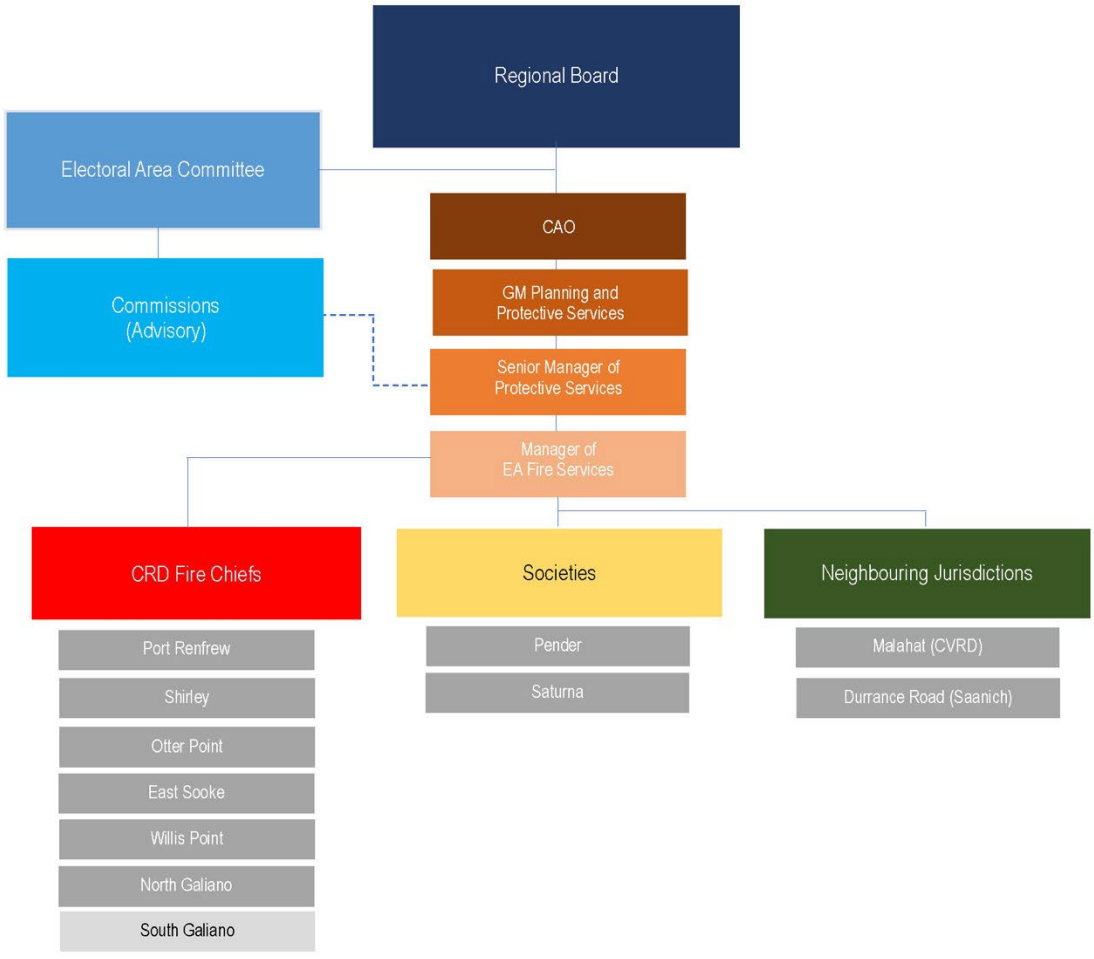
[40] In practice, Commission and Society matters are currently referred to the Electoral Area Committee prior to consideration by the Board.

desired, assume an advisory role, representing local interests and supporting recruitment efforts for example;

- The authority delegated to six commission-led departments would be modified to reflect an advisory role, and fire chiefs in those six departments would report directly to a designated staff position in the CRD Protective Services department. Clear definition should be provided regarding the primary CRD staff point of contact for liaison interactions between the commissions and the CRD; and
- In the longer term, the CRD and the Commissions could explore the potential to create two advisory commissions (Gulf Islands and Juan de Fuca) in place of the current six commissions.

9.2 Recommended Governance Organization Chart – short term

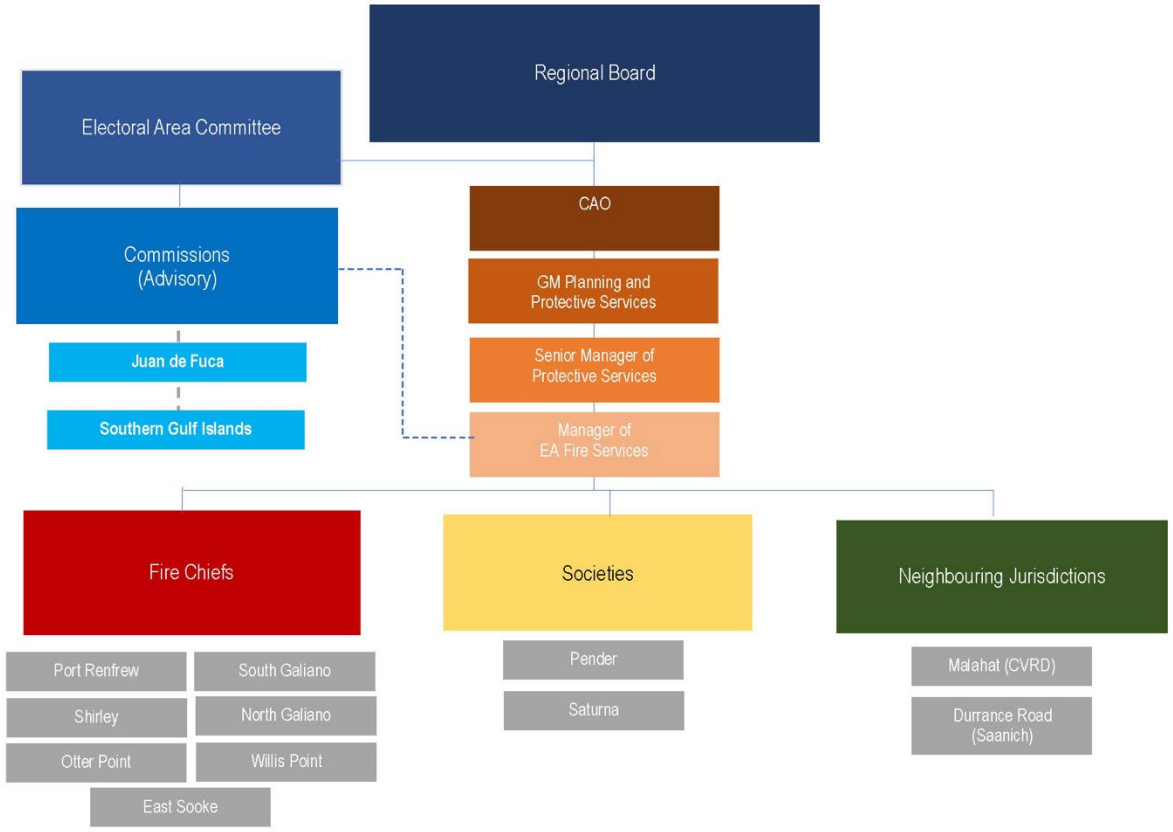
Figure 4: Proposed Short Term Governance Organization Chart



Note: This Chart assumes a transition involving South Galiano.

9.3 Recommended Governance Organization Chart – long term

Figure 5: Proposed Long Term Governance Organization Chart



Note: This chart reflects change from six to two Advisory Commissions, but does not reflect the potential consolidation of North and South Galiano departments. The chart also reflects a change in the reporting relationship for the Advisory Commissions to the Electoral Committees as opposed to the Regional Board.

9.4 CRD Staffing – Current and Future

The CRD Protective Services Department has responsibility for emergency management as well as electoral area fire services. The recent addition of a contracted Fire Services Coordinator has been a considerable positive asset. Throughout the Consultant's engagements with Fire Chiefs, Society Board Chairs and Commission Chairs, many positive comments were heard about CRD staff, not only in the Protective Services Department, but in all departments interacted with. The CRD appears to currently have the right people in the right roles. Going forward, if recommendations in this report are implemented, the CRD will be required to add additional staff to the Protective Services Department and perhaps also to other departments, and it will be important that the current culture of the CRD staff team be maintained.

Maintenance of trusting relationships between CRD staff and fire department leaders will be critical to success in leading through change.

The conversion of delegated authority commissions to commissions with an advisory role will require CRD staff to be more involved in fire department operations and oversight, and in liaising with Commissions in their new advisory role. This will require an increase in CRD staff resources.

In the short term, the management of emergency programs and electoral area fire services, currently shared within the role of Manager, Electoral Area Fire and Emergency Programs, should be separated into two managerial positions, one for emergency programs and one for fire services. Pending changes to the *Emergency Program Act* were noted earlier in this report. Anticipated changes can be expected to result in more, not less, work for CRD Emergency Management personnel.

For clarity, and because the matter was mentioned as a concern during interactions with several departments as a perceived strategic goal of the CRD, implementation of a centralized, regional chief officer structure is not recommended.

9.4.1 Manager of Electoral Area Fire Services

This new full-time exempt position would report to the Senior Manager of Protective Services, maintain a peer relationship with the newly created Manager of Emergency Programs position, and be responsible for management and supervision of fire chiefs in service areas formerly operated by delegated authority commissions. This new position will be pivotal to the successful implementation of recommendations in this report.

Skillsets critical to the success of the Manager of Electoral Area Fire Services, and for which candidates for that role should be assessed, include:

- Solid understanding of local government processes, and proven experience excelling in local government management;
- Strong communication skills, including written, verbal and listening;
- Proven successful application of emotional intelligence (EQ) and cultural intelligence (CQ) skills
- Ability to function as a concierge or gateway into the CRD government structure for fire chiefs, societies, and advisory commissions, and to support CRD staff in succeeding in their interactions with fire services; and
- Proven success as a servant leader.

9.4.2 Assistant

The CRD currently provides a 0.5 FTE Assistant position that reports to the Manager, Electoral Area Fire and Emergency Programs, and supports both emergency management and fire service functions. With the anticipated increase in workload, this position should be increased to full time, and continue to support both functions equally. In the longer term, the Assistant position supporting Electoral Area Fire Services should become a full-time position.

9.4.3 Fire Training Officer

In the longer term, the CRD should establish a Fire Training Officer position. Reporting to the Manager of Electoral Area Fire Services, and maintaining a peer relationship with the Fire Services Coordinator, the Fire Training Officer could coordinate firefighter training, oversee training records management, and support Training Officers in each department.

Figure 6: CRD Protective Services Staffing Model - Current

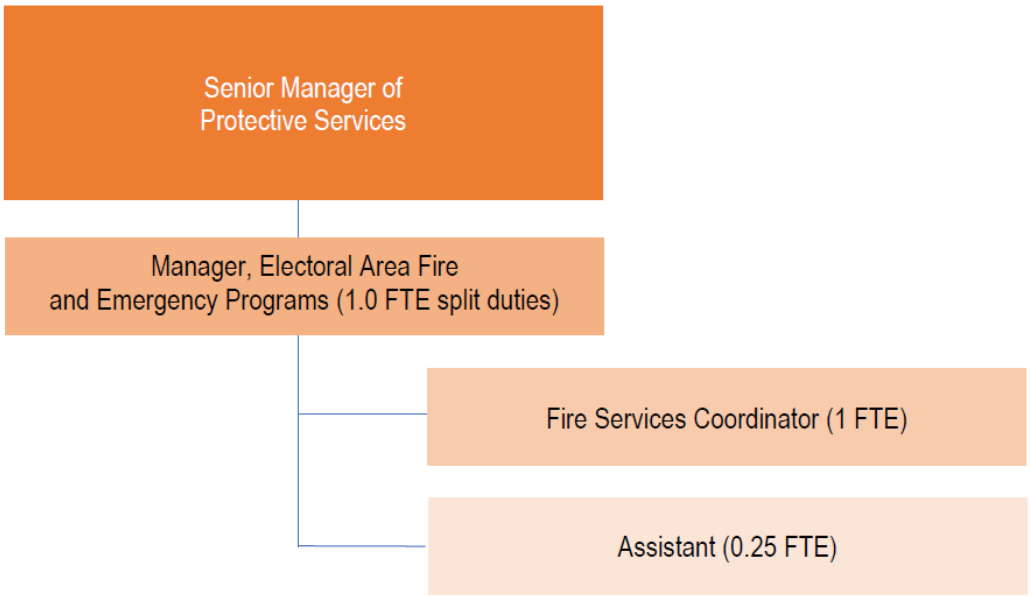
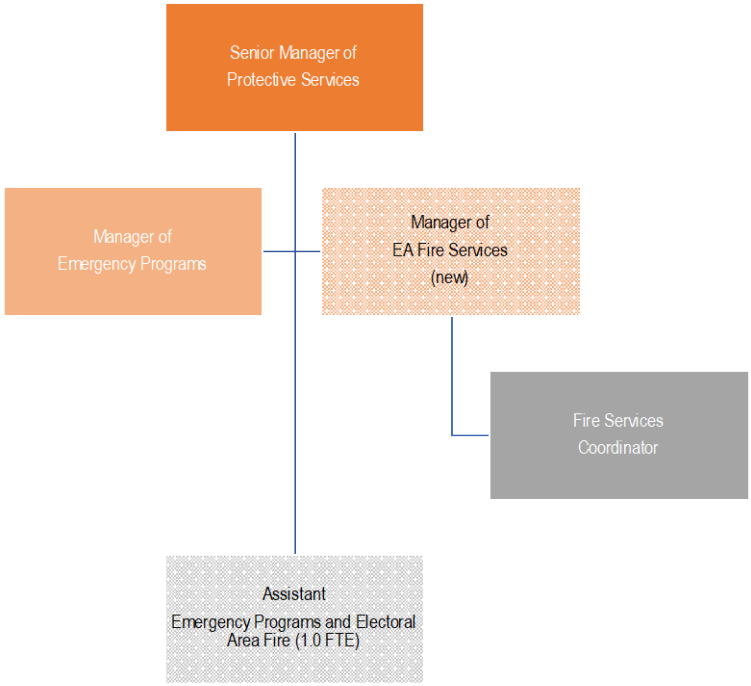
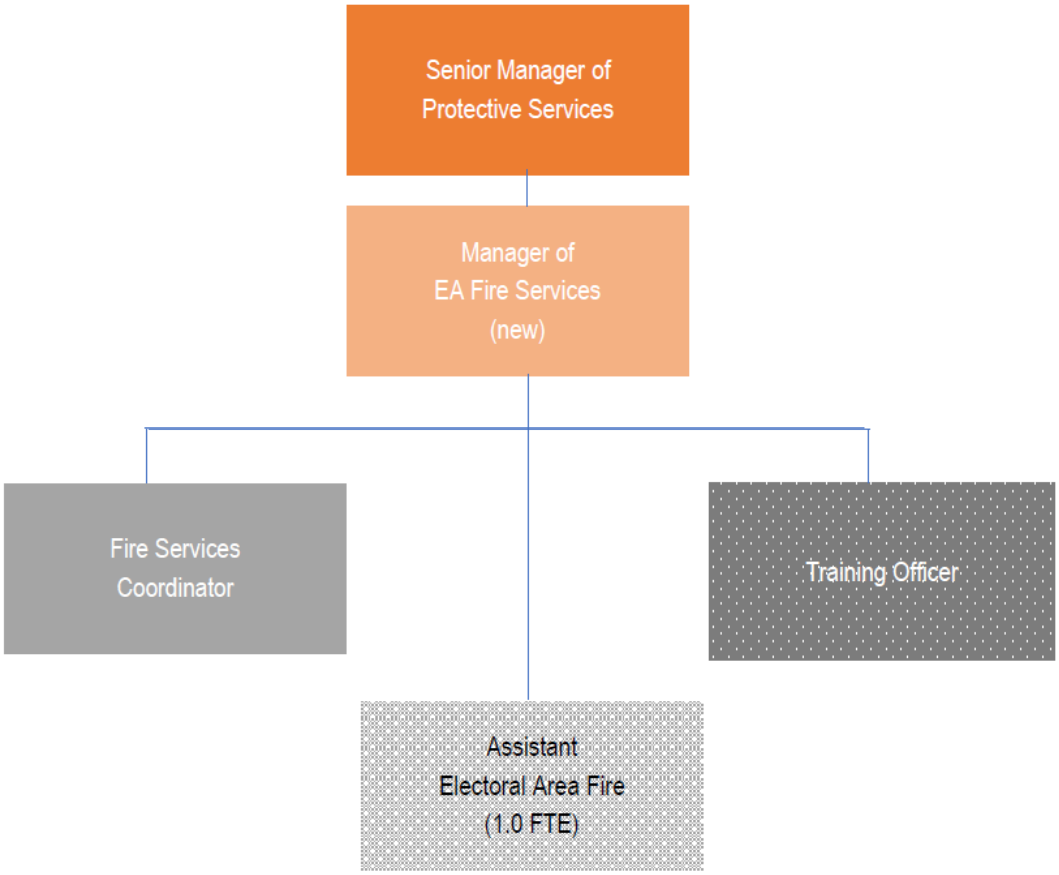


Figure 7: CRD Future Short-Term Protective Services Staffing Model



9.4.4 Proposed Future Staffing – Long Term

Figure 8: CRD Proposed Future Long-Term Protective Services Staffing Model



9.5 Recommendations

Recommendation #24	The CRD should consider the consolidation of Fire Commissions (Advisory) into two Advisory Fire Commissions, one representing the Southern Gulf Islands and the other representing the Juan de Fuca area.
Recommendation #25	The CRD should create and fill a Manager of Electoral Area Fire Services position. This position would be responsible for supervising CRD fire chiefs, supporting and liaising with Fire Commissions, as well as managing fire service agreements with other local governments and societies.
Recommendation #26	The CRD should expand from 0.5 FTE to full time the Assistant position assigned to Electoral Area Fire and Emergency Services. As soon as is possible staff resources should be

	increased in order that the full-time Assistant position is assigned only to Electoral Area Fire Services.
Recommendation #27	The CRD should create and fill a new Fire Training Officer position. The incumbent would report to the Manager of Electoral Area Fire Services

10. Implementation

The current CRD model of governance for fire protection services is complicated and long-established. Ongoing successful delivery of fire protection services is dependent upon a large number of participants who are involved on a voluntary basis, and familiar with the status quo. Changes made in this sector should be well-thought out, and there should be a communication and implementation plan that is written, and reflects stakeholder inputs. The CRD should continue to be mindful of the deep investment made by volunteers in the delivery of fire protection services in communities across the regional district areas, that their continued involvement will be dependent upon the continued feeling that they are contributing to their local community, and that changes to the current state and motivations for those changes could easily be misunderstood if not adequately communicated. Communication and consistent, reliable actions by the CRD will be critical to successful implementation of recommendations.

The CRD is commended for undertaking this review as an initial step in this process.

The process for implementation of recommendations in this report could reflect the following:

- The Electoral Area Committee receive this report and forward the report to the CRD Board of Directors with a recommendation;
- The Board of Directors receive this report, and direct that the report be shared with Fire Chiefs, Commissions and Societies. Input from Fire Chiefs, Commissions and Societies be received and communicated back to the CRD Board of Directors;
- The report recommendations could then be considered for adoption by the CRD Board of Directors, along with input from Fire Chiefs, Commissions and Societies, and a draft implementation plan (prepared by CRD staff). The CRD Board of Directors could consider adoption of the recommendations or amended recommendations; and
- With the CRD Board of Directors direction in hand, CRD staff could begin implementing the adopted recommendations as per the implementation plan.

Appendix 1: Stakeholder Engagement Summary

Service Area	Stakeholder Representative(s)	Consultants	Date 2023	Location
		Commission Departments		
North Galiano	Fire Chief: Karen Harris Chair: Larry Campbell	Tim Pley Gord Anderson	22 March 2023 24 April 2023	Fire Hall CRD office
Willis Point	Fire Chief: Art Wynans Chair: Aran Puritch	Tim Pley Gord Anderson	17 April 2023	Fire Hall
East Sooke	Fire Chief: Carl Neilson Chair: Falk Wagenbach	Tim Pley Gord Anderson	4 April 2023	Fire Hall
Otter Point	Fire Chief: John McCrae Chair: Joanne Hemphill	Tim Pley Gord Anderson	5 April 2023	Fire Hall
Shirley	Fire Chief: Leah Hill Chair: Brian Einarson	Tim Pley Gord Anderson	3 April 2023	Fire Hall
Port Renfrew	Fire Chief: William Toulmin Chair: Dan Quigley	Tim Pley Gord Anderson	6 April 2023	Fire Hall Residence
		Society Departments		
Saturna Island	Fire Chief: Peter Clark Vice President: Ron Monk	Tim Pley	11 April 2023	Fire Hall
Pender Island	Fire Chief: Mike Dine President: Brent Marsden	Tim Pley Gord Anderson	12-13 April 2023	Fire Hall
South Galiano	Fire Chief: Scott Sugden President: Larry Hagen	Tim Pley Gord Anderson	23 Mar 2023	Fire Hall
		CRD		
Fire Leadership Group	Fire Chiefs and CRD Protective Services staff	Tim Pley Dave Mitchell	12 Jan 2023	Via Zoom

Service Area	Stakeholder Representative(s)	Consultants	Date 2023	Location
Elected Officials	Director Southern Gulf Island: Paul Brent Director Juan de Fuca: Al Wickheim	Tim Pley Dave Mitchell	24 March 2023	Via Zoom
Staff	Human Resources Protective Services OH&S Legislative Services Finance Corporate Services Fleet Services	Tim Pley Gord Anderson Ian MacDonald	16, 17 May 2023	CRD Offices

Appendix 2: Commission-led Departments

North Galiano

The North Galiano service area was established pursuant to the North Galiano Island Fire Protection Local Services Bylaw No. 1, 1990 ("Bylaw No. 1852").

Bylaw No. 1852 established the service for the purposes of providing "fire protection" in North Galiano Island (ss. 1, 4). The authorized service in section 1 was amended in 2005 pursuant to North Galiano Island Fire Protection and Emergency Response Service Establishment Bylaw No. 1, 1990, Amendment Bylaw No. 3, 2004 ("Bylaw No. 3221") (adopted in February 2005) to read as follows:

> A Fire Protection and Emergency Response Service is hereby established within the service area defined in section 2 and is the service of:
>
> (a) fire prevention;
>
> (b) fire suppression; and
>
> (c) assistance in response to:
>
> (i) requests from the Provincial Ambulance service for extrication of persons from damaged motor vehicles;
>
> (ii) requests for assistance in the extrication of persons from damaged buildings, structures or from situations involving natural hazards;
>
> (iii) emergencies where police or ambulance personnel are unavailable or are unable to respond adequately and the equipment and personnel of the department is required to respond to the situation;
>
> in situations where the Fire Chief determines that the personnel and equipment resources of the Fire department are capable of responding to the emergency.

Bylaw No. 3221 also:

- amended section 2, essentially to rename the heading of Schedule A (the map of the service area);
- deleted section 4 (which was made redundant by the new section 1) and renumbered the remaining provisions; and
- added the following provision as a new section 6:
  "Not withstanding Section 2 of this bylaw, the fire department may provide fire suppression and emergency response outside the boundaries of the service area where the Capital Regional District has entered into an agreement for this purpose."

Bylaw No. 1852 permitted the CRD to recover service costs through a parcel tax (s. 5(a)), with "any deficiency" arising under such parcel tax to be obtained "by the requisition of money under Section 809.1 of the Municipal Act to be levied and collected under Section 810.1 of the

Municipal Act" (s. 5(b). This now archaic formulation relating to cost recovery does not appear to have been amended or updated.

Consideration should be given to amending this section (which is now section 4 of Bylaw No. 1852, as amended), to bring it into line with section 378 of the Local Government Act, which permits the CRD to recover costs, through a series of methods including a property value tax, a parcel tax, fees and charges, and revenues received by way of agreement, enterprise, gift, grant or otherwise. Moreover, although this section of Bylaw No. 1852 suggests that the principal costs are to be recovered through a parcel tax, based on the budget materials provided, only a property value tax is being applied[41].

Bylaw No. 1852 originally set a maximum requisition amount as being the greater of $16,000 or $0.75 per $1,000 of net taxable value of land and improvements (s. 6). This maximum requisition has been amended twice:

- In 2002, it was increased to the greater of $138,500 or $1.60 per $1,000 net taxable value of land and improvements pursuant to North Galiano Island Fire Protection Local Service Bylaw No, 1, 1990, Amendment Bylaw No. 1, 2002; and
- In 2012, to increase the maximum flat amount from $138,500 to $267,000, pursuant to North Galiano Island Fire Protection Local Service Bylaw No, 1, 1990, Amendment Bylaw No. 4, 2012.

The budget materials indicate that there are two other bylaws – Bylaw No. 3910 (July 2013) and Bylaw No. 3936 (February 2014) – pursuant to which some $570,000 (in aggregate) has been borrowed for capital purposes. These bylaws were not provided for review.

North Galiano Fire Department ("NGVFD") operates primarily out of a relatively new pre-engineered structure fire hall, augmented by a satellite fire hall ("Hall #2) nearer to the southern service area boundary. Fire Chief Karen Harris reported that NGVFD covers "2/3 of Galiano Island geographically, but only 1/3 of the island population and tax base" is in the North Galiano service area. Calls for service include a high number of downed power lines, and medical first responder calls which were reported to make up approximately 75% of total call volume. The Department has had as few as two significant structure fires since 2012, as well as some outbuilding and travel trailer fires.

It was reported but not substantiated that Hall #2 is situated on private property. The Consultants did not view any documentation related to land ownership or a lease enabling Hall #2 to be situated and the Department to operate a fire hall on privately owned property. The CRD should investigate, and if necessary, remediate that situation.

NGVFD participates in a FireSmart program led by the South Galiano Fire Chief. The CRD is increasingly coordinating the FireSmart program. The Department utilizes CRD Fleet Services for apparatus maintenance and looks forward to accessing a CRD shared records management system ("RMS").

[41] See: Capital Regional District, 2022 Budget: North Galiano Fire Protection – Final Budget (March 2022) at p. 2.

At the time that the Commission was established, a Society that had previously been the operators of the Department was retained and essentially repurposed to a support role. The Commission and the Society work closely together and coordinate their AGMs. Commission Chair Larry Campbell reported that Commission members and Society members are one and the same.

General recommendations in this report pertaining to Commission-led fire departments apply to North Galiano. Further, there appears to be an opportunity while restructuring the governance of North Galiano fire services to explore the potential for deeper partnering with South Galiano, up to and including consolidation of the two departments. The CRD could facilitate exploratory conversations in this regard with the Fire Chiefs and Societies from North and South Galiano, as well as the North Galiano Fire Services Commission.

Port Renfrew

The Port Renfrew service area was established pursuant to the *Port Renfrew Fire Protection and Emergency Response Service Establishment Bylaw No. 1, 1989* ("Bylaw No. 1743").

Under section 1, the original authorization of the service was described as "fire prevention and suppression and the provision of assistance response to automobile accidents and industrial accidents…". This authorization language was replaced in 2005 by the standardized language described above in the section North Galiano pursuant to *Port Renfrew Fire Protection and Emergency Response Service Establishment Bylaw No. 1, 1989, Amendment Bylaw No. 1, 2004* (adopted February 2005). As with North Galiano, Port Renfrew was authorized to provide extra-jurisdictional responses where the CRD had entered into an agreement for such purpose (new section 6). The bylaw was also renamed in section 7.

The service area was established by section 2 and Schedule A. Schedule A was replaced in its entirety in 2006 pursuant to section 1(c) of *Port Renfrew Fire Protection Local Service Establishment Bylaw No. 1, 1989, Amendment Bylaw No. 2, 2006* ("Bylaw No. 3356"). Bylaw No. 3356 did not specify, however, whether properties were being added or removed from the service area.

Section 4 of Bylaw No. 1743 deals with cost recovery. The original formulation referenced taxation, grants and other revenue. It was replaced with new language in 2007, pursuant to section 1(1) of *Port Renfrew Fire Protection and Emergency Response Service Establishment Bylaw No. 1, 1989, Amendment Bylaw No. 3, 2007* ("Bylaw No. 3455"), which introduced the full range of cost recovery methods permitted by what is now s. 378 of the *Local Government Act*. At the same time, Bylaw No. 3455 authorized the provision of fire protection and emergency response services to the Pacheedaht First Nation under a service agreement (s. 1(3)).

The maximum requisition amount was set under section 5 of the original Bylaw No. 1743 at the greater of $10,000 or $2.52 per $1,000 of net taxable value of land and improvements.

The community of Port Renfrew is relatively small, and the Department faces some unique challenges related to the size and nature of the community. Some homes are seasonally occupied, and the Consultants were informed about a significant rate of transitional residency related to the local economy, housing availability, and the availability of services such as

schools. These matters challenge the Department to maintain consistent, adequate staffing, and challenge the Department in terms of maintaining minimum levels of training.

Port Renfrew is unique among CRD fire service areas in that 40% of its operating budget funding is derived from service fees related to a service agreement between the CRD and Pacheedaht First Nation.[42] Pacheedaht First Nation is a critical partner in the provision of fire protection services in the Port Renfrew area both financially, as a local employer, and with several Pacheedaht members being on the Fire Department team. The communities of Port Renfrew and Pacheedaht are inextricably connected on many levels. It was acknowledged by both the Commission Chair, Dan Quigley, and the Pacheedaht CEO, Roger Nopper, that neither community was in a position to provide adequate fire protection services on their own, and in fact both Mr. Quigley and Mr. Nopper spoke in terms of there being only one community, not two, in the Port San Juan area.

The twenty-year term fire protection services agreement between the CRD and Pacheedaht expires in 2028. The CRD should begin engaging with Pacheedaht as soon as possible on the matter of a shared services agreement for the next twenty or more years. Given the trends regarding First Nations self governance and Pacheedaht's plans to expand housing, learning and economic opportunities in the area, the next fire protection services agreement could look considerably different than the current one.

A *Community to Community* grant funding program operated by the Union of BC Municipalities makes available up to $20,000 for local governments and First Nation governments for the purposes of supporting "development of agreements, joint plans and/or strategies …".[43] This is one opportunity for the CRD and Pacheedaht to undertake a deep, facilitated engagement on the future of fire protection services in the area, the outcome of which could be a shared understanding on the joint path forward.

Notwithstanding the above, recommendations in this report for changes to Commission-led fire protection service delivery should address many of the current challenges faced by the Commission and the CRD under the current governance model. Specific to the Port Renfrew Commission, Pacheedaht currently occupies one seat on the seven-person Commission.[44] Given the significance of Pacheedaht in the service area, including the 40% funding of Department operating expenses, the CRD and Pacheedaht should discuss a Pacheedaht presence on the Commission that is better reflective of the Pacheedaht involvement in the community and the provision of fire protection services.

[42] Pacheedaht fire protection service agreement, at the time of signing in 2008 included a capital contribution from Pacheedaht and annual service fees equaling 50% of the PRFD operating budget.

[43] UBCM *Community to Community Program*, https://www.ubcm.ca/c2c

[44] Roger Nopper, Pacheedaht CEO represents Pacheedaht as a Commission member. The Consultants did not observe that a Pachedaht presence on the Commission was a stipulation of the CRD. It may be that the Pacheedaht presence on the Commission represents a local understanding.

Shirley

The Shirley service area was established pursuant to the *Shirley Fire Protection and Emergency Response Service Establishment Bylaw No. 1, 1991* ("Bylaw No. 1927").

The service established under section 1 was for "the provision and operation of fire prevention and suppression services and attendance, in conjunction with police or ambulance service personnel, to provide assistance under their direction at emergency situations where harm may be caused to persons or property." This authorization was revised in 2005 pursuant to *Shirley Fire Protection and Emergency Response Service Establishment Bylaw No. 1, 1991, Amendment Bylaw No. 1, 2004* (adopted in February 2005) ("Bylaw No. 3220"). The standardized language cited in the North Galiano section above, was used. Bylaw No. 3220 also inserted the provision permitting extra-jurisdictional responses where the CRD had entered into an agreement for such purpose.

Under section 3 of Bylaw No. 1927, the CRD is expressly permitted to contract for services with the Shirley Volunteer Fire Protection Society. The society, which is a registered charity,[45] appears to continue to exist and provide financial support to the Department, but responsibility for emergency service delivery now rests the CRD.

Section 4 of Bylaw No. 1927 defines how the costs may be recovered. As with North Galiano, it permits the CRD to recover service costs through a parcel tax (s. 4(a)), with "any deficiency" arising under such parcel tax to be obtained "by the requisition of money under Section 809.1 of the *Municipal Act* to be levied and collected under Section 810.1 of the *Municipal Act*" (s. 4(b). This formulation should be amended to correspond with the current language of section 378 of the *Local Government Act*.

Section 5 sets the maximum requisition at the greater of $18,200 or $1.31 per $1,000 of the net taxable value of land and improvements in the service area.

The community of Shirley presents as a prime example of an area with a long history of meeting its own needs through community participation, currently adjusting to changes in local government involvement, regulatory obligations, changing community membership and participation.

The Consultants met with Shirley Fire Protection and Emergency Response Service Commission Chair Brian Einarson and Fire Chief Leah Hill at the Shirley fire hall. Commission Chair Einarson described the Commission as the administrative arm of the fire department and stated that Fire Chief Hill reports to the CRD on operational matters. Chair Einarson reported that the Commission serves a necessary role for local input and control, and suggested that there might be value in regular meetings with other CRD fire commission members to discuss solutions to common challenges.

Commission Chair Einarson reported that emergency preparedness is an area in which the Shirley community could be better served, and the Commission might be able to help with. In

[45] See: https://opengovca.com/charity/139626915RR0001

particular, it was suggested that implementing measures to provide for families of fire department members during times of emergencies could improve the availability of those members to support the community during times of heightened need.

The Shirley community is well-served with representative bodies, including:

- A CRD Commission with delegated authority to administer fire protection services;
- A society that, previous to the implementation of the Commission model, operated the fire department, has remained active in supporting the Department through various ways, including the raising of funds that are used to support the Department. The fire training site was cited as one example of the projects funded by this society;
- A Firefighters' society is in place. The primary role of this society was described as supporting firefighters on benevolent matters. Funds received from EMBC related to provision of road rescue services are allocated to this society;
- A community association is in place. The Community Association owns the fire hall and the property on which the fire hall is located. A long-term lease is in place between the CRD and the Community Association regarding the fire hall occupancy.

Otter Point

The Otter Point service area was established pursuant to the Otter Point Fire Protection and Emergency Response Local Service Establishment By-law No. 1, 1992 ("Bylaw No. 2042").

Bylaw No. 2042 replaced the earlier service establishment bylaw from 1976, converting it from a specified area to a local service (s. 1). The service is defined as: "the provision and operation of fire prevention and suppression services and attendance, in conjunction with police or ambulance service personnel, to provide assistance under their direction in response to the classes of circumstances specified in Section 6 of this bylaw…". Section 6 contained a list of various emergencies to which the Department was authorized to respond.

As with various of the other service establishment bylaws, the authorized services were amended in 2005, pursuant to Otter Point Fire Protection and Emergency Response Local Service Establishment Bylaw No. 1, 1992, Amendment Bylaw No. 3, 2004 (adopted February 2005). Section 1 was amended in substantively the same fashion as the Bylaw No. 1852 (North Galiano) described above, section 6 (which specified various response types) was deleted, and a new section was added permitting extra-jurisdictional responses in accordance with written agreements entered into by the CRD.

The boundaries were set in a map attached as Schedule A (s. 2). Those boundaries have been amended four times:

- In 1999, pursuant to Otter Point Fire Protection and Emergency Response Local Service Establishment Bylaw No. 1, 1992, Amendment Bylaw No. 1, 1999, to add two properties;
- In 2006, pursuant to Otter Point Fire Protection and Emergency Response Local Service Establishment Bylaw No. 1, 1992, Amendment Bylaw No. 4, 2006, to remove two properties;

- In 2007, pursuant to Otter Point Fire Protection and Emergency Response Local Service Establishment Bylaw No. 1, 1992, Amendment Bylaw No. 5, 2007, to add one property; and
- In 2008, pursuant to Otter Point Fire Protection and Emergency Response Local Service Establishment Bylaw No. 1, 1992, Amendment Bylaw No. 6, 2008, to add two properties.

The annual cost for the service was to be recovered through a property value tax (s. 4). The maximum requisition was set at the greater of $125,000 or $2.50 per $1,000 of net taxable value of land and improvements.

Section 4 of Bylaw No. 2042 is limited to cost recovery through a property value tax – which is narrower than permitted under section 378 of the Local Government Act (see above discussion under North Galiano). Consideration should be given to revising this section to bring it into line with the Local Government Act.

Section 7 of Bylaw No. 2042 authorized the CRD, by bylaw, to establish a local services committee headed by the Area Director and comprising such other persons as may be selected in accordance with the bylaw. The CRD was authorized to delegate such of its administrative powers to this committee as it chose to specify in such additional bylaw.

The Consultants met with Commission Chair Joanne Hemphill and Fire Chief John McRea. Otter Point Volunteer Fire Department serves a community of approximately 2500 people. The service area is made up primarily of single-family residences, many of which are “on large lots and imbedded in the forest.”

Commission Chair Hemphill has served for thirty years on the Otter Point Fire Commission. Chief McRea is in his second tour of duty as Otter Point Fire Chief. The Otter Point Fire Department and Commission exemplify, as was observed in so many service areas visited, the depth of corporate knowledge imbedded within the Department and Commission leaders.

Otter Point hosts a very sophisticated live fire training facility, and is an acknowledged leader in live fire training in the southern Vancouver Island region. The training facility was reportedly constructed by Department members, and is operated by Department members. The Otter Point live fire training facility is an asset to the Department and the region, and represents a point of pride which may be partially responsible for the Department’s continued success in terms of recruitment and retention of volunteers.

Two matters were reviewed for which the CRD should provide clarity; the nature of engagement of Department chief officers and members, and the ownership of the training facility.

As in some other CRD service areas where fire departments are operated by a Commission, it was not readily apparent whether chief officers have been engaged as employees of the CRD or if they are engaged as independent contractors. In Otter Point, the question of engagement extends to POC Firefighters. Complicating this matter, is a lack of clarity as to whether the nature of engagement of chief officers and POC Firefighters is different depending on whether those individuals are performing regular fire department duties such as responding to incidents and attending training sessions, or whether those individuals are performing maintenance work

on department apparatus or the fire hall, and in particular, whether those individuals are performing work at the live fire training facility.

The second matter requiring clarity is the ownership of the live fire training facility. The facility is located on CRD-owned property. It was reported that a Firefighters Association operates the training facility, and has been successful over the past twenty years in securing grant funding to support the facility. The Consultants were not provided with documents demonstrating clarity regarding ownership of the training facility, responsibility for liability or asset maintenance and replacement, or a lease to occupy or agreement to operate between the CRD and the Association. These matters should be addressed and documented.

East Sooke

The East Sooke service was established pursuant to East Sooke Fire Protection and Emergency Response Service Establishment Bylaw No. 1, 2006 ("Bylaw No. 3390"). The service as established includes fire suppression, fire prevention and other assistance response services (s. 1). The full range of cost recovery measures permitted under section 378 of the Local Government Act has been authorized by section 4: property value taxes, parcel taxes, fees and charges, revenue raised by other means, and revenues received by agreement, enterprise, gift, grant or otherwise.

The initial requisition limit, set pursuant to s. 5 was amended in 2012, and increased from greater of $256,468 or $0.77/$1,000 of assessed value, to the greater of $550,000 or $1.31/$1,000 of assessed value (under East Sooke Fire Protection and Emergency Response Service Establishment Bylaw No. 1, 2006, Amendment Bylaw No. 2, 2012).

The service area was expanded in 2010 pursuant to East Sooke Fire Protection and Emergency Response Service Establishment Bylaw No. 1, 2006, Amendment Bylaw No. 1, 2010.

The Consultants met at the East Sooke fire hall with Fire Chief Carl Neilson (since retired), and Commission Chair Falk Wagenbach. Anita Prato, Department Administrator also attended. Each of these three individuals has experienced previous success as leaders outside of the fire service that adds considerable value to their contribution to fire protection service delivery in East Sooke. Transferable skills and abilities are a hallmark of the volunteer/paid on call sector of the fire service, and was observed to some degree in every service area reviewed for this report.

Chair Wagenbach described his role as being the local agent of the CRD. This self-described view of the Commission's mandate was not commonly expressed in other service areas, a majority of other Commission Chairs expressing that their role was one of representing the interests of the community when engaging with the CRD. Chair Wagenbach reported that he works on Department matters approximately 30 hours each month and estimated that the Commission Treasurer role required approximately 8 hours per month. Previous to becoming the Commission Chair, Chair Wagenbach was the Department's Deputy Fire Chief, providing him with a depth of knowledge about the Department and the fire service that continues to be helpful in his current role.

The Department operates out of a modern fire hall facility. The former fire hall has been retained, the Commission continues to be responsible for managing that facility as well, and the Commission's mandate was reported to have been amended to reflect that. The former fire hall is reportedly being used as a community hall.

The Commission appears to be highly involved in Department oversight. Chair Wagenbach noted that volunteerism appears to be waning, and also that fire department administrative requirements have "gone through the ceiling."

The current delegated authority commission model appears to be causing significant duplication of efforts and, understandably, some frustration for those involved in Department leadership, the Commission, and the CRD. The current East Sooke Commission and Department leadership team are very competent, expressed desire for more information and more local autonomy, and demonstrated the ability to operate a fire department independently of the CRD. At the same time, the CRD has the capacity to directly operate the Department, and the involvement of a delegated authority commission results in a layer of additional, unnecessary work. Department leaders, Commission leaders and CRD staff are all to one degree or another, being impacted and frustrated by the current delegated authority model.

Two solutions that could improve the situation are conversion of the Commission to a Society that could operate the Department independently of the CRD under a services agreement with the CRD, or conversion of the Commission to an advisory body. Either solution could reduce the current duplication of effort. Given that the current high performance of the Commission appears to be at least partially dependent upon the current Chair, continued future high performance would not be assured under a Society-led model through changes at the board-level. For that reason and others outlined in this report, conversion of the Commission to a Society is not recommended, nor is continuation of the delegated authority model.

Service Agreement with Sooke

The CRD uses a number of different forms of service agreement. The lack of standardization makes document maintenance more challenging. We would recommend that a good template be developed and used consistently, only making such variations as are necessary to reflect local conditions.

The CRD has entered into a Fire Prevention and Suppression Service and Emergency Response Agreement dated 18 July 2016, with the District of Sooke ("Sooke"), relating to the provision by the East Sooke Department of emergency response services to the Silver Spray development (the "CRD Service Agreement").

Silver Spray is within Sooke's municipal boundaries as a result of a 2004 boundary extension, but is located on the south side of the Sooke Basin and is physically separated from the

municipality.[46] Under the Supplementary Letters Patent, Silver Spray was declared to be a "municipal local service area … for the purpose of fire protection."[47]

Access from Sooke's Hall 2 is through the East Sooke service area, and involves a travel distance of more than 18 km. As such, Sooke has contracted with the CRD to provide the primary emergency response to the Silver Spray development. The agreement also covers the provision of water tender service into an eastern portion of Sooke.

Under the CRD Agreement:

- The Department is contracted to provide fire suppression and emergency response services, including to motor vehicle incidents, in the Silver Spray development area, as well as water tender services to an area in the eastern portion of Sooke, along Sooke Road (ss. 3.1(a) and (b));
- The CRD has committed to make best efforts to use personnel trained to the Interior Operations service level under the Playbook, but is permitted to use members trained to the Exterior Operations service level, and the actual level of service provided at any incident is determined by the Department incident commander. Moreover, notwithstanding the qualified commitment to an Interior Operations service level, the CRD is not required to provide services beyond the level provided within the East Sooke service area (s. 3.2);
- The CRD is required to provide reporting to Sooke on fires that occur (but not other incidents) (s. 3.3) and Sooke acknowledges that the Department lacks the training and equipment necessary to conduct firefighting in high rise buildings (s. 3.4);
- The services are provided on a 24-hour per day basis (s. 4);
- Section 5 contains certain limitations on the CRD's obligation to provide services and certain rights to withdraw apparatus and personnel if needed elsewhere (discussed below);
- The fee for service is set based on residents of the Silver Spray development paying the same residential tax rate as residents in the East Sooke service area (in effect, paying a proportionate share of the Department's costs) (s. 6); and
- There are mutual indemnities under which each party agrees to release and indemnify the other for any negligent acts or omissions for which it is responsible (ss. 7.1 and 7.2), and a mutual requirement to maintain comprehensive general liability insurance written on an occurrence basis, in the amount of not less than $2.0 million (ss. 8.1 and 8.2).

Based on discussions with Sooke, we are aware that there is concern regarding the cost of the agreement. Silver Spray residents essentially pay double for fire protection, since they pay for

[46] Lt. Gov. in Council, OIC 1155, 2 Dec. 2004, granting supplementary letters affecting Sooke, the CRD and the East Sooke Fire Improvement District (the "Supplementary Letters Patent"). The latter's boundaries were re-drawn to exclude the Silver Spray development, but the East Sooke Fire Improvement District and District were required to enter into a fire services agreement covering Silver Spray – see s. 4.1 of the Supplementary Letters Patent.

[47] Supplementary Letters Patent, ss. 5.0, 5.1 and 5.2.

both the ESVFD and Sooke's own fire department. In terms of approach to the costing of the provision of fire services, there are two principal methods used around the province:

- An agreed cost for service, which is then subject to annual adjustments to reflect inflationary or other cost increases; or
- A proportionate approach, where the residents receiving the service pay their share of the cost of operating such fire service.

The current CRD Agreement is based on the latter. If this approach is retained, we would suggest that the language in section 5, which qualifies the Department's obligation to provide service and permits it to withdraw resources from an active incident, should be revisited. Since the residents in Silver Spray are paying their proportionate share of the Department's costs, they should receive service on the same basis as residents of the East Sooke service area. While this should not preclude the reassignment of emergency resources (e.g., from, say, a minor motor vehicle incident to a structure fire), the residents of Silver Spray should be entitled to receive the same treatment as residents of the East Sooke service area.

If the parties move to a negotiated fee for service (at a rate lower than the proportionate share of the costs), then retaining section 5 may be appropriate. However, we would suggest that a CRD response to a mutual aid request should be a lower priority than an emergency response into the Silver Spray service area.

In addition, in any new agreement, an express provision should be added that sets out the operating powers and authority of the Department when responding into the Silver Spray development. There are two formulations that can be considered in relation to such responses:

- The Department is entitled to exercise in the Silver Spray development the same powers and authorities as it is entitled to exercise in its own service area; or
- The Department is entitled to exercise the same powers and authority as Sooke grants to its own fire department.

If the latter formulation is adopted, the parties should review the respective operational powers of each department to ensure that there is no uncertainty for the ESVFD, as to its operational response powers.

Willis Point

The Willis Point service area was established pursuant to the Willis Point Fire Protection, Emergency Response and Recreation Service Establishment Bylaw No. 1, 1991 ("Bylaw No. 1951").

Bylaw No. 1951 is broader than the typical establishment bylaw, as it also covers recreational facilities and program. The service authorization language in section 1 was broadened in 2005 pursuant to Willis Point Fire Protection, Emergency Response and Recreation Service Establishment Bylaw No. 1, 1991, Amendment Bylaw No. 2, 2004 (adopted February 2005) ("Bylaw No. 3214"). For the fire department, the language tracked that used in the equivalent

North Galiano bylaw, discussed above, with the addition of a further subsection 1(d), authorizing the provision of recreational facilities and programs.

As with North Galiano, Willis Point was authorized by Bylaw No. 3214 to provide extra-jurisdictional responses where the CRD had entered into an agreement for such purpose (new section 7). The bylaw was also renamed in section 1(4) of Bylaw No. 3214.

Section 4 of Bylaw No. 1951 deals with cost recovery. The section permits property value taxation, and also seems to contemplate grants and other revenue. The provision is formulated in the same fashion as the original version of Port Renfrew's Bylaw No. 1743. Unlike Port Renfrew's bylaw, however, this section has never been updated: consideration should be given to updating Bylaw No. 1951 to track the language in section 378 of the Local Government Act.

Section 5 of Bylaw No. 1951 sets the maximum requisition amount at the greater of $41,000 and $1.71 per $1,000 of net taxable value of land and improvements.

Section 6 of Bylaw No. 1951 permits the CRD to establish a local committee and to delegate to that committee such administrative powers as determine appropriate.

The service boundaries set pursuant to section 2 and Schedule A of Bylaw No. 1951 have been amended three times:

- *Willis Point Fire Protection and Recreation Facilities Local Service Establishment Bylaw No. 1, 1991, Amendment Bylaw No. 1, 1995*;
- *Willis Point Fire Protection, Emergency Response and Recreation Service Establishment Bylaw No. 1, Amendment Bylaw No. 3, 2011*;[48] and
- *Willis Point Fire Protection and Recreation Facilities Local Service Establishment Bylaw No. 1, 1991, Amendment Bylaw No. 5, 2021*.

It is not clear from the first two amending bylaws whether properties were added or removed, as all they noted was that Schedule A was to be replaced.

The Consultants met at the Willis Point fire hall with Commission Chair Aran Puritch and Fire Chief Art Wynans. Willis Point was described as a relatively small (140 home) former water-access only community. With societal changes in recent years the area has more commonly become home to professionals able to work remotely, and in some cases large acreage estate properties.

The Commission is unique in that it is responsible for both fire protection services and recreation. The Department experiences calls for service that are more or less divided across three categories, medical, rescue, and fire-related. An abundance of outdoor recreational areas and activities drives a high volume of rescue and rescue-support calls for service. There appears to be no impediment to revising the Commission's delegated authority with regard to fire services without negatively impacting the delegated authority regarding recreation services. In fact, the dual nature of delegated authority positions the Willis Point Commission well as a

[48] There is a minor error in the name of this amending bylaw in the original form that was passed, as the words "Facilities Local" were left out after the word "Recreation".

communication conduit between the CRD and the Willis Point community. The Department does not utilize CRD Fleet Services for apparatus maintenance and certification. Instead, Saanich Fire Department is contracted to perform annual Commercial Vehicle Inspections (CVI) and some maintenance work. Other apparatus maintenance work is completed in house. CVI records are forwarded to CRD Fleet Services for tracking purposes. CRD Fleet Services Manager Michael Sunshine has been helping the Fire Chief with apparatus procurement, and his support has been valued and appreciated.

The Commission-led fire protection services model in Willis Point was reported to be working well from the perspectives of the Commission and the Department. Chair Puritch and Chief Wynans reported examples of good support from the CRD and examples where support could be enhanced. Although CRD staff are viewed as being very helpful, the Commission Chair regards the Commission's delegated authority to be important in that it establishes the relationship with CRD staff as *advisory* to the Commission and Fire Chief. The Fire Chief sees a dotted line between his role and CRD Protective Services staff, and feels that he should be influenced, but not managed by CRD staff.

Recommendations

Recommendation #28	The CRD should investigate the ownership of North Galiano #2 fire hall and land upon which it is situated.
Recommendation #29	The CRD should begin engaging with Pacheedaht First Nation as soon as possible on the matter of a shared services agreement for the next twenty year period, given that the current agreement expires in 2028.
Recommendation #30	The CRD should consider a joint application to the *Community to Community* grant fund program, managed by UBCM, with Pacheedaht First Nation for the purpose of facilitating discussions on the next iteration of their shared fire services agreement.
Recommendation #31	The CRD and Pacheedaht should discuss a Pacheedaht presence on the Commission that is better reflective of the Pacheedaht involvement in the community and their funding commitment to the provision of fire protection services.
Recommendation #32	The CRD should clarify the employment status of Paid on Call Firefighters, and whether that status changes at times when those personnel perform work other than regular training, maintenance and emergency response.
Recommendation #33	The CRD should clarify the ownership and responsibilities in terms of operations, liability, maintenance and replacement of the fire training facility located at the Otter Point fire hall.

Appendix 3: Society-owned Departments

Appendix 3 provides a more detailed review of each of the Society-owned Departments. While suggestions are made in relation to the individual service agreements as to how these agreements could be improved, we would recommend that the CRD develop a standard template based on the discussion in section 8.2 above, and the outlined principal terms/issues set out in Appendix 4.

South Galiano

Service Establishment Bylaw

Fire protection on South Galiano was originally established in 1970, pursuant to The South Galiano service area was established pursuant to the South Galiano Specified Area Establishment Bylaw No. 70, 1970. In 1993, the specified service area was converted to a local service pursuant to South Galiano Island Fire Protection and Emergency Response Service Establishment Bylaw No. 1, 1993 (as that bylaw was renamed with effect from 2005) ("Bylaw No. 2148").

The only service area participant for the service is Electoral Area "G" ("Outer Gulf Islands").

The only express authorized cost recovery method for the service was a property value tax, though the bylaw also suggested that "grants and other revenues" also could be collected. The maximum requisition was set at the greater of $80,000 or $0.65/$1,000. The Consultants did not observe any bylaw amending that maximum requisition amount. However, the CRD budget documents indicate that the maximum requisition is currently the greater of $470,000 or $1.157/$1,000 of assessed value.

In 2004 (with effect from February 2005), the service authorization language was amended in a fashion consistent with the CRD's other fire protection service areas. The amendment was effected by the South Galiano Island Fire Protection and Emergency Response Local Service Establishment Bylaw No. 1, 1993, Amendment Bylaw No. 1, 2004, which:

- implemented the new, standardized service authorization language;
- deleted s. 6 of Bylaw No. 2050, and renumbered the provisions;
- permitted extra-jurisdictional responses under contract (new s. 7); and
- slightly revised the name of the original bylaw.

Service Agreement

The service agreement between the CRD and the South Galiano Volunteer Fire Department Society appears to have expired. The Consultants reviewed an executed agreement covering the two-year period from 1 January 2017 – 31 December 2018, and an unsigned, undated draft agreement that appears to have had an intended start date in 2019.

The form of the 2016-18 agreement is similar in structure and content to the Pender Agreement, though it lacks subsection numbering until Article 8. We have the following comments and observations:

- Assets are (generally) owned by the CRD (s. 3, para. 1), except where the funds have been separately raised by the society (s. 4);
- The provision granting the society the right to use CRD assets is far less detailed than the equivalent provisions in the Pender Agreement. Section 3, para. 2 simply provides "During the term of this agreement the Society, subject to the terms thereof [sic], shall have possession and use at all times of the fire halls, the firefighting equipment, protective clothing and all other land, buildings, furniture and equipment utilized by the Society for the purpose of providing fire protection services in and for the Local Service Area."
- This license of use should be improved in any renewal agreement.
- Service provision is addressed in section 5. Like Pender's agreement, it fails to identify the range, nature and type of services offered beyond "fire suppression and emergency response services". Any renewal should address service levels and fire prevention matters as well.
- Section 6 deals with "Cost", in which the CRD agrees that the entire cost of the service will be borne by taxpayers in the Service Area. Like the formulation in the Pender Agreement, we would suggest that it should be qualified by reference to the maximum requisition amount applicable from time to time.
- Section 8 requires the CRD to approve the Operational Guidelines each year. As noted under the Pender Agreement, it should be confirmed that this is being done, and consideration given to developing an alternative approach (e.g., approve new or changed Operational Guidelines, or develop and implement standardized regional Operational Guidelines). It is also required to submit an annual "Fire Department Audit Checklist," which is a document created by the Office of the Fire Commissioner. Again, it should be confirmed that this document is being submitted as required.
- As with the Pender Agreement, the language around budget approvals and expenditure authorizations should be reviewed and improved (ss. 7(f) and 11.1, 11.2).
- The South Galiano society has indemnified the CRD against any claims arising from its provision of services under the Agreement where there has been gross negligence or wilful misconduct.

Findings

South Galiano Fire Department operates from a newly constructed fire hall located on the same parcel of land as the previous fire hall.

SGVFD has been described as "a society-led department that functions like a commission-led department."[49] Where the CRD issues operating funds to society-led departments, and the CRD does not generally monitor details of expenditure of those funds, the practice is different with SGVFD. The CRD does not provide the SGVFD Society with department operating funds. Instead, the CRD expends those funds directly as it does for commission-led departments. Expenditures are managed consistently with the CRD procurement policy, and where manager approval is required for an expenditure, the Fire Chief's approval is sought. The Consultants

[49] Fire Chief Scott Sugden, interview, March 23, 2023, Galiano Island

observed no evidence of the CRD seeking Society Board or Board Chair prior approval for expenditures.

The manner in which the SGVFD, Society and the CRD operate creates a level of frustration at the Society Board level and potentially for the Fire Chief as well. The CRD expends budgeted funds on the approval of the Fire Chief, and not requiring supporting approval from the Society Board. This leaves the Board feeling frustrated about not being consulted on matters they feel they are responsible for under the services agreement, and generally not having access to accurate year-to-date expenditure information. This situation might also be frustrating for the Fire Chief at times when the Society wants to be involved in decisions about expenditures by the CRD that are already approved in the budget.

The Society owns the land upon which the CRD-owned fire hall is located, and is paid a lease payment by the CRD for use of that land. The Society also owns the former fire hall that is situated on the same property. The Society has provided funds for the purchase of some Department equipment. The ongoing ownership, and responsibility for maintenance and replacement costs, was not immediately evident to the Consultants, and is noted here only to demonstrate some of the complexity of ownership and responsibility between the CRD and the Society, and to indicate the value that a locally-managed society can bring to fire protection service delivery in terms of supporting some of the needs of fire departments, firefighters and communities.

At the time the Consultants engaged with the South Galiano Volunteer Fire Department Fire Chief and Society Board Chair, our observations included:

- While established as a Society-led department, SGVFD functionally operates as a CRD directly-managed department. The CRD has more direct engagement with the South Galiano Fire Chief than was observed with the CRD's commission-managed departments.
- Two long-serving Society Board members serve as Treasurer and Secretary. Both of these Board members were reported to be approaching retirement from those roles.
- The Society Board is chaired by an individual with extensive leadership and management skills, and who related to the Consultants his awareness that the current governance model is not adding all of the value that it could if it was better-structured.
- Frustrations expressed by the Board Chairperson, the Fire Chief, and to a lesser extent CRD staff, all appeared to be related to the governance model. Several instances were observed of "work arounds" having been established to improve functionality of interactions between the Department and the CRD.

A restructuring of the governance model could improve the situation for all parties, could enable the Society to focus on support of the Department and the community, could provide the Fire Chief with the direct support he needs from CRD Protective Services staff, could provide the CRD with the direct access and oversight of Department operations that it requires to be assured of risk mitigation. This would not affect the level of fire protection service currently enjoyed by constituents in the South Galiano Island service area.

During interactions with the Department and the Society on Galiano Island, and during interactions with CRD staff, the Consultants observed speculation that the South Galiano fire protection service area might be better-served by a Commission-managed fire department rather than a Society-managed one. This report outlines some of the challenges with the Commission-managed fire department model currently utilized by the CRD.

Transitioning the Society to a Commission, even in an advisory capacity, is not an option without complications. The Society is required to remain in place to manage Society-owned assets and to support the Department in ways for which societies are best suited. Creation of a Commission to manage the Department, and the Society relinquishing that role to take a support role is an option, however this report outlines challenges common to the commission-managed governance model, and recommends changes to position commissions in an advisory role. There likely is not space for a supportive society and an advisory commission. For that and other reasons cited in this report, creation of a commission for South Galiano is not recommended.

During engagements with both the South Galiano Fire Chief and Society Chair, and the North Galiano Fire Chief and Commission Chair, it was evident that the two departments work closely together. No obstacles were observed that would preclude an even closer working relationship between the two departments. In the process of considering implementation of recommendations in this report, the CRD should facilitate discussions involving the South and North Galiano Fire Chiefs, the Society Chairs from both South and North Galiano, and the Commission Chair from North Galiano for the purposes of exploring the potential for the two departments to deepen their partnership, up to and including the potential to consolidate the two departments into one.

Pender Island

Service Establishment Bylaw

Fire protection services in south Pender Island were initially established as a specified area under the South Pender Island Fire Protection Specified Area Establishment and Loan Authorization Bylaw No. 1, 1987. In 1992, the specified area was converted to a local service pursuant to South Pender Island Fire Protection and Emergency Response Local Service Establishment Bylaw No. 1, 1992 (“Bylaw No. 2050”). Under Bylaw No. 2050:

- the specified area was converted to a local service (s. 1);
- the express authorized cost recovery method for the service was a property value tax, though the bylaw also suggested that “grants and other revenues” also could be collected (s. 4);
- the maximum requisition was set under section 5 at the greater of $109,500 and $1.87/$1,000 of taxable value of land and improvements. This requisition amount was amended in 2002 to the greater of $109,500 and $1.87/$1,000 pursuant to: South Pender Island Fire Protection and Emergency Response Local Service Establishment Bylaw No. 1, 1992, Amendment Bylaw No. 1, 2002. It was then further revised in 2005, when the North and South Pender Island service areas were merged, as discussed below;

- the Department was authorized to undertake an expanded range of emergency response services (s. 6); and
- the establishment of a South Pender Island Fire Protection Local Services Committee was also contemplated, though it required there be a separate bylaw, and the CRD Board was authorized to delegate administrative powers to such committee (s. 7).

In 2004 (with effect from February 2005), the service authorization language was amended in a fashion consistent with the CRD's other fire protection service areas. The amendment was effected by South Pender Island Fire Protection and Emergency Response Local Service Establishment Bylaw No. 1, 1992, Amendment Bylaw No. 2, 2004, which:

- implemented the new, standardized service authorization language;
- deleted s. 6 of Bylaw No. 2050, and renumbered the provisions;
- permitted extra-jurisdictional responses under contract (new s. 7); and
- slightly revised the name of the original bylaw.

In 2005, the North and South Pender Islands fire protection areas were integrated into a single service area pursuant to: Pender Island's Fire Protection and Emergency Response Services Establishment Bylaw No. 1, 1992, Amendment Bylaw No.3, 2005. This new bylaw:

- added a new recital describing the integration of the two service areas;
- replaced the requisition language in s. 4 with a section permitting the costs to be recovered through all of the means permitted by (what is now) s. 378 of the Local Government Act;
- changed the maximum requisition amount in s. 5 to the greater of $591,160 or $0.92/$1,000;
- established new boundaries in a revised section 2 and new Schedule A map; and
- renamed the bylaw, as shown above.

Bylaw No. 2050 was then further amended in 2014 to raise the maximum requisition to the greater of $918,000 or $0.998/$1,000, by Bylaw No. 3994, being: Pender Island's Fire Protection and Emergency Response Services Establishment Bylaw No. 1, 1992, Amendment Bylaw No. 4, 2014.

Service Agreement

The CRD has entered into a service agreement with the Pender Islands Fire Protection Society, which runs from a five-year term from 1 January 2021 to 31 December 2025 (the "Pender Agreement"). We have the following observations on the existing form of agreement:

Drafting Issues or Comments

- Technically, the recitals are not operative provisions – it would be better to move the definition of "Lands" from the recital to the list of defined terms in section 1.1.
- There is a date-error in section 25, where termination is stated to be 31 December 2026, rather than 31 December 2025;
- Numbering has gone askew in a number of places:

    - Article 15 – the subsection should be 15.1, but is shown as section 16 – this means the rest of the articles are mis-numbered (i.e., Art. 17 should be Art. 16, which explains the mis-numbering described below);
    - Article 17 – Payments - the section number underneath incorrectly says “16.1”, when it should be 17.1;
    - 24 – Notice of Claim - the section number underneath incorrectly says “23.1”, when it should be 24.1.
- The same section number issues exist for Articles 25 and 26;
    - Article 27 has a problem in the second section (which shows as s. 26.2); and
    - The same section numbering issues exist for Articles 28, 29, 32, and 33;
- There are some cross-reference errors:
    - section 23.2 cross-refers to s. 22.1, but it should be s. 23.1; and
    - section 23.4 cross-refers to subsection 20.2(c), but it should be subsection 21.2(c).
- In the introductory language to section 1.1, add the phrase “including in the recitals hereto,” after the phrase “In this Agreement,”.
- Add a proper definition of bylaw No. 2050 in section 1.1 under the defined term “Service Establishment Bylaw”.
- In the definition of “Service Area” in s. 1.1, it is not clear why there is discussion of “relevant training” (which really is an element of the obligations that the Society needs to meet when providing the Services, and should only appear in section 2.1).
- In the definition of “Services” in s. 1.1, consider adding the phrase “by the Society” after the word “provided”.
- In the definition of “Volunteer Fire Department” in s. 1.1, the word “departments” should be singular.

Other Comments

- In section 2.1, the emergency response services being provided by the Society should be better defined and described. In addition, any fire prevention obligations should be specified – an issue that may become material should the Fire Safety Act create an obligation to undertake fire safety inspections of public buildings.
- Section 3.1, in which the CRD acknowledges the “entire cost” of providing the “Services” is to be borne by property owners of the Service Area, should be qualified by adding a phrase to the following effect: “subject to the maximum requisition limits in effect from time to time under the service establishment bylaw.”
- For Article 4, consider moving the licensing language related to the fire halls and appurtenant lands to an appendix, and have a simple statement in section 4.1, along the following lines: “The CRD hereby licenses the Lands to the Society, for the benefit of itself, its members, agents, employees, contractors and invitees, for the sole purpose of carrying out and delivering the Services, on the terms and subject to the conditions set out in the Licence set out in Schedule A”. Schedule A can contain the provisions of the licence, and include within it the three lot plans. This change will require that the CRD roll the lot plans into the one schedule, delete Schedules B and C, and renumber Schedules “D”, “E” and “F” to “B”, “C” and “D”, respectively. It also will be necessary to revise section 1.2 accordingly. Schedule A should be renamed as “License of the

Lands". Consider adding a definition of "Licence" in section 1.1, cross-referring to Schedule A.

- There is provision for revoking one or more of the licences granted under Article 4 (see s. 4.6). It is not clear in what circumstances this would be exercised, but it could materially adversely affect the ability of the Society to fulfil its obligations under the Agreement. This section, if retained, should address:
    - why revocation may occur – e.g., damage to the premises making them unfit for use; and
    - requiring that the parties consult on the impact of losing access to a fire hall and revise the Pender Agreement accordingly, reflecting the changed circumstances.
- The expansive language in section 5.1 regarding membership in the Society should be revised to conform with the language in the Society's bylaws (which is limited to individuals who own property and/or are "domiciled" on the Islands). Consider whether a representative of a corporation which owns land or property on the Islands, and is paying taxes for the service, should also be permitted to be a member of the Society.
- Subsections 7.1(a) and (b) appear to require the Society formally "to appoint" all members of the Department from Fire Chief on down to firefighters. Confirm that this is actually occurring; and consider revising the requirement to permit the Fire Chief to make some or all of the appointments.
- In subsection 7.1(a) (and possibly (b)), confirm that the Fire Chief (and, if appropriate, the Deputy Fire Chief) constitutes a "senior manager" of the Society within the meaning of section 61 of the Societies Act, in relation to the operation, management, oversight, administration and operational direction of the Department.
- Subsection 7.1(f) should be revised (see comment below regarding section 13) to refer to the approved budget and corresponding fire-year financial plan for the service area.
- Section 7.1 should be expanded to address occupational health and safety requirements. To the extent that it is determined that the CRD is actually responsible for such requirements, as suggested in the opinion of counsel dated 21 April 2021 (the "AH Opinion"), it may be necessary to create a new section specifically addressing OH&S matters, and the roles and responsibilities of each party.
- Section 8.1 suggests that the CRD is annually approving the Department's Operational Guidelines. It is necessary or advisable to:
    - confirm whether this is happening;
    - consider limiting any such approval to any new or updated Operational Guidelines; and
    - include details as to who within the CRD is authorized to effect such approval.
- Article 9 addresses reporting obligations. In light of the Alexander Holburn opinion dated 26 April 2021, regarding risks associated with occupational health and safety ("OH&S") matters, and the possibility that the CRD would be held responsible for OH&S failings by the society, this section should be expanded, at a minimum, to include regular monthly reporting on the OH&S matters, including being provided with a copy of the joint committee minutes. We also would recommend that there be interim reports on Department operations and budget position, to CRD staff – e.g., a report in May, covering the period January – April, and one in September, covering the period from May - August.

- Section 12.1 deals with revenues generated by or on behalf of the Society "in connection with the Services…or from using CRD equipment". Beyond having to report such revenue, it is not clear for what purposes the monies so raised can then be used.
- There is a cross-reference to section 13 from subsection 7.1(f), suggesting that under section 13, the CRD is approving "all expenditures" by the Department. Section 13 does not really fulfil that role. Given the OH&S issues identified above, there should be a new Article created addressing the CRD's obligations to the Society – which should include providing it with an approved budget and financial plan (on such terms as the Board considers appropriate), addressing OH&S matters, dealing with operational guidelines, and setting out available support from CRD staff, a portion of whose time is charged to the service area.
- The maintenance obligation in Article 19 overlaps with comparable provisions in Article 4 (which deals with the licensing of the Lands including the fire halls). It would be better to include this obligation in the licensing provisions, which we have suggested should be moved to an Appendix.
- The agreement should include an escalating dispute resolution process, and provide for mediation (optional) and arbitration. Arbitration can be made mandatory or optional, based on the agreement of the parties, failing which the matter would go to court.

In relation to risk allocation and liability, we would suggest that the CRD review the approach that has been taken. Under Article 21, the CRD has granted a broad indemnity in favour of the Society or its members, except where the claim lies in gross negligence, wilful misconduct, dishonesty, or libel or slander (s. 21.1). It also states as follows:

> 21.2 The parties acknowledge and agree that the Society's directors, officers, employees and volunteers are sufficiently indemnified as follows:
>
> (a) Volunteer firefighters, under Section 738(1)(o) of the Local Government Act and pursuant to the CRD's Municipal Officials Indemnification Bylaw No. 1, 2011;
>
> (b) Employees, directors and officers of the Society, under the insurance policies provided in Section 22 of this Agreement;
>
> (c) Support crew volunteers, under the applicable CRD insurance policy, and
>
> that the CRD has no further obligation to indemnify or insure the Society, its members, directors, officers, Fire Chief, employees or volunteers.

There are some challenges arising from Article 21. First, the firefighters who are working for the society are technically paid-on-call. As such they are not, at law, volunteers. Second it is not clear, even if they were volunteers, whether they would be covered by s. 738(1)(o) of the Local Government Act, since they are volunteers of the society, not of the CRD. Third, it is not clear that they are (or should be) covered by the CRD's indemnity bylaw (a copy of which has not been examined as part of this review).

At a high level, there are three approaches that could be considered here:

- Treat the society as a fully arm's length third party contractor, responsible for service delivery and any issues arising in connection therewith (including claims for negligence), with the service agreement containing appropriate indemnities for the CRD against any claims arising from society's delivery of the fire protection and emergency response services. This is the approach applicable under the Saturna Agreement; or
- Continue with this hybrid structure, but ensure that the service agreement includes all of the necessary oversight and control provisions. As matters currently stand, the CRD has few formal rights of oversight and direction, but bears the risk should there be major claim against the society-operated Department.
- Move to a model where responsibility for operational matters is transferred to the CRD – from recruitment and training through to operational responses – with the society being continued to function as a community-engagement and social organization.

Pender Island: Parks Canada Agreement

There is also a service agreement with Parks Canada relating to responses to Parks Canada's sites on the Islands, as shown in that agreement.[50] We have only reviewed this at a high level, but two issues stood out. First, the costs of any response should be more clearly tied to the current form of the BC Wildfire/FCABC Inter-Agency Agreement – including equipment and personnel. In other words, the amounts stipulated in that agreement become the charge-out rate. Second, where the cost of a response is going to exceed $10,000, there should be clearer provisions dealing with how authorization to continue fire suppression operations will be obtained (including having a 24/7 emergency contact process).

The contract with Parks Canada also should be expressly included in the service agreement with the society.

Findings

Pender Island Fire Department (PIFD) operates three fire halls and a live fire training site. In many respects the PIFD is or approaches best in class in terms of a relatively small community fire department. PIFD has capitalized on assets, location and leadership to position themselves as sub-regional leaders in terms of training and best practices, including administratively.

The Consultants observed a disconnect between the CRD and the PIFD and Society that manifests as the Department regarding the CRD with some distrust and suspicion as to motivation or hidden plan. On the other hand, the Consultants observed a level of frustration from the CRD with the PIFD and Society, related to what is regarded as a standoffish approach to matters of concern to the CRD. Neither perception appears valid in the current circumstance, leading to the assumption that the CRD, the PIFD and Society are maintaining a posture that was developed in a previous time, and carried forward.

[50] Agreement dated 12 June 2017, between the Parks Canada Agency, as represented by the Minister of the Environment, and the Capital Regional District.

The PIFD and Society expressed in clear terms their desire that PIFD remain a society-managed department. The CRD expressed their need for assurances that the needs of the CRD as a governing body are met. The needs and desires of both parties appear to be addressable through maintenance of the society-led fire protection services, with a redrafted contract for services, and adherence to the provisions of that new contract.

Matters that should be resolved in a revised contract for services include:

- The PIFD and Society are under the impression that while the CRD owns the fire halls, lands, apparatus and equipment, the Society owns the live fire training facility situated on fire hall property. The Consultants did not observe documentation clarifying the ownership of the training facility, nor the responsibility or maintenance and replacement, nor the liability that could arise from operation of such a facility. These matters should be clarified and documented.

Saturna Island

Service Establishment Bylaw

The Saturna Island service area was established pursuant to the *Saturna Island Fire Protection and Emergency Response Local Service Contribution Establishment Bylaw No. 1, 1993* ("Bylaw No. 2165"). Bylaw No. 2550 has been amended twice, both times to increase the maximum requisition amount:

- *Saturna Island Fire Protection and Emergency Response Local Service Contribution Establishment Bylaw No. 1, 1993, Amendment Bylaw No. 1, 1997*. This bylaw changed the maximum requisition to the greater of $41,400 or $0.487/$1,000.
- *Saturna Island Fire Protection and Emergency Response Local Service Contribution Establishment Bylaw No. 1, 1993, Amendment Bylaw No. 2, 1999*. This bylaw changed the maximum requisition to the greater of $73,500 or $0.85/$1,000.

Bylaw No. 2165 is somewhat unique. It was passed under the old *Municipal Act*, which specifically permitted regional districts to establish a service which was intended only to fund a service, rather than establish and operate the service.[51] As such:

- the CRD has not actually established a service for the purpose of providing fire protection and emergency response. Rather it has authorized the following:

"The Capital Regional District hereby establishes a Local Service f**or the purpose of contributing to the costs** incurred by the Saturna Island Fire Protection Society of providing fire prevention and suppression and emergency response services…"; [emphasis added]

and

[51] Under the *Local Government Act*, it is less clear that such a "contribution only" service can be established. Rather, it is necessary to establish the service and then, based on best practice, to stipulate that the service may be contracted out to a third-party service provider.

- the CRD itself therefore has no authority to provide fire suppression or emergency services itself – all it can do is provide funding to a specified third party.

Under this structure, it is unclear whether provision of fire protection and emergency response services by the Saturna Department have actually been authorized by CRD – and, if not, from where that Department derives its operational powers for dealing with emergencies. In essence, an argument can be made that the Saturna Department is operating privately, rather than as a CRD service.

We would suggest that a better approach might be to refresh the establishment bylaw, authorize the provision of the service by the CRD, and permit it to provide the service directly or by way of contract with a third party. It is worth noting that, when the other establishment bylaws were updated in 2004 to standardize the services that were authorized (to ensure that the relevant departments had the power to undertake a broader range of services than just fire suppression and fire prevention activities), no such amendment was made to Bylaw No. 2165.

The service establishment bylaw covering Saturna Island is an old form based on the pre-2000 *Municipal Act*. The form of establishment bylaw does not clearly authorize the CRD to provide fire and emergency response services – rather, it only permits it to fund service provision by a third party (the relevant society). As such, it is not clear from where the Saturna department draws its operational powers, since it is operating essentially as a private fire department. This bylaw should be revised, and the CRD should be authorized to provide the service either directly or through a contract with a third party.

Service Agreement

The CRD has entered into a service agreement dated as of 28 January 2018, which was made effective as of 1 January 2018, with the Saturna Island Fire Protection Society relating to the provision of fire protection and emergency response services on Saturna Island (the "Saturna Agreement"). The Saturna Agreement has a 10-year term, expiring as of 31 December 2027.

The Saturna Agreement is materially different than the comparable agreement with Pender Island:

- It has two introductory provisions under the heading "Principles of Agreement" which recognize "the Society's mandate to provide" the services (s. 1) and the CRD's "responsibility and accountability" to the taxpayers to ensure funds and assets purchased are used "for the purpose for which they were intended" (s. 2).
- The agreement is for a 10-year term, rather than five years (s. 3.1).
- The assets purchased using taxpayer funds are owned by the Society, rather than the CRD (this is opposite to the situation on Pender Island) (Art. 8, s. 8.1).
- There is a restriction that the Society must have CRD permission to sell or dispose of assets which have a value of greater than $1000 (s. 8.3) and:
    - if the Society dissolves, it agrees to turn the assets over to the CRD after it has paid its debts and liabilities (s. 8.4); and
    - the Society has to annually provide a list of assets purchased with CRD funding (s. 8.5).

- There is no definition of the service being provided beyond “fire prevention and suppression and emergency response” (s. 4.1). No service level has been set. Both of these issues should be address in any renewal agreement.
- The Saturna Agreement lacks a list of defined terms.
- Unlike the Pender Agreement and South Galiano Agreement, the Saturna Society has fully indemnified the CRD in relation to the delivery of the services or claims arising from its negligence (s. 9.1).
- The CRD can withhold funds if there is a breach – but since the monies are paid in an annual lump sum (s. 6.3), that right is not very useful (s. 10.1);
- There is a dispute resolution process, though it could and should be expanded, Under Article 11, the parties can negotiate a settlement of the issue, and/or opt for mediation. It is silent as to where an unresolved matter goes from there – presumably to court. This section could usefully be expanded to include a structured and escalating negotiation process followed by mediation and/or arbitration.
- Under s. 18.1, certain provisions survive termination of the agreement. Critically, there is a cross-reference error – it refers to section 7.4 as surviving, but there is no section 7.4 (also surviving are sections 8.4 (assets to CRD on dissolution of Society) and 9.1 (indemnity).
- There is no express obligation on the Society to maintain insurance to cover its operations and/or back the indemnity given under s. 9.1 – the only insurance obligation is found in section 8.6 relating to the obligation to “insure and keep insured the Assets” needed or used by the Society to provide the services.
- There is no express provision dealing with Society membership (i.e., to be open to all Saturna Island property owners and residents).

When the Saturna Agreement is renewed, improved or enhanced reporting obligations from the society to the CRD should be added. This reporting should cover off: financial matters; operational service delivery; training; and OH&S matters.

This structure does not provide any ready process for the CRD to bring the service in-house unless the society decides to cease service provision, given that the assets are owned by the society, and only revert if it is wound up or dissolved.

Saturna – Emergency Program Service Agreement

There is also a service agreement with the Saturna Society relating to the provision of “storage and operational facilities” for the CRD’s emergency program on Saturna. The agreement is dated 12 August 2009, and is for a 20-year term (presumably to 11 August 2029). Payments were essentially made up front, with no continuing funding obligation, but an on-going right for the CRD to use the facilities. This agreement was not reviewed in detail.

Findings

During a site visit on Saturna Island the Consultants observed dedication from the Department and the Society to continue providing service, and a lack of trust in the CRD’s motives and plan. There appeared to be suspicion that the CRD has a plan that is not being fully shared with the Department and the Society. This issue can best be addressed by the CRD developing a long-term plan for delivery of fire protection services, taking input into that plan and its

implementation, and then implementing the plan consistently and while communicating regularly and consistently.

The Consultants met in Saturna fire hall #1 with Fire Chief Peter Clark and Society Board Vice President Ron Monk. VP Monk had previously served as Saturna Fire Chief, and provided a depth of knowledge and context to the engagement. The Department operates two fire halls.

The Society operates two departments, a fire department and Saturna Island Rescue. Both departments report to the Society Board, and each department has a separate chief. Saturna Island Rescue is responsible for medical first responder services on Saturna Island, and operates at the Emergency Medical Responder level. It was reported that Saturna Island Rescue is enabled under agreement with BCEHS to move patients to the ferry dock where they are transferred to the care of BCAS. The Consultants did not review that agreement. Two former ambulances are in service to support the work of Saturna Island Rescue. The Society receives a small annual stipend from BCEHS to support the service.

A firefighters' association is in place. The Association was reported to have previously operated the Department, and its role was redefined at the time the Society took over Department operations, and the CRD began to fund the Department through levy of property taxes for that purpose.

The Society owns the fire halls and the Department apparatus. An agreement is in place between the Society and the CRD for the CRD Emergency Program to occupy space within fire hall #1. The agreement and joint occupancy were reported to be positive, with no negative aspects for the Department.

This report recommends that Society-led departments remain operating under that model until such time that a Society expresses their desire to redefine the relationship, and the CRD takes over direct operation of the Department, provided that service agreements are revised to address outstanding matters. At such time in the future that a society relinquishes operational oversight of a fire department to the CRD, it would be advantageous if the Society was to redefine its focus toward benevolent efforts for the Department and the firefighters.

In order for societies, including the Saturna Society, to continue to operate fire departments, renewal of service agreements will be required. In the case of Saturna, the following matters will be required to be addressed:

- The Consultants perceived from the Saturna Fire Chief and Society Board Vice President a concern that the CRD may have an ulterior motive in undertaking this review, and a goal of "taking over" fire departments from societies. This concern may have been developed in part from meetings with leaders from other society-led departments. The CRD should adopt and communicate a clear position on the matter of society-led fire departments. The Consultants perceive that the absence of such a position from the CRD prevents the CRD and society-led fire department leaders from working more cooperatively;
- A renewed service agreement between the CRD and the Saturna Society must include a provision for continuation of the Department in the event that the Society can no longer operate it. This will require that:

- ownership of apparatus, equipment and fire halls either transition to the CRD at the time that the Society ceases to operate the Department, or at some point in time prior to that. A transitional approach may be most effective, with ownership of current apparatus remaining with the Society, and all future apparatus purchased for the Department belonging to the CRD and being operated by the Society-led Department, as is common in other areas of the province;
- Capital asset planning (connected to the bullet above);
- Clarity be established regarding which entity is the Authority Having Jurisdiction of the Department;
- Clarity be established regarding which entity is responsible for WorkSafe BC and liability insurance coverage;
- Regular reporting requirements and reporting relationships;
- Clarity on the ways in which the CRD will support the Department and the Society;

- Saturna Island Rescue should either be included in the service agreement along with delegation of CRD authority and requirements for Society oversight and reporting, or clearly not addressed in the service agreement, in which case Saturna Island Rescue would not in any way be providing a service o behalf of the CRD.

Recommendations

Recommendation #34	The CRD should clarify the ownership and responsibilities in terms of operations, liability, maintenance and replacement of the fire training facility located at the Pender Island fire hall.
Recommendation #35	Bylaw No. 2165 *Saturna Island Fire Protection and Emergency Response Local Service Contribution Establishment Bylaw,* should be revised consistent with other recommendations in this report, and to authorize the CRD to provide fire protection services, rather than limiting the CRD to funding fire protection services provided by the Society.
Recommendation #36	When the Saturna Island service agreement is renewed, it should stipulate: • That facilities, equipment and apparatus are owned by the CRD or that upon dissolution of the service agreement that such ownership transfers to the CRD; • Society reporting obligations including on matters of finance, operational service delivery, training and OH&S.

Appendix 4: Service Agreement Checklist

The forms of agreement used by the CRD to contract for fire protection and emergency response services could be improved and standardized. This Appendix sets out, at a high level, the issues that need to be addressed and, for certain major provisions, the considerations that will need to be weighed in negotiation with the service providers and/or service recipients.

Recitals

The recitals should identify the service provider, its fire department and the CRD service area into which emergency response services are being provided.

Definitions

The definition section should define the principal terms being used. Where a word or concept is defined, the defined term must be used consistently throughout the agreement.

Agreement Term

The term of the agreement needs to be specified. We recommend that a roll-over be possible at the end of the term, in the event that the parties fail to negotiate a replacement agreement in time. The service agreement costs are addressed as budgetary matters – i.e., it involves a process rather than a negotiated amount. As such, rolling over an agreement until a new one can be formally negotiated should not present a material problem.

Service Level Issues

The agreement needs to identify the service level at which the relevant Department will operate. This service level needs to include provision for amendment or revision (e.g., if a Department needs to move from Interior Operations down to Exterior Operations, or vice versa, as a result staffing or training issues).

OH&S Issues

The service agreements need to address each Society's OH&S obligations, including having an OH&S program, operating a joint committee (or worker representative system), and keeping proper records and statistics.

Records Keeping

Each Society should be required to maintain proper records, including:

- personnel records (including training, OH&S matters, discipline, etc.)
- apparatus and equipment maintenance, repair, and testing;

Services Provided

The services to be provided by the Society need to be clearly defined. If the CRD believes that the services provided will vary significantly from service provider to service provider, then the approach of setting out the services in a schedule to the agreement is appropriate.

In relation to services provided:

1. It should be clear at what level the Society is providing fire suppression services – i.e., at exterior operations, interior operations or full service.

2. Any services provided in addition to fire suppression should be enumerated, again specifying the level to which the service is offered. The types of services to be considered include:

    - Medical first responder;
    - Vehicle extrication;
    - Hazardous materials response;
    - Technical rescue services (e.g., swift water, high or low angle rescue, confined space). The actual service being provided needs to be identified and level of the service under the relevant NFPA standard (i.e., awareness, operations or technician) should be specified;
    - Fire prevention activities – these should be particularized as much as possible;
    - Fire inspections under the *Fire Services Act*;
    - Fire Safety Plan reviews (as required by the *Fire Code*); and
    - Any other authorized services (including fire investigations).

If the Society's fire chief is to act as the service area's LAFC, provision needs to be made for this appointment (which needs to be confirmed with the Fire Commissioner). The Society then becomes responsible for fire investigations in the service area (along with the required reporting to the OFC), as well as inspections on complaint or if deemed necessary. The CRD should receive a copy of any fire investigation report for its files, and if the LAFC undertake any inspection activity, that activity should be reported upon.

Limitations on Services

Any limitations on the services provided should be set out in the agreement. Where the services are provided principally by volunteer or paid-on-call members, the potential for a delayed or insufficient response needs to be identified, and the liability attaching to such circumstances should be appropriately limited.

The nature of the water supplies for firefighting should be specified, and recognized as a potential limitation on fire suppression responses where the supplies are based on water tenders.

The parties should address issues regarding proper addressing of buildings in the service area as well as any known access issues.

Support Provided by the CRD

The availability of any support provided by the CRD (e.g., use of common operational guidelines, training plans, assistance with budgeting, etc.), should be set out in the service agreement.

Operational Powers

There needs to be a clear grant of operational powers to the Society's fire department, permitting it to undertake emergency operations and any contracted non-emergency services, in the service area.

License to Use CRD-Owned Equipment and Facilities

Where the CRD owns the apparatus, other equipment and/or the fire hall, the service agreement should include a clear license of use in favour of the Society. This licence should specify any obligations on the Society (or the CRD) regarding maintenance, upkeep and replacement.

Service Fee

The process for establishing and approving the budget and setting the annual service fee needs to be specified, along with how the fee will be paid (e.g., in instalments or a lump sum).

The service fee must be capped at the maximum service requisition amount allowed for the particular service area. The CRD should plan on increasing this amount as permitted by the *Local Government Act* (i.e., once every five years, without need to refer back to the voters), to ensure that the maximum requisition level keeps up with the costs of delivering the service.

Reporting and Information

The Society should provide the CRD with reports on fundamental matters affecting the fire department and responses into the service area. The reporting should include:

- appropriate financial reporting;
- responses into the service area shown by type and date;
- fire department composition (number of firefighters and officers)
- training and qualification levels of members and officers and adherence to Provincial Training Standards Requirements;
- details on OH&S processes;
- details as to any fire prevention activities involving the service area;
- copies of any fire investigations and a report on any LAFC (or otherwise authorized) fire inspection activities; and
- such other information as the CRD may reasonably request.

The agreement should set out a process for consultation between the parties regarding issues of concern, such as service complaints or service delivery issues.

Liability Allocation, Indemnities and Insurance

Liability allocation and corresponding indemnity provisions are complex, and need careful consideration with counsel. If the Societies retain responsibility for emergency service delivery, they have to accept the liability that flows with that role. Certain carve-outs may be appropriate (e.g., as part of recognizing the reliance on volunteers, it is not uncommon to see a carve out for delayed responses arising from the mustering process), which may then need to be backed by an indemnity from the CRD for third party claims.

The CRD should seek an indemnity from the Society for claims it faces arising from the negligent delivery of the services, or operation of the Department (e.g., in relation to OH&S processes).

The Society should be required to carry an appropriate level of insurance to address liability claims, including any that may be made under an indemnification clause.

Dispute Resolution

A graduated process of dispute resolution should be set out. In discussion with counsel, consider whether to make arbitration optional or mandatory, and how issues such as costs will be addressed.

Termination

The agreement should include termination provisions covering breach situations. The CRD also should consider whether a termination on notice (e.g., not less than six months' notice) also should be included).

Notices

There should be a clear notice provision, one which permits the use of email. Consideration could be given to an emergency notices section, where notification by phone or text is permitted.