

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*;
- 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:

"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*;

“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;

“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 Local Services Commission
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	North Galiano Fire Protection and Emergency Response Service Commission

- (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.

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.
- (c) Despite subsection 3(a), and any Schedule to this bylaw, the number of members of a Commission continues to be the number serving as of the date of the adoption of this bylaw until such time as the appointment of members under a previous bylaw expires, at which time the Commission shall consist of seven (7) members.
- (d) In the case of the Committee established by North Galiano Fire Protection Service Area Management Bylaw No. 1, 2004 and renamed the North Galiano Fire Protection and Emergency Response Service Commission, the term of office for members with a term set to expire on June 30th is hereby extended to December 31st of the same year.
- (e) Other than the Director, Commission members shall be persons owning property or residing within the Service Area.

- (f) 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 Delegation Bylaw, administrative powers of the Regional Board with respect 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.
- (b) The operational, maintenance and regulatory functions of this service shall be performed in conformance with Regional District policy or government regulation.
- (c) Despite the provisions of (a) above, the Regional Board retains the right of approval of a Commission's exercise of the powers delegated to it by the Regional Board.

9. Duties

A Commission shall:

- (a) Appoint a Fire Chief who shall be a person appointed as a local assistant by the Fire Commissioner prior to his or her confirmation as Fire Chief;
- (b) Authorize the Fire Chief to appoint such members of the Volunteer Fire Department within the Local Service Area;

- (c) Ensure the Fire Chief 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;
- (d) Prepare a five-year financial operating and capital budget and submit to the Regional District in the manner required by Section 12;
- (e) 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; and
- (f) Encourage the Fire Chief and members of the fire department to attend commission meetings to provide input to the decision making process.

10. Administration

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;
- (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.

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

12. Budget

- (a) A Commission shall, on or before the 1st day of September in each year prepare 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.

- (b) The Budget shall:
- (i) Be in a form approved by the Financial Officer;
 - (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
- (c) 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. 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.

19. Citation

This bylaw may be cited as "Fire Protection and Emergency Response Service Commissions and Related Local Services Bylaw, 2010".

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

ADOPTED THIS

14th day of April 2010


CHAIR


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;

"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.

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 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.

Schedule "C" - Port Renfrew

1. Definitions

In this bylaw, as applies to the Port Renfrew Local Services Commission, unless context otherwise requires:

"DIRECTOR" means the Electoral Area Director for Juan de Fuca;

"COMMISSION" means the Port Renfrew Local Services 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; and
- (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) 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, the Commission shall:

- (a) 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;

5. 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 shall 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.

6. Delegation

In addition to Section 8 of this bylaw, the Regional Board hereby delegates to the Commission administrative powers of the Board, with respect to:

- (a) The provision of Solid Waste Removal and Disposal under Bylaw No. 1743;
- (b) The operation of the community use facilities owned by the Regional District in Port Renfrew; and
- (c) Deliberation and making recommendations to the Juan de Fuca Electoral Area Director and the Regional Board on the following matters:
 - (i) Appointments to the Sooke & Electoral Area Recreation Committee to represent the Port Renfrew Area;
 - (ii) Appointments to the Juan de Fuca Electoral Area Parks Committee to represent the Port Renfrew Area;
 - (iii) Appointments to the Juan de Fuca Emergency Preparedness Committee to represent the Port Renfrew Area;
 - (iv) Appointments to the Juan de Fuca Economic Development Committee, to represent the Port Renfrew Area; and
 - (v) Other such community matters as forwarded by the Juan de Fuca Electoral Area Director or the Board.

7. Without limiting the generality of Section 6 above, the Commission shall recommend policies governing the provision and operation of the services including the recommendation of levels of user charges to be established by bylaw of the Regional Board.
8. Despite the provisions of Section 7 of this Schedule, the Regional Board retains the right of approval of operation rules, procedures and policies and the levels of user charges to be established by bylaw of the Regional Board.
9. Budget
 - (a) In accordance with Section 12(b) of this bylaw, the Commission shall, on or before the 1st day of September of each year prepare an annual Budget for each of the services provided in Section 6(a) and 6(b) of this Schedule to be submitted for the approval of the Regional Board and for inclusion in the Regional Board's 5-year Financial Plan.
 - (b) The Budget shall provide for the necessary funds for the administration, development, maintenance and operation of the services provided in Section 6(a) and 6(b) of this Schedule.

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) 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" - North Galiano

1. Definitions

In this bylaw, as applies to the North Galiano Fire Protection Service Commission, unless context otherwise requires:

"DIRECTOR" means the Electoral Area Director for the Southern Gulf Islands;

"COMMISSION" means the North Galiano Fire Protection and Emergency Response Service Commission;

"SERVICE AREA" means the North Galiano Fire Protection Local Service Area as more particularly described in North Galiano Island Fire Protection and Emergency Response Service Establishment Bylaw No. 1, 1990, as amended;

"VOLUNTEER FIRE DEPARTMENT" means the North Galiano Volunteer Fire Department.

2. Membership

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

- (a) The Director representing the Electoral Area;
- (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.

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.