

DATE OF MEETING AUGUST 30, 2021

AUTHORED BY KAREN ROBERTSON, DEPUTY CITY CLERK

**SUBJECT FIRE PROTECTION AND LIFE SAFETY REGULATION AND FEES
& CHARGES AMENDMENT BYLAWS**

OVERVIEW

Purpose of Report

To present amendment bylaws that would 1) give delegated authority to the Fire Chief to enter into First Responder Training Agreements (on behalf of the City) with other local governments for the purposes of having employees trained and licensed as First Responders; and 2) to transfer the fees from the Fire Protection and Life Safety Regulation Bylaw to the Fees and Charges Bylaw.

Recommendations

Fire Protection & Life Safety Regulation Amendment Bylaw

1. That "Fire Protection & Life Safety Regulation Amendment Bylaw 2021 No. 7108.03" (to give delegated authority to the Fire Chief to enter into First Responder Training Agreements with other local governments) pass first reading;
2. That "Fire Protection & Life Safety Regulation Amendment Bylaw 2021 No. 7108.03" pass second reading; and
3. That "Fire Protection & Life Safety Regulation Amendment Bylaw 2021 No. 7108.03" pass third reading.

Fees and Charges Amendment Bylaw

1. That "Fees and Charges Amendment Bylaw 2021 No. 7041.04" (to incorporate the fees associated with the Fire Protection & Life Safety Regulation Bylaw) pass first reading;
2. That "Fees and Charges Amendment Bylaw 2021 No. 7041.04" pass second reading; and
3. That "Fees and Charges Amendment Bylaw 2021 No. 7041.04" pass third reading.

BACKGROUND

On July 11, 2011, the City entered into a licence agreement with the Province which gives the City the right to use, reproduce, and distribute First Responder and Instructor/Evaluators Training Materials for the purposes of teaching the Instructor/Evaluators Course to employees of local governments in British Columbia.

For those wishing to receive the training, the local government must first enter into a separate agreement that governs the use of the Vancouver Island Emergency Response Academy's (VIERA) First Responder curriculum, the terms (including renewal options) as well as clauses related to obligations, reproduction, indemnification and insurance (see Attachment 4). In 2021, there are 24 participating municipalities and therefore 24 separate agreements required. In order to streamline the process, staff is seeking authority, via a bylaw amendment, to give the Fire Chief the delegated power to enter into these Agreements on behalf of the City.

DISCUSSION

Each year, Fire Department staff who have successfully completed the VIERA Instructor/Evaluators Course deliver First Responder Training to other local government fire department employees so that they can become licensed as First Responders or deliver maintenance training to those who wish to renew their First Responder licence.

As noted above, there are 24 municipalities that receive training from the City of Nanaimo Fire Department staff and in order to participate, they must enter into an agreement. For a full listing of the local governments that participate, see Attachment 5.

The Fire Chief is the Department Head responsible for the efficient management of all members, apparatus, equipment, responses to incidents and provision of fire prevention and protection services to the City so the function of providing first responder training to other local governments would be a natural fit with his associated responsibilities and duties. While any amendments to the overarching agreement with the Province would still come to Council for approval, granting authority to the Fire Chief to enter into the yearly agreements would eliminate the need to bring them to Council for approval each year.

Should Council support delegating the power to the Fire Chief to enter into these agreements, a clause under the Responsibilities and Duties of the Fire Chief would be added to the Fire Protection and Life Safety Regulation Bylaw.

As with any regulatory bylaw that comes forward, staff take the opportunity to also update the violation and penalty language, if necessary, to ensure those sections are consistent with other regulatory bylaws and to transfer any fees to the Fees and Charges Bylaw. The Fees from Schedule "A" have been removed and transferred to "Fees and Charge Amendment Bylaw No. 7041.01" (see Attachment 3). The fines from Schedule "A" have also been removed as they are already contained in Bylaw Notice Enforcement Bylaw No. 7159. The specific amendments for Council's consideration are highlighted in the attached redlined version of the bylaw (see Attachment 2).

OPTIONS

Option 1:

Fire Protection & Life Safety Regulation Amendment Bylaw

1. That "Fire Protection & Life Safety Regulation Amendment Bylaw 2021 No. 7108.03" (to give delegated authority to the Fire Chief to enter into First Responder Training Agreements with other local governments) pass first reading;
2. That "Fire Protection & Life Safety Regulation Amendment Bylaw 2021 No. 7108.03" pass second reading; and

3. That “Fire Protection & Life Safety Regulation Amendment Bylaw 2021 No. 7108.03” pass third reading.

Fees and Charges Amendment Bylaw

1. That “Fees and Charges Amendment Bylaw 2021 No. 7041.04” (to incorporate the fees associated with the Fire Protection & Life Safety Regulation Bylaw) pass first reading;
2. That “Fees and Charges Amendment Bylaw 2021 No. 7041.04” pass second reading; and
3. That “Fees and Charges Amendment Bylaw 2021 No. 7041.04” pass third reading.

The advantage to Option 1 is that giving the Fire Chief the authority to enter into First Responder Training Agreements on behalf of the City would streamline the process and eliminate the need to bring forward several agreements each year to be formally approved by Council.

Option 2:

That Council:

1. Not support inclusion of clause 6(6), which delegates the power to the Fire Chief to enter into First Responder Training Agreements on behalf of the City;
2. That “Fire Protection & Life Safety Regulation Amendment Bylaw 2021 No. 7108.03” (to give delegated authority to the Fire Chief to enter into First Responder Training Agreements with other local governments) pass first reading;
3. That “Fire Protection & Life Safety Regulation Amendment Bylaw 2021 No. 7108.03” pass second reading; and
4. That “Fire Protection & Life Safety Regulation Amendment Bylaw 2021 No. 7108.03” pass third reading.

Fees and Charges Amendment Bylaw

1. That “Fees and Charges Amendment Bylaw 2021 No. 7041.04” (to incorporate the fees associated with the Fire Protection & Life Safety Regulation Bylaw) pass first reading;
2. That “Fees and Charges Amendment Bylaw 2021 No. 7041.04” pass second reading; and
3. That “Fees and Charges Amendment Bylaw 2021 No. 7041.04” pass third reading.

Under Option 2, clause 6(6) would be removed prior to Council giving Bylaw 7108.03 its first three readings. The disadvantage to this option is that each year several agreements would need to be brought forward to Council for approval. Should Council select this option, staff recommend that Council support the remaining housekeeping changes related to the violation and penalty language and to transfer the fees from the regulatory bylaw to the Fees and Charges bylaw.

SUMMARY POINTS

- Each year, Fire Department who have successfully completed the VIERA Instructor/Evaluators Course deliver First Responder Training to other employees from other island local governments so that they can become licensed as First Responders.
- Each participating local government must enter into an Agreement to receive training
- The amendment bylaw would give authority to the Fire Chief to enter into the Agreements on behalf of the City
- Other housekeeping agreements include updating the violation and penalty language to be consistent with other regulatory bylaw and to transfer fees to the Fees and Charges Bylaw.

ATTACHMENTS:

- Attachment 1 – B7108.03 – Fire Protection & Life Safety Regulation Amendment Bylaw
- Attachment 2 – B7108 – Fire Protection & Life Safety Bylaw - Red Lined Version
- Attachment 3 – B7041.04 - Fees and Charges Amendment Bylaw
- Attachment 4 – Draft First Responder Training Agreement
- Attachment 5 – List of Participating Local Government Fire Departments

Submitted by:

Karen Robertson
Deputy City Clerk

Concurrence by:

Sheila Gurrie,
Director of Legislative Services

Tim Doyle,
Fire Chief