

CAPITAL REGIONAL DISTRICT
BYLAW NO. 4608

**A BYLAW TO AMEND THE FIRE PROTECTION AND EMERGENCY RESPONSE SERVICE
COMMISSIONS BYLAW, 2010 (BYLAW NO. 3654)**

WHEREAS:

- A. Under Bylaw No. 3654, "Fire Protection and Emergency Response Service Commissions Bylaw, 2010", the Regional Board established Commissions to operate Volunteer Fire Departments;
- B. The Board wishes to define the Administrative and Advisory powers delegated to Fire Commissions;
- C. The Board wishes to amend Bylaw No. 3654 to clarify the powers delegated to Commissions by the Regional Board with respect to the development, maintenance and operation of a volunteer fire department.

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

- 1. Bylaw No. 3654, "Fire Protection and Emergency Response Service Commissions Bylaw, 2010" is hereby amended as follows:

- (a) By adding the following into section 1(b), Interpretation, Definitions, in appropriate alphabetical list order:

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

"ADVISORY AUTHORITY" means a commission may only make recommendations to the Board through the appropriate standing committee;

"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;

"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;

- (b) By replacing section 8(a) in its entirety with:

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.

- (c) By replacing section 8(c) in its entirety with:

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.

(d) By replacing section 9 in its entirety with:

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.

(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.

(e) By replacing section 10 in its entirety with:

10. Administrative Authority of a Commission

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

- (a) Confirm the appointment of a Fire Chief;
- (b) Not expend any funds whatsoever except those first approved by the Regional Board under Section 12;
- (c) 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
- (d) 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.

(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.

(f) By replacing section 12(a) in its entirety with:

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.

- (g) By replacing section 12(b)(i) in its entirety with:

Be prepared by the Fire Chief with the concurrence of staff in a form approved by the Financial Officer;

- (h) By inserting the following as a new section 18 and renumbering the remaining sections:

18. Fire Chief Responsibilities

In addition to the duties customarily performed by a fire chief of a Volunteer Fire Department and as required by law, by employment or volunteer agreement, or CRD policy and procedure, the Fire Chief shall:

- (a) Appoint volunteer members to the Volunteer Fire Department;
 - (b) Prepare the annual budget of the Service in collaboration with CRD Staff and the Commission;
 - (c) Advise on matters relating to the operation, maintenance, and strategic development of the Service and Volunteer Fire Department; and
 - (d) Discharge the duties of a Fire Chief consistent with all applicable laws and standards.
- (i) By inserting the following as a new section 19 and renumbering the remaining sections:

19. 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.

(j) By inserting the following into Schedule “A”, section 1, Definitions:

“East Sooke Community Hall” means the former fire station building located at 1397 Coppermine Road, East Sooke and owned by the CRD;

(k) By inserting the following into Schedule “A” in numerical order:

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.

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.

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.

2. This Bylaw may be cited for all purposes as “Fire Protection and Emergency Response Service Commissions Bylaw, 2010, Amendment Bylaw No. 2, 2024”.

READ A FIRST TIME THIS	th	day of	2024
READ A SECOND TIME THIS	th	day of	2024
READ A THIRD TIME THIS	th	day of	2024
ADOPTED THIS	th	day of	2024

CHAIR

CORPORATE OFFICER