



**Coombs-Hillier
Volunteer Fire Department
Review**

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General Introduction

The review of the Coombs-Hillier Volunteer Fire Department (“CHVFD” or the “Department”) was conducted on 10 December 2015. Fire Chief Aaron Poirier was present during the review.

The CHVFD’s #2 Fire Hall (the main hall) is situated approximately 40 kilometres north of Nanaimo and the Department provides service to a portion of Electoral Area F of the Regional District of Nanaimo (the “RDN”). The CHVFD has a complement of 28 members, two of whom function in a limited duty capacity.

In addition to fire suppression duties, the Department provides First Medical Responder (“FMR”) services, auto extrication services and wildland-urban interface suppression. Given its geographic location, the Department is well supported through automatic aid agreements with the departments from Dashwood, Qualicum, Errington and Parksville. In addition, the Department is part of the RDN’s District 69 mutual aid agreement.

References below to the “main report” are to the main summary report on the RDN fire services, delivered concurrently with the audit reports on individual departments.

Fire Department Organizational Structure

The Department is organized as follows:

- Fire Chief
- Deputy Fire Chief
- Captains (2 of 4 positions)

Currently two of the Captain positions are vacant.

The Department has been established and is directly operated by a society called the “Coombs-Hillier Volunteer Fire Department” (the “Society”), which was incorporated under the *Society Act* (B.C.) on 22 November 1965. The operation of the Department is subject to oversight from Society’s Board.

The Fire Chief, in conjunction with Society Board Treasurer on financial matters, is primarily responsible for budgeting, forward planning and overall command and control of the Department. The Fire Chief in conjunction with Deputy Fire Chief is primarily responsible for overall Department Training. Chief Poirier became a career chief effective January 1 2016 (four days per week) and has been with the Department for 24 years, a good portion of which have been spent as an officer within the Department. The Department does not have a formal written organizational chart.

Promotion to the position of Fire Chief within the CHVFD is through an open competition process. Members apply for the position, are interviewed by Society Board members with the successful candidate being appointed. Once appointed the Fire Chief serves at the pleasure of the Board and according to a standard employment contract. Chief Poirier is the first career fire

chief that the Department has hired. Prior to his appointment, over the previous five years the Department changed fire chiefs four times, which has adversely impacted the Department's development during this period.

While there are written qualifications for the Fire Chief and Deputy Fire Chief positions outlined in their respective job descriptions, both documents are written such that the qualifications are preferred as opposed to required. In addition, the preferred qualifications are not specific in several areas: for example; the Fire Chief's job description states "Firefighter 2 or equivalent acceptable experience". We would suggest this should indicate successful completion of "NFPA 1001 Firefighter II" to clearly identify what standards are required.¹ We would also suggest that the Department consider adding NFPA 1021 Fire Officer I and Fire Officer II to the required educational qualifications.² Similarly, the written qualifications and proficiencies necessary for appointment to other officer positions within the Department should be revised. When updating the proficiency and qualification requirements for various positions within the Department, the specific requirements set out in Playbook³ also need to be incorporated. Further discussion on officer proficiency and qualifications can be found in the main report.

Promotions to other officer positions, other than the Fire Chief position which is discussed above, are determined by the Fire Chief subject to an internal competition.

The Department's officers are experienced firefighters but relatively new to their officer roles, in part as a result of the turnover the Department has faced over the past few years. The average years of service in the Department for officers is 19 years; the Consultants were not provided with details on how long these members have been serving in officer positions.

Specific information on current officer training qualifications was provided. The Fire Chief has completed NFPA 1021 Fire Officer 1. The Deputy Chief and one Captain have also completed NFPA 1021 Fire Officer 1; however, both currently need to complete the NFPA 1001 certification which is a prerequisite to achieving the NFPA 1021 Fire Officer 1 certification.

The Department would benefit from a more formal, documented officer training program outlining the required qualifications and prerequisites, which would assist both the Department and the members who aspire to become officers or seek promotion. This would also help ensure that, when promoted, officers are already trained to assume the position. Some of these issues are considered further in the next section on training.

¹ National Fire Protection Association, *NFPA 1001: Standard for Fire Fighter Professional Qualifications* (2013 ed.).

² National Fire Protection Association, *NFPA 1021: Standard for Fire Officer Professional Qualifications* (2014 ed.).

³ Office of the Fire Commissioner, *British Columbia Fire Service Minimum Training Standards: Structure Firefighters Competency and Training Playbook* (2nd ed., May 2015) (the "Playbook").

Fire Department Training

General Comment (included in all Department reviews)

There are many commonalities in training issues facing the RDN's volunteer fire departments. The main report has a section that discusses the general issues that need to be addressed in relation to RDN's fire department training, and that section should be consulted in addition to the Department-specific comments set out below.

Department-Specific Comments

As noted, the Fire Chief in conjunction with the Deputy Fire Chief is primarily responsible for the Department's training and maintaining the training records. An annual training schedule is routinely posted to advise all members on upcoming training.

The Consultants did not witness actual operational training of Department members and therefore have relied on training records as an indicator of the level of operational readiness of the Department to carry out its mandated emergency response activities. The Department provided training records and formal qualifications for inspection. The Department uses a combination of electronic records and hardcopy but unfortunately they are not structured in a way that would permit an easy determination of an individual's training history. This issue has arisen, in part, because weekly training records are not maintained on an individual basis but rather a department-wide basis. As such it is difficult to determine what training an individual firefighter received during any given year, and what level of training they have currently completed. The Consultants reviewed a sampling of the available records. Accordingly, the following comments are based on those records reviewed and discussions during the interview session with the chief officers.

According to the Fire Chief, the Department currently trains toward operating as an Interior Operations Service Level department and assumes that it will be declared as such in the future. A breakdown of the Playbook training competency requirements to achieve and maintain a declaration of Interior Operations Service Level can be found in the main report. It needs to be emphasized, however, that the Playbook sets minimum qualification requirements for only a limited range of positions and functions within a fire department, based on the service level selected for that department. The Playbook is not a complete system:⁴ there is a range of positions, duties and functions, essential to fire suppression and emergency service delivery, which are not covered in the current iteration of these standards. As such, the Playbook is only the starting position for determining the necessary qualifications, training and proficiency requirements needed to deliver fire and emergency response services safely and effectively. Each AHJ and fire department must establish training and other requirements for the positions, duties and functions not covered by the Playbook. This issue is considered further in the main report.

⁴ The Playbook expressly recognizes this issue: see p. 13/20, where it notes that the Playbook is not an "all encompassing" program.

Upon a review of the Department's current training levels, only the Fire Chief meets the minimum criteria for Interior Operations Service Level Firefighter as defined in the Playbook; however, the Deputy Chief, Captains, and several other members are nearing this level of qualification.

The Playbook also identifies the minimum training competencies required for the role of a Team Leader which is defined in the Playbook as being the individual responsible for a specific crew's functions/activities in both Exterior and Interior Operations. The current training records indicate that the Fire Chief, Deputy Chief, and one Captain meet these requirements.

Under the Playbook, the competencies/qualifications for a Company Fire Officer are the requirements of NFPA 1021 Fire Officer 1, and that those for the role of Team Leader are primarily drawn from the "Emergency Service Delivery" section of NFPA 1021 Fire Officer 1. Based on the documentation provided, the Department has only three members that meet this requirement and as such will be unable at this time to comply with the Team Leader requirements for either Interior or Exterior Operations. A gap analysis should be conducted for the other officers' and members' training, and a program developed to provide the required competencies for a larger number of members.

With regard to the Company Fire Officer competencies/qualifications identified in the Playbook for the Interior Operations Service Level, three of the four officers in the Department meet the specified requirements. The remaining officer should be provided with a training program designed to address the gaps in his existing qualifications.

The fire hall property is large enough to conduct multi-unit drills. In addition, the Department has several on-site training props. The Department is planning to build a small live-fire prop on the site at some point in the future. This facility will be used primarily to provide members the opportunity to experience entry into smoke filled atmospheres and to get local experience with small fires. Formal live-fire exercises are conducted in either the Comox or Nanaimo training facilities with the use of third party trainers.

While we congratulate the Department for its initiative in planning this live-fire prop, we would recommend that the Department expand its written operational guidelines to deal with all aspects of providing local "live fire" training, to include the nature of the exercises and instruction to be provided and explicitly require adherence to the standards set out in NFPA 1403.⁵ Before commencing any live fire exercises, the Department must develop and then train to the appropriate written operational guidelines regarding live fire training. In addition, the Department must ensure that its members and officers are properly qualified to implement this type of training and that appropriate records are maintained.

The Department's existing operational guidelines need considerable improvement. This situation is not uncommon for many volunteer (and career) departments in the province. The current operational guidelines do not cover many of the operational aspects of the Department's

⁵ National Fire Protection Association, *NFPA 1403: Standards on Live Fire Training Evolutions* (2012 ed.).

typical emergency responses, including all of the necessary aspects of conducting an interior attack (an issue discussed more generally in the main report). Absent such guidelines, the Fire Chief relies on officer judgment for determining whether or not to enter a fire-involved structure. Appropriate written operational guidelines, however, are a WorkSafe BC requirement and are necessary as a best practice for the fire service. We would recommend that the Department, in consultation with the RDN and other area departments, undertake to develop such guidelines as soon as possible.

The Fire Chief reports weekly training sessions are well attended with approximately 18-20 members present each week. Attendance is recorded and members need to attend a minimum of 65-75% of training sessions each year. High absenteeism is addressed when necessary. The Department's training program is primarily based on the NFPA 1001 standards and utilizes the IFSTA 6th Edition manual as the basis for this training. The written exams and practical skills evaluations are primarily conducted through the Justice Institute of BC's FF-I and II program. This program is based on NFPA 1001, and its successful completion complies with the Playbook's requirements for Exterior and Interior Operations Service Level Firefighters.

In the Consultants' view, the Department needs to review its current approach to conducting interior attack and rescue operations. Given the current training levels of the members and officers, the lack of formal training records clearly showing each member's level of training and qualification, and the absence of written operational guidelines covering aggressive fire operations, all combine to significantly increase the risk of undertaking an interior attack. Aggressive interior operations, such as fire attacks and primary searches, require firefighters to enter an extremely hazardous environment. These types of operations significantly increase the potential for adverse fire events such as flashover, smoke explosion or backdraft, and expose firefighters to a variety of other hazards. As such, they pose the most significant risk to firefighters in fire suppression operations. A line of duty death or serious injury is a risk that all fire departments must seek to mitigate. In the case of the Department, in the event of a line of duty injury or death, the potential for liability is significant, a risk that is potentially increased by short comings in the existing operational guidelines and the current levels of firefighter and fire officer training.

The nature of modern construction techniques has amplified the risks faced by firefighters. Lightweight construction components and contents made of composites, synthetics and other unusual fuels, cause fires to burn hotter, faster and with less predictability, creating a much more volatile fire environment than that of the past. Although firefighters are now better equipped, the fires today pose a greater risk than those faced in the 1970s and 1980s. Having recognized this, the fire service in general is now placing a much greater emphasis on firefighter safety, with particular focus on interior operations, and seeking to manage the degree of risk to which firefighters are exposed. Unless the situation presents firefighters with an immediate life safety issue (a saveable life), in general firefighters should not be subjected to the high degree of risk involved in aggressive interior operations to save a structure and its contents. With a good understanding of the appropriate strategies and tactics that should be implemented, and with the correct levels of training to achieve these, structure fires can be effectively suppressed using a safer, exterior, defensive mode of operations that materially reduces risks to firefighters.

Given the high degree of risk presented when firefighters engage in aggressive interior operations, we would recommend that, until written operational guidelines are in place dealing with offensive interior operations and the Departments level of training has improved, the Department confine itself to conducting exterior or defensive attacks on structure fires. Before recommencing interior attacks, the Department must develop, and the Department must train to, relevant written operational guidelines covering aggressive, offensive interior operations. In addition, the Department must ensure that its members and officers are properly qualified to meet the WorkSafe BC requirements. For interior attacks, as a minimum, firefighters need to meet or exceed the Playbook qualifications for Interior Operations Service Level Firefighter which include job performance requirements pertaining to Live Fire Exterior, as well as those of NFPA 1407 RIT training.⁶ In addition, officers and others who assume the role of team leaders must have the minimum qualifications required for that function, as well as those of a Team Leader as identified in the Playbook. For further information and comments regarding the training and qualifications for firefighters, team leaders, and live fire training, please refer to the main report.

The issue of appropriate training levels also needs to be considered along with the obligation to ensure that workers are properly trained for their duties and supervised while performing them. The goal, therefore, should always be to maximize training for all firefighters, and to limit their fire ground operations to those tasks for which they have been properly trained. To accomplish this, the Department should also ensure that all firefighter activities are always supervised by a suitably trained team leader and/or fire officer. As with firefighters, fire officers MUST adhere to the limits of their actual training.

As noted above, the Department's officers need to improve their formal qualifications and training. Most officers have many years of experience but lack formal firefighter and fire officer training and qualifications. In order for the Department as a whole to move to the next level of long term success, it is important that it establish the required fire officer and firefighter proficiencies and competencies consistent with the requirements of the Playbook and relevant NFPA standards. These qualifications may need to be achieved through additional training and education or possibly through the "prior learning assessment" process contemplated by the Playbook.

Formal standards should be implemented as soon as possible to maintain and improve the officers' abilities to fulfil their roles at the various fire officer levels. It is also acknowledged that to achieve these requirements, there will need to be a balance between required time invested to learn these skills versus the amount learned and the impact on the members' time commitment. Once established, it is important that all members are made aware of the criteria for and the expectations of each position so they understand what is required for promotion.

⁶ National Fire Protection Association, *NFPA 1407: Standard for Training Fire Service Rapid Intervention Crews* (2015 ed.).

- Recommendation:** The Department not undertake aggressive, offensive interior operations on structure fires until it has met the next two recommendations.
- Recommendation:** The RDN, in consultation with the Fire Chiefs, should develop written operational guidelines dealing with all fire ground operations, including offensive interior attacks. The written operational guidelines for interior operations, among other things, should specify the minimum levels of training and qualification for fire attack and primary search teams involved in such operations.
- Recommendation:** The Department, with the assistance of the RDN, should immediately begin utilizing the record keeping system that will enable the Department to maintain a comprehensive set of training records indicating all training delivered to each member and the subsequent training given to maintain these skills to ensure and confirm the operational readiness of each member.
- Recommendation:** The RDN, in consultation with the Fire Chiefs, should develop officer qualifications and prerequisites for all positions. Once developed, existing officers should be offered the opportunity to receive the training needed to ensure they fulfil the requirements (with an emphasis first on ensuring that they are fully qualified for all operational fire ground responsibilities). All members within the Department interested in future promotion should be offered the opportunity to take part in the training.

Fire Department Records

In the main report, the section on “Records” provides a general overview of what records must be maintained to be compliant with WorkSafe BC, and what records should be maintained for good business practices.

As noted above, the Department’s training records are maintained in a combination of electronic and hardcopy format. The Department uses a software program called Fire Pro 2 and in addition keeps an individual hardcopy file for each member. A sample review of both the electronic and hardcopy records of several members verified that the Department needs some improvement in maintaining adequate training records in order to meet the requirements of WorkSafe BC and under the Playbook.⁷ As noted earlier, the weekly training night sessions are recorded on a Department-wide basis but are not recorded on an individual basis, making it difficult to determine what training an individual has received without searching an entire year of

⁷ See s. 6 of the Playbook, which notes, in part: “It is the responsibility of all fire departments/AHJs to be able to accurately identify record, edit and report out on a complete list of training records for each individual firefighter including specific training subjects covered at each training session.”

weekly training records. Fire Pro 2 does have the capability to track each individual's weekly training accomplishments. We would recommend that the Department seek assistance in learning how to effectively use Fire Pro 2 in maintaining their training records.

Fire Hall Facilities

The CHVFD operates out of two fire halls. Hall #1, located in the Coombs town centre, was built in 1965 and is approximately 1,400 square feet in area. It should be noted that the RDN does not own this building and as such does not perform any maintenance, but rather leases the building from the Farmers Institute for the sum of \$1.00 per year. The original building had two apparatus bays. This hall is old and appears to be in fair to poor condition, even though the Department members have recently completed some interior renovations. The Fire Chief reports that the building does not house all of the equipment required, and that they are presently required to store some apparatus off-site. In addition, there is not a lot of storage space within the building itself. Replacement of the hall is contemplated by the RDN's 10-year capital plan.

The general area room is used as the training room and has become too small for the Department. Most of the Department's training is conducted at Hall #2.

A homebuilt vehicle exhaust extraction system has been installed in the apparatus bays of Hall #1. According to the Chief, the system works well but it has never been tested to determine its effectiveness. An effective exhaust system is required to prevent noxious and carcinogenic fumes remaining in the fire hall after the vehicles have exited, or entered the building and been turned off. Section 31.32 of the *Occupational Health and Safety Regulation* requires that fire departments install effective venting for exhaust gases, unless it can be established that vehicle fumes are below a mandated level. CHVFD should consider having WorkSafe BC (or an external testing agency) conduct air quality testing to determine the effectiveness of its existing venting system and whether a venting system is required Hall #1.

All of fire hall maintenance is undertaken by the Fire Chief and Department members.

According to the Fire Chief, Hall #1 is centrally located within its portion of the fire protection area, enabling the Department to provide appropriate responses to emergencies. Further discussions on the practicality of the Department maintaining a presence at this fire hall can be found in the main report.

Hall #2 is located at 3241 Alberni Hwy and serves as the Department's main headquarters. The original building was constructed in 1960s and is of wood frame construction. A later addition, comprising additional apparatus bays and quarters for the local Search and Rescue team, was completed in the 1990s. The 1990s addition is in reasonably good shape; the original structure, however, needs significant renovation. The RDN's 10-year capital plan anticipates replacement of the older fire hall portion of the building in 2019/20.

According to the Fire Chief, the building, although renovated recently, has limited space for apparatus storage. The training room/general area, located upstairs, is adequate for indoor training sessions. A vehicle exhaust extraction system was recently installed to comply with WorkSafe BC requirements.

A 2008 seismic and building review was conducted by Johnson Davidson Architecture. The review concluded that while it was physically possible to upgrade the building seismically, it would not be economical to do so. In addition, the review listed many deficiencies in the current building such as a lack of adequate apparatus bays, critical pieces of the building mechanical system were at the end of their life-span, the lack of adequate washroom and shower facilities, the lack of an SCBA workspace area and the lack of proper PPE storage area. While some of the deficiencies have been addressed since the publication of this report the overall long term conclusion of the review was to replace the building rather than refurbish it. We are in agreement with this conclusion.

The fire hall is centrally located within its portion of the fire protection district, enabling the Department to provide appropriate responses to emergencies. We would recommend that a fire response assessment be conducted for the Coombs-Hillier and Errington fire protection districts to determine what the impact would be if the Department ceased to use Hall #1. Further discussion on this matter can be found in the main report.

Fire Apparatus and Equipment

The chart below outlines the fire apparatus currently in use by the Department:

Type	Manufacturer	Date of Manufacture	Pumping Capacity gpm	Tank Capacity (gals)	NFPA/CSA Compliant	ULC Compliant
Pumper	Superior	2004	1050	800	Yes	470
Pumper	Superior	1997	1050	1000	Yes	112C
Tender	Freightliner	1991	Portable Pump	3500	No	n/a
Tender	Ford	1985	350	1000	No	n/a
Rescue	Anderson	1986	n/a	n/a	n/a	n/a
Pick-up	GMC	2005	n/a	n/a	n/a	n/a

The Department currently has adequate fire apparatus to meet the Fire Underwriters' ("FUS") requirements and to provide its mandated services. According to the Fire Chief, the 1997 Superior pumper is in the process of being replaced. It appears from the Consultants' review of the RDN's 10-year capital plan that, once replaced as a pumper, the 1997 Superior will enter service as a tender, presumably replacing the 1985 Ford tender. In addition, the capital plan anticipates replacing 2004 Superior pumper in 2024 with a new pumper. The Department's strategy to operate apparatus initially as a pumper, and then as a tender is a good one, provided that the vehicle is well maintained and in good condition. Although actual mileage on these vehicles tends to be relatively low, their usage is extreme: they always travel fully loaded, and in responding to any emergency call, typically are significantly stressed by each use.

Apparatus maintenance, including annual pump testing, is done by Rocky Mountain Phoenix. The general condition of the apparatus appeared good and maintenance records including recent pump tests were available for inspection. Similarly, SCBA testing is contracted out to Rocky Mountain and conducted every year. Records were available for inspection and were up to date.

Biennial ladder testing is conducted; records were available for inspection and were up to date. It should be noted that s. 31.37 of the *Occupational Health and Safety Regulation* requires that ground ladders be “used, tested and maintained” in accordance with NFPA 1932.⁸ NFPA 1932 requires at least annual testing.

According to the Fire Chief, the Department has adequate and appropriate apparatus and equipment to provide its mandated services – we concur with this opinion. The topic of appropriate funding for replacement of apparatus and equipment is discussed in the budgets/financing portion of this report.

(Please see Appendix 2 in the main report for detailed recommendations on equipment testing and records keeping)

Fire Department Responses

Over the period from 2012 – 2015, the CHVFD responded to a total of 443⁹ emergency calls, or an average of about 111 calls per year. In addition to fire suppression duties, the Department provides First Medical Responder services, wildland-urban interface suppression and auto extrication services.

The Coombs-Hillier fire protection area consists of mixture of mercantile commercial buildings and rural residential structures. In addition, their fire protection area includes a saw mill, a large warehouse of some 250,000 square feet, several historical buildings, a community hall, a helicopter landing site, a fiberglass boat manufacturing facility (which presents potential chemical hazards) and multiple small stores and restaurants.

On average, a daytime (8:00 a.m. to 6:00 p.m.) emergency incident is attended by six to seven volunteers. In comparison, a similar night time incident (6:00 p.m. to 8:00 a.m.) will be attended by 20 volunteers. The lower daytime attendance is a common problem for many departments throughout the province. CHVFD’s evening attendance during incidents is good and provides adequate staffing to appropriately deal with most incidents that the Department will encounter.

⁸ National Fire Protection Association, *Standard on Use, Maintenance, and Service Testing of In-Service Fire Department Ground Ladders* (2015 ed.). The regulation actually refers to the 1989 edition of the standard, as WorkSafe BC has failed to update its references in Part 31 for decades. The common approach is to use the most recent edition of the relevant NFPA standard.

⁹ Note that the response data is that which has been supplied by the North Island 911 Corporation and may not include all responses.

The Department is part of the overall master mutual aid agreement which covers District 69 departments. The Fire Chief reports that, when called upon, its mutual aid partners can provide adequate additional resources. The Department is confident that it has adequate apparatus, staffing and training to safely respond to most common emergency incidents that might occur within its fire protection area. The only exception to this is wildland-urban interface incidents within its fire protection area, which would likely be beyond the Department's capability and require considerable mutual aid support and the assistance from the BC Wildfire Service.

The Department does not have a formal pre-fire planning program in place although they do conduct familiarization tours during training sessions. It is recommended that a formal pre-fire planning program be implemented, which should include training all members accordingly. It should be noted that, under the Playbook, interior operations service level departments may only conduct interior operations in risks larger than a standard residential dwelling, if they have pre-planned that particular structure.

Recommendation: That the Department should develop comprehensive pre-fire plans for each of the major risks within its service area to better prepare it to manage the situation with limited resources until such time as additional resources (mutual aid) can arrive at the incident.

Volunteer Recruitment and Retention

The average age of members within the Department is estimated to be mid to late-thirties. The average time of service for the officer group is 19 years and for firefighters, about 7.5 years; however, after removing the five most experienced firefighters from the calculation, the remaining 16 members have an average of less than two years of service. According to the Fire Chief, the average yearly turnover of volunteers is estimated at two members per year, but a large turnover has occurred over the past three years. This was explained in part by some turmoil in the Department which resulted in the previous fire chief leaving his position. Given these numbers, the CHVFD is considered a high turnover department and, while having a mature officer group, with a small core of well-experienced firefighters, has a relatively junior or inexperienced firefighter group.

With an overall staffing strength of 27 members (25 of whom are active and responding), the Department has been successful with its recruitment practices. Under the current system of operating two fire halls, we would suggest the Department seek to increase its membership by five or six members to ensure proper staffing at each hall and to improve continuity and guard against unexpected or unanticipated above average number departures or retirements.

According to Fire Chief, the Department's recruitment drive, which is conducted annually in September, involves the use of social media, a sandwich board and by word of mouth. The Fire Chief, his officers and all members of the Department are to be congratulated for their ongoing commitment to providing fire service to the community of Coombs-Hillier.

The section on volunteer recruitment and retention, found in the main report, provides additional thoughts and ideas on the subject and may provide some insight in some useful tools to assist in dealing with this matter.

Budgets and Financing

The Fire Chief, in consultation with Board Treasurer, develops the Department's draft budget. Once formulated, the Fire Chief, along with the Treasurer, prepares a final budget for presentation to the Society Board Members for approval. Final approval of the budget rests with the RDN Board of Directors.

The 2015 approved budget was \$834,083 of which \$200,000 was loan proceeds and \$260,000 was drawn from the equipment reserve fund. The actual requisition for 2015 was \$374,083. Of this amount, \$88,418 was slated for transfer back into the equipment reserve fund. The Department reports it generally has a small surplus at year end, but that the 2015 budget is likely to be completely expended. Any small surplus is normally transferred to the equipment reserve fund.

The 10-year capital plan indicates a need to replace the 1997 Superior pumper in 2016. As discussed in the Apparatus and Equipment section of this report, the Department has a sound long term approach in relation to replacement its major apparatus. Careful forward planning helps reduce the risk of unexpected tax increases being needed to cover replacement of major capital items such as apparatus and the Department and the RDN are to be commended for the approach that is taken with respect to this aspect of the Department's budgeting.

Legal Structure and Bylaw Review

Although the Department has been basically structured in the same fashion as the other RDN departments, one of the principal underlying bylaws – the operational bylaw – does not appear to have been passed. The issues arising from this lack of an operational bylaw are examined below. The current bylaw/legal structure is as follows:

- (a) There is a conversion bylaw, under which the RDN converted a specified area to a local service. Under this local service bylaw, the RDN is authorized to provide fire suppression and other emergency response services, and operate, or contract for, a fire department: *Coombs-Hilliers Fire Protection Service Conversion and Boundary Amendment Bylaw No. 1022, 1996* (the "Service Bylaw");
- (b) There is a service agreement (the "Service Agreement"), dated as of 23 May 2006, between the RDN and the Society relating to the provision of fire and emergency response services by the Department; and
- (c) There are the separate constitutional documents under which the Society itself is incorporated and operates. The constitutional documents of the Society have not been reviewed in detail. The Society was originally established in 1965, and based on the

materials provided by the RDN, its constitutional documents could stand a thorough review and revision.

The main report contains some suggestions and recommendations which, if adopted, would result to changes in the way the operational bylaws operate across all departments. It also contains some recommendations, particularly in relation to the Playbook, which will impact those operational bylaws, as well as the Service Agreement.

In reviewing the bylaws and agreements, nothing in this report should be construed as legal advice. The RDN and Society should review any issues identified in this report with legal counsel.

Individual Bylaws

Service Bylaw

The Service Bylaw converted the specified area to a local service area in 1996, in accordance with the provisions of the *Local Government Act* (B.C.). The service authorization language in section 1 permits the RDN to provide a broad-based service, covering fire protection and “emergency responses to other classes of emergency.” The RDN may provide the service directly or by “otherwise obtaining” it.

The Service Bylaw established the boundaries for the local service area within which the Department operates.¹⁰ The sole participating area for service is Electoral Area “F” and the maximum amount of property taxes which may be collected in connection with the service is the greater of \$186,100 or a property tax rate of \$1.098/\$1,000 of net taxable value of land and improvements.¹¹ The 2016 tax rate for residential properties in the service area is expected to be \$0.805/\$1,000 of assessed value.

Section 6 of the Service Bylaw is somewhat restrictive, in that it provides that the “annual costs for this service” may be recovered only through a property value tax, rather than permitting the costs also to be covered through other (or additional) cost recovery methods, such as a parcel tax, fees and charges, etc.¹² Consideration should be given to updating this bylaw to permit such additional revenue generation methods.

Missing Operational Bylaw

Each of the other RDN-contracted fire departments properly has an “operational bylaw,” which is a bylaw that grants powers to those departments to operate at and control the scene of an emergency. The operational bylaw is one of the fundamental constitutional documents which underpins a fire department’s operational powers, mandate and administrative processes. As a

¹⁰ Bylaw No. 1022, s. 3 and 4 and Schedules ‘B’ and ‘C’.

¹¹ Bylaw No. 1022, ss. 5 and 6.

¹² See, for example, *Bow Horn Bay Fire Protection Service Establishment Bylaw No. 1385, 2004*, s. 4.

starting point, it needs to be recognized that, for local governments, fire departments are an optional service.¹³ 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 of the local service area¹⁴ – a fire department has no specific authority to act at or to respond to an incident. Care must be taken, therefore, to ensure that a fire department has the full range of powers needed to respond effectively to incidents within its jurisdiction. Where a department 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 in a mutual or automatic aid agreement, under a fire service contract or in support of another emergency response agency, such as the BC Wildfire Service.

Similarly, there is no standard range of services defined for a fire department. A department is authorized to provide only those services which are stipulated in its bylaw. Given that fire departments are the only “all hazards” response agency available to local government, we recommend 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.¹⁵

In the case of the Department, the lack of an operational bylaw means that its powers to operate at and control an emergency scene need to be inferred from the nature of the service that the RDN is authorized to provide. This is not an ideal situation, particularly where the service is being provided (as here), under contract by an arm’s length third party. Fire department services should be expressly defined, and corresponding powers granted to enable the Department to fulfil its mandate. Under the *Local Government Act* (B.C.), moreover, certain powers regularly exercised by fire departments (such as the authority to pull down a structure to prevent the spread of fire), can only be exercised by bylaw.¹⁶

In the main report, we are recommending that the RDN develop a single, consistent operational bylaw that covers all of the fire departments for which it is responsible. If this approach is adopted, a separate operational bylaw for the Department will not be necessary.

¹³ The only exception to this is the City of Vancouver, which is required to maintain a fire department pursuant to the terms of the *Vancouver Charter* (B.C.).

¹⁴ For a fire service established by a municipality, the boundaries typically align with the municipal boundaries. The local service area for the Department was established under the Service Bylaw.

¹⁵ There may also be a need for additional authorizations to provide some services – for example, providing “emergency health services”, as contemplated by the *Emergency Health Services Act* (B.C.), requires appropriate training and certification and an agreement with the Emergency Health Services Commission.

¹⁶ See s. 303 of the *Local Government Act* (B.C.).

Service Agreement

The Service Agreement is substantively in the same format as the form of agreement used with other RDN fire services. This form of agreement requires updating to address a number of issues, including Playbook matters. A discussion regarding this form of agreement and recommendations regarding its content are found in the main report.

Mutual Aid Agreements

(a) District 69 Mutual Aid Agreement

The Department is covered by a mutual aid agreement, dated 1 August 2010, which includes four other RDN departments, as well as departments from Parksville, Qualicum Beach, Lantzville and Deep Bay. As this agreement covers multiple RDN departments, it has been reviewed in the main report. The one item that the Department probably should note is that the Society likely should be a separate party to this mutual aid agreement.

(b) Automatic Aid Agreement

The Department's operations are also covered by an automatic aid agreement dated 13 December 2013 (the "Automatic Aid Agreement"). This agreement covers three RDN-contracted departments (the Department, Errington and Dashwood), as well as the departments from Parksville and Qualicum Beach. The Societies are separate parties to this agreement, along with the RDN.

The principal difference between a mutual aid and automatic aid agreement is that, in relation to the former, a specific request for assistance must be made before another department commences its response. Conversely, with an automatic aid agreement, one or more other departments will automatically be dispatched by the dispatch centre when the criteria specified in the underlying aid agreement are met. Automatic aid arrangements improve overall response times, particularly for major incidents where additional resources are going to be required. They are favoured by the Fire Underwriters, who accord significant additional credit for the automatically responding resources of the neighbouring jurisdictions.

In general, the Automatic Aid Agreement has been well drafted and carefully thought out. The agreement covers only certain specific or defined areas of each Department's fire protection zone, is limited to defined incident types and involves responses or support of specific types (e.g., a ladder truck or a tender).¹⁷ Under the agreement, an operating committee is established to oversee and regulate the types of responses which are covered, the coverage area of the agreement, as well as various other operational matters. Uniform operational guidelines are required to be established covering certain principal matters (e.g., training levels for RIT

¹⁷ Automatic Aid Agreement, "Definitions" (see "Emergency Incident"), ss. 1.1, 2.2, 2.4, 2.5 and Schedule "A" – "Locations and Resources for Automatic Response to Emergency Incidents." As an operative provision, the "Definitions" section probably should be numbered.

members,¹⁸ incident command procedures and several other matters). The dispatch provider (North Island 9-1-1) is required to be provided with the most recent version of the Automatic Aid Agreement and the parties commit to keeping their dispatch centre fully informed of any changes.

The Automatic Aid Agreement has express provisions dealing with incident command: the party receiving aid is expected to assume incident command. Where a “Responding Department” is first on-scene, it establishes incident command but is expected to transfer command to the first on-scene qualified member from the “Requesting Department” as soon as is practicable.¹⁹

Section 5.5 of the agreement provides that:

“The Fire Department of the jurisdiction or service area in which the Emergency Incident occurs is required to respond to such Emergency Incident firstly with its own resources available at the time of such Emergency Incident and must ensure it is capable of arriving at the Emergency Incident in a timely fashion.”

This section should be reviewed. An automatic aid request is triggered based on pre-set criteria – if a party is already engaged in responding to another incident, it may not be in a position to respond “in a timely fashion.” This section should be expanded to address such situations. We would suggest that this type of event should result in the triggering of appropriate (and broader) mutual aid requests under the District 69 Mutual Aid Agreement, without cancelling or negating the automatic aid response. A Responding Department which is first on scene to an incident also should be empowered to make a broader mutual aid request even before the Requesting Department is on-scene.

There is an indemnity provided in section 3.1 by an “Assisted Party” in favour of a “Supplying Party.” This indemnity covers “any and all claims, causes of action, suits, demands and expenses whatsoever arising out of, or related to, the Automatic Response rendered by the Supplying Party [...]”. This indemnity is made subject to certain limitations in section 3.2. We would recommend reviewing section 3.2 and expressly excepting any costs, damage or expenses addressed by section 6.0 (which covers expenses related to consumables, damage to vehicles and damage to equipment).

A further section should be added to the Automatic Aid Agreement, which expressly addresses the powers of Responding Departments to operate at the scene of an incident in the Requesting Department’s jurisdiction. The simplest formulation is simply to provide that, subject to the Automatic Aid Agreement, a Responding Department has the same power and authority in Requesting Department’s jurisdiction as it does in its ordinary jurisdiction, when responding to an Emergency Incident in accordance with the agreement.

With the advent of specific service levels under the Playbook, the Automatic Aid Agreement should be reviewed to address any differences that may arise. Where one department has a

¹⁸ See Schedule C of the Automatic Aid Agreement. RIT means “rapid intervention team.”

¹⁹ Automatic Aid Agreement, s. 5.7.

higher (or lower) level of service, the parties should expressly address how incidents will be managed (and whether interior attacks will be undertaken). These decisions will potentially impact matters related to incident command and, in particular, whether a Requesting Department is in a position to retain or take over incident command. The “Accountability System” referenced in Schedule “C” should be further defined to ensure that there is a common system for identify training levels of all on-scene personnel.

In addition, to meet the pre-incident planning requirements for Interior Operations Service Level departments, the Automatic Aid Agreement should be revised to expressly address how such risks will be managed. Ideally, the various Departments should commit to developing and sharing pre-incident plans for major risks within their respective jurisdictions. Pre-planning also is a factor assessed by the Fire Underwriters when conducting reviews for insurance grading purposes: work in this area will help the various departments maintain or improve their assessment scores.