

DATE: July 2, 2009

FILE: 7200-01

TO: Chair and directors
Committee of the whole

FROM: Debra Oakman, CMA
Chief administrative officer

RE: Fire Protection, Mount Washington Alpine Resort

PURPOSE/PROBLEM

To provide the committee with information, and to seek direction regarding the provision of fire protection services at Mount Washington Alpine Resort (MWAR).

POLICY ANALYSIS

Section 800(1) and Section 801(1) of the Local Government Act confirms that the establishment of a regional district fire service must receive electoral assent, as well as be established by bylaw. The recommendation of this report is consistent with these policies.

EXECUTIVE SUMMARY

The Comox Valley Regional District (CVRD) board has requested that staff explore avenues to expand regional fire protection coverage to the Mount Washington area. Based on this direction staff has met with local government Chief Administrative Officers (CAOs) and fire chiefs from throughout the Comox Valley, as well as fire chiefs from other resort based fire/rescue departments. From these discussions, staff recommends that a phased approach to the establishment of a fire service will facilitate a clear and methodical discussion with the property owners while providing the life safety aspect of fire prevention in a short time frame.

Phase 1 would focus on fire prevention with Mt. Washington engaging the services of a fire chief/fire prevention officer. Further, strata bylaws and regulations could be implemented that mitigate loss by fire.

Phase 2 would focus on the establishment of a defensive fire extinguishment response, with minimal equipment and volunteers. Further, discussions would begin with the property owners regarding the establishment of a regional district fire protection service on Mt. Washington, and voter assent can be sought.

Phase 3 will focus on establishment of a regional district rural fire protection service with a wide range of fire protection services.

The phased approach will first focus on the priority of fire prevention and life safety, while facilitating a fire protection plan that originates on the mountain and addresses the unique needs of the Mount Washington community.

Recommendation from the chief administrative officer to the committee of the whole:

THAT the Comox Valley Regional District staff begin discussions with the representatives of Mt Washington to review and discuss a phased approach to the provision of fire protection services.

Respectfully:

T. I. Smith
for

Debra Oakman, CMA
Chief Administrative Officer

HISTORY/BACKGROUND FACTORS

In 2002, the Mount Washington Residents Association (MWRA) requested the regional district to petition the property owners for the establishment of a fire protection service. This petition was not successful.

On March 28, 2009 a structure fire at the resort destroyed a rental chalet. As there was a risk that persons may have been trapped in the chalet, the fire dispatch center requested that the Courtenay fire department attend as a rescue response and the Provincial Emergency Program (PEP) issued a task number. The Courtenay fire department is the closest rescue service provider. This fire did underscore the lack of fire protection services on Mt Washington and a subsequent letter (attached) from the president of MWAR prompted the board to request that staff explore avenues in expanding regional fire protection coverage to the Mount Washington area.

Based on the above direction, staff met on May 7, 2009 with the CAOs of Courtenay, Comox, Cumberland and the CVRD, as well as their respective fire chiefs and managers, to discuss available options.

For the purposes of this discussion, it was clarified that there are two forms of response:

- 1) Life /Safety/Rescue response is used to assist in the evacuation and safety of persons in an emergency and is predicated on the receipt of a task number from the Provincial Emergency Program (PEP). The PEP task number ensures that the responders have workers compensation insurance coverage as well as liability insurance.
- 2) Property Protection response is used to suppress or prevent the spread of fire that damages property and where there is no immediate threat to life/safety. Workers compensation and liability insurance coverage is limited to within the bounds of local fire protection service areas.

During our discussions the fire chief for the City of Courtenay relayed that, although the road conditions were favourable, the response time was nearly 40 minutes, and the chalet was completely destroyed when rescue crews arrived. He further commented that the response time would have been greatly increased if the weather and road conditions were adverse.

Based on the above clarification, as well as a best possible 40-minute response time, there was consensus among CAOs and fire chiefs that an effectual property protection response must originate on Mount Washington. Further to this, the CAOs of the Town of Comox and City of Courtenay were very clear that their respective fire departments would not be able to provide a property protection response. In the course of further discussion, the fire chief of the Black Creek/Oyster River fire department indicated that his department might be able to assist the Mount Washington area through the provision of training and guidance in fire extinguishment.

Phased Approach:

The National Fire Protection Association (NFPA) defines the term "Fire Protection" as:

The science of reducing loss of life and property by fire, including both fire prevention and fire extinguishment by public or private means.

Based on information gathered at the May 7, 2009 meeting, and experiences drawn from fire chiefs of other destination resorts, staff considers that an efficient method to provide "fire protection" to the Mount Washington area would be to introduce the service in a phased approach. Such an approach could initially focus on the fire prevention aspect and culminate in a fully functioning fire department able to provide a broad range of fire services for Mount Washington property owners.

As an example of a phased approach staff suggests the following:

Phase 1, Fire Prevention:

The Mount Washington community is comprised of approximately 650 dwelling units, which are regulated by the *Strata Properties Act* as well as a number of resort buildings owned by the MWAR. Owners of the strata properties, as well as the resort are members of the MWRA.

The Strata Corporation, in connection with the MWAR, could engage the services of a fire chief/ fire prevention officer. This position could inspect all buildings to ensure that they meet current fire code requirements and that all existing sprinkler systems are operable and maintained. This position could also ensure that working smoke detectors are in place at all buildings and that all fire hydrants are functioning and accessible.

Further to phase 1, the Strata Corporation may also consider implementing bylaws and regulations, authorized through the *Strata Property Act*, that include requirements for fire suppression sprinklers in all new construction as well as a timeline to retrofit existing buildings that currently do not have sprinklers.

With regards to regulatory authority, fire chiefs and fire prevention officers of local government fire departments receive training and are appointed as Local Assistant to the Fire Commissioner (LAFC) for the purposes of fulfilling the requirements of the *Fire Services Act*. Staff has been in contact with the Office of the Fire Commissioner (OFC) to discuss the regulatory authority that would enable a fire chief/fire prevention officer of the MWRA to also hold the position of LAFC. It has been confirmed that Section (8) of the *Fire Services Act* of British Columbia authorizes the OFC to constitute a fire district boundary for that purpose. Further, the OFC also confirmed that the selection of the Mount Washington LAFC would have to be supported by letter from the CVRD.

The benefits of this first phase are that fire prevention is relatively economical, it is a pro-active approach to saving life and property from fire, and the “fire protection” service could begin quickly. Regional district electoral assent would not be required for this phase; however this would be a decision of the Mount Washington community. Also, the first phase would begin a public awareness of fire prevention among the strata property owners involved and would facilitate further discussion regarding the need for a full service fire department. CVRD staff would work closely with the Mount Washington fire chief/fire prevention officer to identify the future needs and develop a budget for a full service fire department.

The challenges of this first phase are that the citizens will not see the overt display of fire fighting apparatus that is traditionally associated with “fire protection”.

Phase 2, Defensive Fire Response, providing exposure control only

This phase would begin the “fire extinguishment” aspect to the “fire protection” service. The fire chief/fire prevention officer could begin to recruit volunteers from existing Mount Washington staff and residents, as well as train them in the basic fire fighting techniques of protecting exposures to fire. The Black Creek/Oyster River Fire Rescue department would be able to guide Mt Washington volunteers in this regard by providing a venue and programme of study.

It may also be advantageous for the MWRA to purchase a second hand fire apparatus unit that is well suited for the alpine community environment. These units are readily available as second hand and priced at between \$25,000.00 and \$100,000.00. This unit could be temporarily stored in a

maintenance shop on Mt. Washington and form the foundation apparatus for the “fire extinguishment” service as well as volunteer training. Regional district staff and the Black Creek/Oyster River Fire Rescue Department would be able to provide insight and guidance with regards to selection of fire service apparatus.

Further to phase 2, the CVRD and the Mt. Washington fire chief/fire prevention officer could begin an outreach program to engage the strata owners in the discussion of a greater fire protection service located on Mt Washington. These discussions would be greatly enhanced with the experience and recommendations of the fire chief/fire prevention officer. Once the owners have been engaged, it can be expected that electoral assent may be obtained to move to phase 3, being the establishment of a regional district fire department.

Phase 3, Fire Department providing a broad range of services

With successful electoral assent, the CVRD could begin the construction of a fire hall on the property that was dedicated for this purpose, and begin the acquisition of the required fire apparatus that would culminate in a fire department for the Mount Washington area. Further to electoral assent, the fire department would become a regional district fire service and able to enjoy the benefits of organizational and administrative support as well as insurance coverage and stable funding.

The benefit of this phase would be that the public discussion and request for electoral assent would be based on the experiences and recommendations of the Mount Washington fire chief, as they apply to Mt. Washington. The community fire protection plan will originate on the mountain and reflect the unique fire protection needs of that community.

As recruitment and retention of volunteers is a concern for all volunteer fire departments, so too will it be a greater concern for the Mt Washington fire department with few fulltime residents to draw from. Staff has reviewed the experience of Sun Peaks Fire Rescue in this regard. In an effort to attract trained fire fighters as volunteers to Sun Peaks that resort has instituted a “Work Experience Program” where-by they provide free accommodations in exchange for work experience at a functioning fire station. Trained firefighters from around the country, which are waiting for a permanent posting, apply to volunteer for up to 6 months as a resume building exercise. This program has been able to provide Sun Peaks with a fire fighter force from May to November, when staff levels are at the lowest on the mountain.

Staff recognizes that the construction of a fire hall which includes sleeping quarters for several firefighters would facilitate a work experience program on Mt Washington.

ALTERNATIVES

The board may wish to consider the provision of a property protection fire response by way of contract utilizing the services of the Black Creek Oyster River Fire Rescue Department; however, legal opinion is strongly against this alternative.

The board may wish to engage the Mount Washington community directly, and work more quickly towards electoral assent for a regional district fire protection local service on Mt Washington.

Another alternative that may facilitate the provision of fire services on Mount Washington would be to explore a more holistic approach to the provision of the service to a single local service area over the greater rural CVRD.

Within the rural CVRD there are currently:

- Four rural CVRD fire departments
- Two CVRD fire protection local service areas protected by way of contract with member municipalities.
- Two improvement districts that provide fire protection directly through their own fire departments.
- Four improvement districts that provide the fire protection indirectly by way of contract.

These service providers currently provide fire protection to the populated areas along the Highway 19 and 19A corridor. Generally west of this protected corridor there are both developed and undeveloped areas that currently do not have benefit of fire protection service. An alternative may be to explore the establishment of a single CVRD rural fire service area, to coordinate and support the operating and capital funding needs of providing a rural fire service to the greater CVRD.

FINANCIAL IMPLICATIONS

The phased approach recommended by staff will initially focus the expenditure of funds by the MWRA, with minimal soft costs to be absorbed by the CVRD. These costs may include, staff time for guidance in the selection of a fire chief/fire prevention officer and initial apparatus.

The provision of a CVRD fire service based on Mt. Washington will require electoral assent. It is expected that feasibility reserve funds would be required to complete phase three of this project.

Although the final costs of implementation of phase 3 cannot be determined at this time, the feasibility study of 2003 provided a range of annual operating costs from \$382,000.00 to \$621,000.00. A fire protection plan that originates on Mt. Washington would refine these numbers.

LEGAL IMPLICATIONS

With regards to the model of provision of a property protection response, by way of contract with the CVRD, with service through the Black Creek/Oyster River Fire Rescue Department, this office has received legal opinion that “recommends strongly against doing so...” In their letter of June 26, 2009 legal counsel confirms the opinion that: “... the service contract model is very unsuitable to provide certain types of public services, particularly to individual property owners, where effective governance requires the administrative certainty of the taxation system and the force of law for effective regulation and action. Public services should be provided to the public pursuant to public governmental processes.”

INTERGOVERNMENTAL/REGIONAL IMPLICATIONS

The fire chiefs and CAOs of Courtenay, Comox, Cumberland and the CVRD agree that the best possible property protection response must originate on Mount Washington. The proposed phased approach will culminate in that goal.

The prospect of a single rural CVRD fire service may require discussions with the improvement districts that currently provide fire service, either directly or by way of contract.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS

The phased approach will initially focus on fire prevention, which creates a safer environment for the citizens of Mt. Washington.

It is expected that the phased approach will facilitate a clear and methodical discussion with the property owners, and will help avoid feelings of being rushed or pressured to support an undefined

fire service. The phased approach would provide for more detailed financial information, based on the recommendations of the Mount Washington fire chief.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS

It is expected that each branch of the CVRD will be involved to some extent in the development of a new fire service on Mt. Washington. Community services branch would assist the MWRA in the development of a fire protection plan, financial services branch would assist in the development of budgets and legislative services branch would develop the required bylaws for the provision of the service.

Submitted by:

Concurrence:

J. Bast

T. I. Smith

James Bast
Manager of Fire Services

T. Ian Smith, MCE
General Manager of Community Services

Prepared by: J Bast, manager of fire services

Attachment: letter Paul Gibson, president, Mt. Washington Alpine Resort

RECEIVED

File: 7200-01

APR 01 2009

To: APRIL COW

CC: ISMITH: DOAKMAN

March 30th, 2009.

Attn: Edwin Grieve, Area C Representative, Comox Regional District.

Sorry for the informal nature of this letter but I thought it expedient to get this to you as soon as possible.

This is a follow up to the three telephone conversations we had on Saturday March 28th, 2009 and your request to send a letter outlining the emergency we encountered that day and concerns our Resort and Community have regarding fire coverage.

Mount Washington Alpine Resort staff were first responders to a chalet fire that occurred on the morning of March 28th at approximately 7:40AM. We were very thankful that all 16 people who were renting the chalet were evacuated. One female received first-degree burns to her arm but other than that, everyone was OK. Our crew, who are not trained fire fighters, acted as good Samaritans encouraging evacuation of the building and keeping fire hoses on adjacent buildings and administering first aid.

The chalet quickly became fully engulfed in flames and emergency response from Courtenay was dispatched to assist through 911. Ambulances were on site by 8:00AM (total of 5) and Courtenay fire protection arrived by 8:40AM to conduct a rescue operation if required. When everyone was accounted for, they left the scene. RCMP and Hydro also responded.

The building was burnt to the ground.

Over the last two years, I have talked with numerous local politicians and administrators that the Mount Washington Community and the Resort needs to be better seen as a Community within the local Regional District governance model and as a recognized economic contributor within Area C. In the past, we not think this has been the case. Increased police coverage and basic fire coverage has been sited as lacking for our Community, that can have 3,000 to 4,000 people staying overnight on the weekends and 4,000 to 6,000 during the day. There are over 650 individual units in the Community separate from the Resort's physical plant and all are contributors to the local tax base and Island economy. We need RD staff commitment and your support to find a way to expand regional fire coverage to the Mount Washington area. We are aware that there are ongoing discussions concerning regional cooperation and coordination of fire response. How does this process speed up? Can this region do better with smarter allocation of what is already in place? We believe that there has been little will to address our issue other than from the Resort itself. Again, we need political and staff support.

The Resort donated land to the RD several years ago, in good faith, for the location of a future public services building. A referendum was held for a program to ensure fire coverage but was rejected by the local owners because of a flawed vote count. Those who did not vote were counted as a no. The majority of those voting were in favour on the initiative. Mount Washington Alpine Resort will pay its fair share based on assessed

value in any future initiatives to enhance fire coverage.

I am not an expert on fire coverage but common sense tells me that there needs to be a creative plan in determining regional fire coverage that ensures immediate first response in remote areas. We all need to work to ensure life and limb is protected and a more determined coordinated effort needs to be put forth by all involved.

Thank you for taking this matter up with the RD Board meeting on March 31st.

Should you need any further information please feel free to give me a call.

Peter Gibson,
President Mount Washington Alpine Resort.