



COUNCIL REPORT
Corporate Services
For the May 12, 2020 Council Meeting

DATE: May 4, 2020
TO: Paul Gipps, CAO
FROM: Tracey Batten, Deputy CAO/Corporate Officer
RE: Central Okanagan Essential Services Mutual Aid Agreement

RECOMMENDED MOTION:

THAT Council authorize the Mayor and Corporate Officer to execute the “Central Okanagan Essential Services Mutual Aid Agreement” between the City of West Kelowna and the Regional District of Central Okanagan, District of Peachland, City of Kelowna, District of Lake Country and Westbank First Nation for a period of two years commencing on the date of execution by all parties.

RATIONALE:

Minister of Public Safety and Solicitor General issued Ministerial Order M084 on March 26, 2020 requiring best efforts be used to enter into mutual aid agreements with neighbouring jurisdictions to ensure the continuity of essential services. This regional agreement meets the intention of M084.

LEGISLATIVE REQUIREMENTS:

Province of British Columbia, Order of the Minister of Public Safety and Solicitor General, *Emergency Program Act*, Ministerial Order No. M084 – Local Authorities and Essential Goods and Supplies (COVID-19) Order.

BACKGROUND:

Province of BC Ministerial Order No. M084 came into effect on March 26, 2020. Section 7 (of the Order) - Continuity of local authority services provides that:

- (1) Each local authority must use best efforts to enter into mutual aid agreements with neighbouring jurisdictions to ensure that first responder, waste water and drinking water services are maintained during the period referred to in section 2 (duration of the state of emergency).*

The purpose of the legislation is to ensure continuity of essential services to our residents during the pandemic. In order to meet the requirements of M084, the regional approach taken identifies all “Local Authorities” in the Regional District of Central Okanagan as parties to the agreement:

- Regional District of Central Okanagan
- District of Peachland
- City of West Kelowna
- City of Kelowna
- District of Lake Country
- Westbank First Nation

(M084 does not over-ride First Nations jurisdiction nor the independent authority they have. WFN is recognized as a self-governing body as provided for in the 2005 Westbank First Nation Self-governing Agreement with Canada. This agreement reflects a government to government relationship within the framework of the Canadian constitution.)

As outlined in the agreement, essential services include water, waste water and solid waste infrastructure. The agreement enables one party to request assistance from another party where the requesting party's CAO determines they have insufficient resources to maintain essential services.

The requesting party shall reimburse the responding party's costs during the emergency situation within 30 days of receipt of an invoice. Waiver and indemnification clauses are included as well as the requirement for all parties to maintain 3rd party liability insurance. The agreement is for a period of two years however any party may terminate by giving ninety days written notice.

This agreement is the result of a collaborative effort which reflects the continuing regional commitment to emergencies.

ALTERNATE MOTIONS(S):

- THAT Council postpone consideration of the Central Okanagan Essential Services Agreement and request staff to bring back additional information.

REVIEWED AND APPROVED BY:

Paul Gipps, CAO

Powerpoint: Yes ☐ No ☒

Attachments:
Central Okanagan Essential Services Agreement