

Report

Date October 2, 2024 File: 7200-30
Subject Fire Protection Services Agreements with Halalt First Nation, Penelakut Tribe, and Stz'uminus First Nation

PURPOSE

To consider the 2024 Fire Protection Services Agreements to provide fire protection services for Halalt First Nation, Penelakut Tribe, and Stz'uminus First Nation.

BACKGROUND

On December 18, 2019, North Cowichan Council passed a resolution authorizing the Mayor and Corporate Officer to sign agreements to provide fire protection for Cowichan Tribes, Halalt First Nation, Penelakut Tribe, and Stz'uminus First Nation, generally in the form attached to the [December 18, 2019, Regular Council meeting agenda](#).

Following North Cowichan's approval of the 2019 Fire Protection Services Agreements, the agreements were forwarded to all First Nations for signature. With staffing changes and the COVID pandemic, the agreement was never signed by Cowichan Tribes, Penelakut Tribe, or Halalt First Nation; only Stz'uminus First Nation executed the 2019 agreement. North Cowichan continued to provide fire protection services to these local First Nations, who, in turn, continued to pay for these services.

In 2023, at the request of Cowichan Tribes, Cowichan Tribes' Emergency Services Manager and North Cowichan's Fire Chief reviewed the contract language. They found that some of the language in the 2019 agreement imposed authority where cooperation was preferred. North Cowichan Council authorized the Fire Services Agreement with Cowichan Tribes at the [April 19, 2023, Regular Council meeting](#). The proposed 2024 Fire Protection Services Agreements for Halalt First Nation, Penelakut Tribe, and Stz'uminus First Nation (Attachments 1, 2 and 3) are modelled after the approved 2023 Agreement with Cowichan Tribes.

DISCUSSION

North Cowichan provides fire protection services on Stz'uminus and Cowichan Tribes' lands and has continued to provide fire protection services on Halalt First Nation and Penelakut Tribe lands despite the 2019 agreements not being formally executed by these parties. There is language in the 2019 agreement that has been updated in the proposed 2024 agreement. For example, the 2019 agreement requires service with the approval of the "Fire Inspector," which has not been the case for years.

Another update is the ability to renew the five-year 2024 agreement for further five-year renewal terms by written agreement of both parties, on the same terms and conditions, with changes to the annual fees. The new agreement language also provides for service that is equal to the service provided for North Cowichan residents, and there are updates that allow Halalt First Nation, Penelakut Tribe, and Stz'uminus First Nation to pay for services outside of what is in the agreement at their expense over and above what North Cowichan can provide. Examples would be hazardous materials costs, wildland helicopters,

equipment, or any other specialty process we can foresee through the onsite consultation process. Stz'uminus First Nation requested an initial one-year agreement so they can look into additional services they may want North Cowichan to provide.

OPTIONS

1. **(Recommended Option)** THAT Council authorize the Mayor and Corporate Officer to sign the 2024 Fire Protection Services Agreements between the Municipality of North Cowichan and Halalt First Nation, Penelakut Tribe, and Stz'uminus First Nation, generally in the form attached as Attachments 1, 2 and 3 to the Fire Chief's report dated October 2, 2024.
2. THAT Council refer the 2024 Fire Protection Services Agreements to the Committee of the Whole for further review and recommendation on whether to approve the agreement or to provide direction to staff for additional changes to be made to the agreements.

IMPLICATIONS

North Cowichan's legal counsel has reviewed the proposed 2024 agreement, and it accurately reflects the current expectations of both parties for Fire Protection Services.

RECOMMENDATION

THAT Council authorize the Mayor and Corporate Officer to sign the 2024 Fire Protection Services Agreements between the Municipality of North Cowichan and Halalt First Nation, Penelakut Tribe, and Stz'uminus First Nation, generally in the form attached as Attachments 1, 2, and 3 to the Fire Chief's report dated October 2, 2024.

Report prepared by:



Ron French
Fire Chief

Approved to be forwarded to Council:



Ted Swabey
Chief Administrative Officer

Attachments:

- (1) Halalt First Nation 2024 Fire Protection Services Agreement
- (2) Penelakut Tribe 2024 Fire Protection Services Agreement
- (3) Stz'uminus First Nation 2024 Fire Protection Services Agreement