



Regional Board Report

TO: Regional Board

FROM: Brian Reardon, CAO

DATE: April 15, 2020

SUBJECT: Ministerial Order 7 – Continuity of Local Authority Services

Voting Entitlement: All Directors – Weighted Corporate Vote – Simple Majority – LGA s. 210

Purpose: To seek Board approval to enter an essential services agreement that provides mutual aid for drinking water, waste water treatment, and solid waste management services between all jurisdictions in the Central Okanagan.

Executive Summary:

On March 26th, 2020 the Minister of Public Safety and Solicitor General issued Ministerial Order M084 declaring that local authorities must exercise “best efforts” to enter into Assistance agreements with neighbouring jurisdictions to ensure continuity of essential services during the COVID-19 pandemic, and in particular to ensure that wastewater and drinking water services are maintained.

Regional District engineering and corporate services staff have been collaborating with their Municipal and First Nations counterparts to understand what would be needed if such an agreement was put in place. We are fortunate to have similar processes and technology in the Central Okanagan that would allow us to operationalize this initiative subject to receiving a brief, intensive orientation session and thereafter being supported by junior operators from that plant.

The Central Okanagan Essential Services Agreement attached to this report has been reviewed and endorsed by the Central Okanagan CAO Committee. If approved by the Board, it will meet our legislative obligations associated with Ministerial Order M084.

RECOMMENDATION:

THAT the Board approve the Central Okanagan Essential Services Agreement and authorize the Regional Board Chair and CAO to execute this agreement on behalf of the Regional District.

Respectfully Submitted:

A handwritten signature in black ink that reads "Brian Reardon".

Brian Reardon, CAO

Background:

On March 26th, 2020 the Minister of Public Safety and Solicitor General issued Ministerial Order M084 declaring that local authorities must exercise “best efforts” to enter into Assistance agreements with neighbouring jurisdictions to ensure continuity of essential services during the COVID-19 pandemic, and in particular to ensure that wastewater and drinking water services are maintained.

A regional approach has been taken in identifying all of the “Local Authorities” in the Central Okanagan:

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

It should be noted that Ministerial Order M084 does not over-ride First Nations jurisdiction nor the independent authority they have. For clarity, Westbank First Nation 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.

The order refers to **critical services** that are identified by the Local Authority, usually through their business continuity plan. Critical services for business continuity purposes, are defined as those functions and processes that, should they not be performed, could lead to loss of life or injury, personal hardship to citizens, damage to the environment, or significant loss of revenue or assets. This includes services that should it not be performed, could lead to the loss of a major service delivery function.

For the Regional District of Central Okanagan these critical services include:

1. Drinking water source control, treatment and conveyance to its customers;
2. Waste water trunk main collection, treatment and disposal service to its customers; and
3. Solid Waste Management recycling, collection, and disposal services.

Regional District engineering and corporate services staff have been collaborating with their Municipal and First Nations counterparts to understand what would be needed if an “Assistance Agreement” was put in place. We are fortunate to have similar processes and technology in the Central Okanagan that would allow us to operationalize this initiative subject to:

- receiving a brief, intensive orientation session, and
- thereafter being supported by junior operators from that plant

A draft “Central Okanagan Essential Services Agreement” has been presented to and approved by the Central Okanagan CAO Committee after conferring with EMBC regarding the cost recovery provisions.

Financial Considerations:

The “*Central Okanagan Essential Services Agreement*” is a hybrid mutual aid agreement with cost recovery provisions for the Responding Party coming from the Requesting Party who then remits a claim through EMBC for eligible costs. It is intended to be cost neutral for both parties while mitigating the risks of a critical systems shutdown due to COVID-19.

Organizational Issues:

From a business continuity perspective, the investment into this hybrid mutual aid agreement will pay off with dividends should one of our regional partners’ critical services succumb to COVID-19 and require assistance. Much like the Regional Emergency Operations Centre model, we are stronger and more resilient as a region by supporting one another.

Safety concerns with potable water and environmental concerns associated with waste water treatment and disposal are two obvious essential services provided directly by RDCO employees. Solid waste management, recycling and garbage collection are deemed to be essential services due to potential environmental concerns.

External Implications:

This “*Essential Services Agreement*” is yet another example of regional collaboration and cooperation amongst its members and will strengthen our working relationships going forward.

Alternative Recommendation:

The purpose of the report is to exercise “*best efforts*” to enter into Assistance Agreements with neighbouring jurisdictions to ensure continuity of essential services during the COVID-19 pandemic. It is also intended to bring us into compliance with Ministerial Order 7 – Continuity of Local Authority Services declared by the Province on March 26th, 2020.

Accordingly, staff do have an alternate recommendation at this time.

Attachment(s): Central Okanagan Essential Services Agreement