



RESORT MUNICIPALITY OF WHISTLER

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STAFF REPORT TO COUNCIL

PRESENTED: November 21, 2023 **REPORT:** 23-115
FROM: Legislative Services **FILE:** 3900-20-2421
SUBJECT: MUTUAL AID AGREEMENT REPEALING BYLAW NO. 2421, 2023

RECOMMENDATION FROM THE CHIEF ADMINISTRATIVE OFFICER

That the recommendation of the General Manager of Corporate Services and Public Safety be endorsed.

RECOMMENDATION(S)

That Council consider giving “Mutual Aid Agreement Repealing Bylaw No. 2421, 2023” first, second and third readings.

PURPOSE OF REPORT

This report seeks consideration of the first three readings of “Mutual Aid Agreement Repealing Bylaw No. 2421, 2023,” (Repealing Bylaw) a bylaw to repeal the following bylaws for the purposes discussed below:

- “Highway 99 Rescue Mutual Aid Agreement Bylaw No. 1226, 1996” (Highway 99 Bylaw) attached as Appendix A;
- “Fire Service Dispatch Agreement Bylaw No. 1578, 2002” (Fire Dispatch Bylaw) attached as Appendix B;
- “Garibaldi Mutual Aid Agreement Bylaw No. 1630, 2003” (Garibaldi Mutual Aid Bylaw) attached as Appendix C; and
- “Squamish Mutual Aid Agreement Bylaw No. 1666, 2004” (Squamish Mutual Aid Bylaw) attached as Appendix D.
(Collectively, the Old MAAs)

Information Report

Administrative Report (Decision or Direction)

DISCUSSION

Background

For many years, the Resort Municipality of Whistler (RMOW) entered into mutual aid agreements (MAA) with neighbouring municipalities and regional districts to provide and receive fire response aid

when local services were insufficient. Historically, the RMOW relied on the *Municipal Act* and then its amendment, the *Local Government Act* (LGA), to execute MAAs. Previous legislative requirements mandated that a bylaw pertaining to a proposed MAA had to be adopted before the municipality could execute the MAA with participating municipalities.

Past RMOW practice for MAAs typically involved term contracts lasting five years. After each term had ended, the RMOW would adopt a new bylaw that repealed and replaced the previous MAA bylaw, and then enter a new five-year term contract with neighbouring municipalities.

During the term of the Old MAAs, legislative changes were made that streamlined the MAA process by removing the requirement of drafting a new bylaw each time Whistler Fire Rescue Services (WFRS) needed to execute a new MAA. In 2003, the sections of the LGA that required an MAA bylaw were repealed and the sections that spoke to MAAs were now found in the *Community Charter* (CC). The CC does not require municipalities to adopt bylaws before entering into MAAs. Following the new requirements, WFRS correctly entered into three new MAAs without drafting corresponding bylaws (the Garibaldi Mutual Aid Agreement, Squamish Mutual Aid Agreement, and Pemberton Mutual Aid Agreement).

As a result of the change in legislation, there are now four active bylaws that allow the RMOW to enter into MAAs contracts that have long since expired. As a result, the Old MAA Bylaws are no longer aligned with our current MAAs.

Analysis

Section 137 of the CC grants the RMOW the power to repeal a bylaw. To repeal a bylaw, the RMOW has to either amend the existing bylaw to include an end date or create a new bylaw that would repeal the bylaw. The current structure of the CC does not require corresponding bylaws for MAAs.

The Fire Dispatch Bylaw, Garibaldi Mutual Aid Bylaw and Squamish Mutual Aid Bylaw are all agreements that have subsequently been replaced in 2010 by new MAAs with no termination date. The new MAAs are substantially similar to the MMAs included in the Old MAA Bylaws, but no longer require the Bylaw framework as described above. The Highway 99 Bylaw is an older bylaw with a five-year term that was not replaced and has not been repealed and speaks to services such as “Road Rescue” outside municipal boundaries are now under the jurisdiction of the Provincial Emergency Road Rescue Program. The Garibaldi Mutual Aid Agreement is attached as Appendix E as an example of an MAA currently in force.

This Repealing Bylaw is a housekeeping bylaw that will collectively repeal the Old MAA Bylaws which no longer align with the current legislative requirements and MAAs.

POLICY CONSIDERATIONS

Relevant Council Authority/Previous Decisions

Section 137 of the CC grants the RMOW the authority to repeal bylaws through either amending the original bylaw or through a new bylaw.

Highway 99 Mutual Aid Bylaw attached as Appendix A.

Fire Dispatch Bylaw attached as Appendix B.

Garibaldi Mutual Aid Bylaw attached as Appendix C.

Squamish Mutual Aid Bylaw attached as Appendix D.

2023-2026 Strategic Plan

The 2023-2026 Strategic Plan outlines the high-level direction of the RMOW to help shape community progress during this term of Council. The Strategic Plan contains four priority areas with various associated initiatives that support them. This section identifies how this report links to the Strategic Plan.

Strategic Priorities

Housing

Expedite the delivery of and longer-term planning for employee housing

Climate Action

Mobilize municipal resources toward the implementation of the Big Moves Climate Action Plan

Community Engagement

Strive to connect locals to each other and to the RMOW

Smart Tourism

Preserve and protect Whistler's unique culture, natural assets and infrastructure

Not Applicable

Aligns with core municipal work that falls outside the strategic priorities but improves, maintains, updates and/or protects existing and essential community infrastructure or programs

Community Vision and Official Community Plan

The Official Community Plan (OCP) is the RMOW's most important guiding document that sets the community vision and long-term community direction. This section identifies how this report applies to the OCP.

The Repealing Bylaw serves to ensure that current MAAs reflect current legislative requirements and the RMOW's MAA Bylaws that do not align with current MAAs.

BUDGET CONSIDERATIONS

There are no budget considerations.

LÍ'WAT NATION & SQUAMISH NATION CONSIDERATIONS

The RMOW is committed to working with the Líl'wat People, known in their language as *L'il'wat7úl* and the Squamish People, known in their language as the *Skwxwú7mesh Úxwumixw* to: create an enduring relationship; establish collaborative processes for Crown land planning; achieve mutual objectives; and enable participation in Whistler's resort economy.

There are no specific considerations to include in this report.

COMMUNITY ENGAGEMENT

Level of community engagement commitment for this project:

Inform Consult Involve Collaborate Empower

Comment(s):

No public engagement is required to adopt the Repealing Bylaw.

REFERENCES

“Mutual Aid Agreement Repealing Bylaw No. 2421, 2023” (Included in Council Package)

Appendix A – “Highway 99 Rescue Mutual Aid Agreement Bylaw No. 1226, 1996”

Appendix B – “Fire Service Dispatch Agreement Bylaw No. 1578, 2002”

Appendix C – “Garibaldi Mutual Aid Agreement Bylaw No. 1630, 2003”

Appendix D – “Squamish Mutual Aid Agreement Bylaw No. 1666, 2004”

Appendix E – Garibaldi Mutual Aid Agreement, signed 2010

SUMMARY

Staff recommends that Council provide first, second and third readings of the “Mutual Aid Agreement Repealing Bylaw No. 2421, 2023” to repeal the Old MAA Bylaws that reference outdated contracts, in order align the RMOW with the current legislative framework.

SIGN-OFFS

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