

My name is Andrew Fall, and I have agreed to present on behalf of the Lasqueti delegation. We made the journey today to present, face-to-face, a compelling case for you to grant the delegation request that you received. Joining me are a broad cross-section of Lasquetians, including a past Fire Chief, an emergency response dispatcher, and First Responders.

A decade ago, I was a municipal councillor in Highlands, near Victoria. I am an adjunct professor in Resource and Environmental Management at SFU. My consulting firm has been involved in resource management projects across the province, with government, First Nations, industry, and others. I spent many years working on the Great Bear Rainforest land-use planning process.

I understand the meaning and importance of consultation.

1. What is consultation?

While there are many variations on the meaning, they all share one thing in common: consultation occurs *before* a decision is made. There are Supreme Court cases that hinge on the meaning of consultation regarding duty to consult with First Nations. Consultation may take many forms, but *must* take place in a context in which there is a real opportunity that input may affect the decision.

Public consultation has not occurred in the process to date on the establishment of 911 and house numbering services on Lasqueti. The public was not even aware of this process until the public meeting on Feb 13, after the establishing bylaws had passed third readings, even after they had been approved by the Inspector of Municipalities. The Feb 13 meeting simply notified people of what had been decided, and did not seek input on a decision to be made. How can consent be given for services on behalf of our electoral area before Lasqueti residents were even aware that these services were being contemplated?

We can understand somewhat how the process may have proceeded up to that meeting. We can accept that the Board felt that they were establishing a service to help better protect Lasqueti residents; that you were thinking about our best interests. However, we *can neither understand nor accept* the responses and actions of the district once it became clear that Lasqueti residents demanded their rights to be consulted before decisions are made that affect them, as occurred in when establishing the house numbering service on Texada. Perhaps we were incorrect in our assumption that a petition with over 25% of the residents in just two days would be enough to convince the region that they had taken the wrong path, and that they had to get back on a path that would allow meaningful public input. We appreciate the few weeks that were granted, but here we are at the decision point. The question is, is the Board willing to take corrective steps?

At this point, this delegation is requesting the *smallest change* in process that would enable public input. We are only asking:

(We ask) that the Board postpone the decision on final adoption of Bylaws 317.1 and 350.1 for 1 year, until after a public process that includes consultation has occurred on Lasqueti. Please do not vote in favour of final adoption of these bylaws at the March board meeting.

Because funds cannot be requisitioned for a service before its establishing bylaws have been fully adopted, our request implies that the budget for this fiscal year *must not* include funds for these services on Lasqueti.

There is no compelling reason to not grant our request, especially given that regardless, the LVFD will require the use of an interim paging system.

If there is a liability risk caused by the PRRD not doing things properly, how can it be solved with a process that is not done properly? A proper open process, moving towards improved and compatible communications systems on Lasqueti seems to be the best way to minimize liability risk. Granting the postponement request is *not* taking a step backwards. It would be taking a first step *forward* towards finding a solid solution for emergency communications on Lasqueti that cooperatively meets the interests of the public, the Lasqueti Fire Department and the Regional District.

I ask you to consider something: One year is not very long. There is no established 911 tower location, and consultation on Texada should occur to avoid the same concerns being raised by Lasqueti. Training on new communications protocols and operations will take time. A report on page 86 of your agenda states “the extension of NI911 and House Numbering services for Electoral Area E will take some time to elaborate.” One year passes very quickly. And yet, granting one year would fundamentally transform this service establishment process from the present path that is undermining *public trust* in the Regional District, to one of cooperation, mutual respect and trust building.

2. Level of support

There seems to be some misunderstanding of the level of support for this delegation request. We can unequivocally state that the level of support is overwhelming, and spans the spectrum of our diverse community.

To back this claim, I have some statistics for you. Concerned residents gave a petition to our director, that the Board received some weeks ago. This petition had 107 signatures in just a few days. That represents *over 25%* of the Lasqueti census population of 426. Even though PRRD chose to call this petition invalid, we can assure you that the people who signed it do not agree. A non-binding petition is neither valid nor invalid – it simply represents a level of public support for an issue. How do you think the 12 year old, and only minor as far as we know, who signed

feels? She was learning about how to engage with the political process. She now feels that her voice doesn't count.

More recently, an informal poll was conducted, asking if people agreed with a request for the Board to postpone the decision on the bylaws. There were over 100 responses, and over 90% agreed. I believe that results were given to our regional director last week prior to the March 12 Committee of the Whole meeting.

Part of the poll involved random phone calls. About 30% of the people contacted had signed the petition. This is about the level one would expect from a random sample, since the petition had over 25% of the residents on it, and many people are away in winter. But here is the important part: the level of support for postponement in the set of people who had not signed the petition was *still over 90%*. Together, the petition and poll represent about 40% of the Lasqueti population.

These results indicate widespread support for the delegation request. Support is just as high among people who do not get active in political issues, as with those who have been active. This informal poll was done by a young resident who wanted to be sure that the community really did support the delegation request. If the Board has any doubts that the level of support behind this delegation is not overwhelming, we suggest that steps be taken to obtain your own objective results, such as a formal survey.

3. What is the role of a Regional District?

Lack of consultation is only a symptom of the problems with this process. These problems reach much deeper, to the heart of what Regional Districts are all about. According to the provincial "Primer on Regional Districts in B.C.", six basic principles underlie Regional Districts. Two of these are particularly relevant.

(a) Regional Districts are voluntary organizations: unless mandated in provincial statute, services should only be provided that their residents want.

(b) Regional Districts are consensual: they should only provide the services that the public agrees they should provide.

Put another way, services should not be imposed against the wishes of a community. Regional Districts were designed as service providers, not service imposers.

We believe that the Board directors understand this. This delegation is not asking you to move backwards on emergency communications for Lasqueti. We are asking you to take a different, and more appropriate path forward. A path that is more consistent with a process that you know is more appropriate.

If you feel that you must vote a certain way, we would ask that you consider what this means for the democratic process and the principles that underlie RDs.

4. Decisions by the Regional District should be based on documentation

One of the foundations of decision-making is documentation. Documentation forms the public record. It records the need for change, as well as research on alternatives and the rationale behind recommendations. It records decisions and actions. Documented history should not be ignored, and we should be wary of undocumented or last-minute rationales for change.

5. Role of documented rationale for change

The documented origin of this situation is the discontinuation of the Telus pager service at the end of March, 2015. This has been the *only* publicly documented rationale that a change is needed for emergency communications on Lasqueti. Telus formally notified PRRD last June. Documented meeting agendas, minutes, and staff reports since then, as well as the notice for the Feb 13 public meeting, consistently state that the reason for the proposed change is because the Telus pager service is being discontinued.

The 2012 Regional Fire Services Review, as a *Regional Service Review*, should form the basis for discussions about needs and priorities for improvements to the Fire Service. The 2012 Fire Services Review did not mention any risk related to dispatch on Lasqueti, even though the report describes the Telus-based pager system. There was no mention of the need to shift to 911, or risks of continuing with the same system.

One other document has taken a role in this decision process. The 2005 Bylaw 391 that established the Lasqueti Island Volunteer Fire Department. Our regional director and PRRD CAO very recently raised questions regarding this bylaw, in particular, concerning the following item from a list of administrative responsibilities of the Fire Department:

"Preparation of specifications for new communication systems and additions to existing communication systems which are compatible with NI911 dispatch services."

Comments by our regional director and the PRRD CAO suggest that this item is driving the process towards 911, and could represent some level of liability risk.

I asked long-time former Fire Chief Ross Thompson about this item. Mr. Thompson became Fire Chief about the time that Bylaw 391 was adopted, and was Chief during the 2012 Fire Services Review. Mr. Thompson is and was well aware of the responsibilities of the Fire Chief, including those listed in Schedule D of Bylaw 391. He takes his responsibilities seriously. He told me that improvements to communications systems compatible with NI911 dispatch services has been ongoing in the Fire Department.

What does “compatible” mean? According to Oxford Dictionary, compatible means "being able to exist or occur together without problems or conflict". The Merriam-Webster Dictionary adds to this "being able to be used together". For communications systems, this would likely mean that some level of communication can occur between the two systems. It does not mean that the two systems must be identical.

In the context of the 2005 bylaw, to be compatible requires the ability for some level of communication between LIVFD and the NI911 system. Mr. Thompson said “Please be informed that NI911 and LIVFD both operate in a common radio frequency spectrum (VHF). All LIVFD radios have the capacity to accept the NI911 frequencies in use for VHF paging and VHF radio voice operations. If this were not the case, considerable additional radio expenses would need to be undertaken.” To put it simply: this item has been addressed, and is ongoing. This is why the above item was not raised as an outstanding issue during the 2012 Regional Fire Services Review.

Furthermore, recent purchase of more VHF radios by the current Fire Chief continues along this path of compatibility.

Raising this issue in Bylaw 391 as the motivation to rush adoption of the 911 bylaws, with no documentation, is unfounded and unfair to our current and past Fire Chiefs. As an officer of the PRRD, concerns regarding obligations are best addressed through communications with the current and former Fire Chiefs to give them an opportunity to explain how the item has been fulfilled or to take action to address the item. It is not appropriate to publicly imply that they have not fulfilled their obligations.

Moreover, if the Board still has concerns about this item from Bylaw 391, a more efficient and appropriate course of action would be to simply remove this item from that bylaw.

6. Documentation and due diligence

The Board should avoid basing decisions on undocumented rationale. The Board should be equally cautious of making decisions when relevant documentation is missing. Due diligence requires all significant and relevant information to be taken into consideration.

Bylaws 317.1 and 350.1 received the first 3 readings at the Dec 17, 2014 Board meeting. The 3rd reading of Bylaw 350.1 was rescinded and re-read at the Jan 22, 2015 Board meeting. We want to note some important items that were not included in the agenda material before the Board for these decisions:

- (a) Bylaws *317.1* and *350.1* respectfully refer to and amend the original service establishment bylaws *317* and *350*. When making changes to a service establishing bylaw, it seems important that the bylaw being changed is included in the decision process. Otherwise, the

amendments are a bit like blind surgery. Establishing or expanding a service is not a frequent process. It seems prudent that all information about a service should be before the Board when establishing a service.

- (b) A second important item that was not included in the decision process is the Regional District Service Withdrawal Regulation 398/2000. This provincial regulation eliminates the option for a participating area to withdraw from 4 specific regional services. One of these services is emergency telephone systems, including 911. A service that has *no option for withdrawal* warrants extra care during establishment to be sure that all of the affected people understand and accept the implications of what it means to join this service. It is unconscionable that a service with no option to withdraw would be imposed upon an unwilling and uninformed public, with no consultation and without being told that there is no option to withdraw. This problem is made worse if the Board makes a decision without having the information in this one-page regulation before them.
- (c) One other important item has been missing from the start of this process: options. There does not appear to be a report on alternatives researched, other than NI911. Recent local testing of Rogers pagers indicated a level of service comparable to Telus. If the public is to understand the qualities that the NI911 system offers, comparison of options is essential, as suggested in the provincial brochure “Regional Service Reviews: an Introduction”.

I note the report on the 911 service in today’s agenda. As new information not previously provided to the Board or to the public, this documentation would appropriately be part of the inclusive process that the delegation requests. It is certainly not appropriate for the board to consider new information at the last minute, after the bylaws have passed 3rd readings, as a basis to rush adoption of the service bylaws. That report states “Extending NI 911 fire dispatch and house numbering services to Lasqueti *were not identified as 2014 strategic priorities*”. It makes sense to add exploring these services and other emergency communications options for Lasqueti in the 2015 strategic priorities. This report demonstrates that more information should have been considered before 3rd readings of the bylaws, and hence supports our postponement request.

7. Legal opinion

There is one new document that the public was made privy to just two days ago – the legal opinion. We thank the Board for releasing this legal opinion, in which the lawyer addressed three questions. Our understanding of the responses to these questions will be addressed in reverse order.

- (c) Who will be liable if the LVFD is negligent in implementing a dispatch service?

The legal opinion was unsurprising: the PRRD is liable for negligence if bylaws are broken by their regional service operations. What isn't so obvious is whether or not bylaw 391, which established LVFD, is or will be broken.

(b) Can the Board prescribe a different standard of dispatch?

The answer states clearly that "the board may prescribe or allow different dispatch services", or "allow the Fire Chief to choose a different type of dispatch service". This can be done by amending Bylaw 391, which would seem to be a logical remedy if that item is a perceived source of liability risk.

(a) What is the minimum dispatch service the LVFD must provide?

The legal opinion states that "the minimum dispatch service required by the LVFD is very likely a 911 service", but this seems to contradict a later statement "In the case of volunteer fire departments, there is no minimum level of service provision." The legal opinion goes on to state "The writers were unable to identify any statute or regulation that prescribes a level of dispatch service", and further "The B.C. Court of Appeal has found that the duty of care for a volunteer fire department and its members is that "with the resources available to them, they will do their best to put the fire out."" and "the Court will not interfere with the level of service prescribed by the Board so long as the decision is reasonable". In other words, the NI911 service is not a requirement.

To put this in the context of our delegation request, we want to be clear that this delegation is neither for nor against the 911 service. We are for proper public process for establishing regional services. There is nothing in the legal opinion that gives any indication that postponing the decision to adopt the 911 bylaws poses any legal risk.

In fact, to the contrary, this legal opinion states "our advice can be that the Board may consider alternative dispatch services." Clearly, the legal opinion supports the request for an opportunity to compare options, one of which would be NI911.

8. In summary

- support for our request is overwhelming
- the documented record provides a compelling case to support the delegation request, which will enable time for the Board to consider relevant documents that have not been previously considered
- the Lasqueti Fire Department has ordered Rogers pagers and communicated that these will provide an acceptable interim communications service for our dispatch for the fiscal year 2015/2016
- the legal opinion does not suggest any risk associated with postponing this decision, and in fact the lawyer advises "that the Board may consider alternative dispatch services"

In short, there are several compelling reasons to grant our request, and no compelling reasons to not grant it. It is important for the Board to consider recommendations from the affected public.

I would like to leave you with two questions that I hope you will discuss with the delegation representatives present.

Question 1: Is 1 year really asking so much, especially when it would allow a proper process that would start to restore public trust in the district, and that may work to cooperatively satisfy all interests?

Question 2: If the board postpones the decision to adopt these bylaws, and moves forward cooperatively with the Lasqueti community, how can it be said that the PRRD is not acting to improve emergency communications for Lasqueti?

Please postpone the decision on adoption of bylaws 317.1 and 350.1, which implies also that funds for these services currently included on page 107 of your agenda must not be included in the current financial plan.

Thank you for listening.