

RURAL MUNICIPALITY OF LAC DU BONNET

FIRE DEPARTMENT

BY-LAW NO.25-13

BEING a by-law of the RM of Lac du Bonnet to enter into an agreement with the Town of Lac du Bonnet providing for fire protection services, and to repeal RM of Lac du Bonnet By-law 13-95;

WHEREAS Section 264 of The Municipal Act provides that; every municipality must provide fire protection services within its boundaries to reduce the danger of fire, which may include education programs, inspections of property, the installation of alarms, instructions on fighting fires, the provision of firefighting equipment and a fire protection force;

AND WHEREAS Section 265 of The Municipal Act provides that; Fire protection services may be provided by a fire protection force comprised wholly or partly of volunteers;

AND WHEREAS Section 266 of the Municipal Act provides that; For the purpose of providing fire protection services, a municipality may enter into an agreement with a person, another municipality or an agency or department of the Government of Manitoba or the Government of Canada.

AND WHEREAS it is deemed necessary and expedient that an agreement is entered into between the RM of Lac du Bonnet and the Town of Lac du Bonnet to provide for the joint operation of the Lac du Bonnet Fire Department:

NOW THEREFORE the Council of the RM of Lac du Bonnet, duly assembled in open Council, doth enact as follows:

1. THAT the RM of Lac du Bonnet enters into an agreement with the Town of Lac du Bonnet in the form and substance attached hereto as Schedule "A" to this By-Law.
2. THAT the proper officers of the RM of Lac du Bonnet are hereby authorized, directed and empowered to execute the subject agreement in the normal manner and to place thereon the seal of the RM.
3. THAT this by-law shall come into force and take effect as of January 1, 2014.
4. THAT By-law No. 13-95 be hereby repealed, effective January 1, 2014.

DONE, PASSED AND ENACTED in Council duly assembled in the Council Chambers of the RM of Lac du Bonnet, in the province of Manitoba, this 12 day of November 2013.


Gus Wruck, Reeve


Tannis Lodge, Chief Administrative Officer

READ A FIRST TIME: October 22, 2013
READ A SECOND TIME: November 12, 2013
READ A THIRD TIME: November 12, 2013

Resolution # 2013 1150
Resolution #2013 1175
Resolution #2013 1176

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THIS AGREEMENT, made in duplicate, this 12 day of November A.D. 2013

BETWEEN: THE RURAL MUNICIPALITY OF LAC DU BONNET
(Hereinafter called the "RM")
Of the first part

-and-

THE TOWN OF LAC DU BONNET
(Hereinafter called the "Town")

Of the second part

WHEREAS both the Town and the RM have jointly established and equipped the Lac du Bonnet Fire Department (hereinafter called the "Fire Department") for the purpose of providing fire protection and firefighting services;

AND WHEREAS the said Fire Department has provided such fire protection and services, by arrangement of the parties hereto, to both the Town and RM;

AND WHEREAS the parties hereto desire to continue to jointly operate the said Fire Department to provide the said protection and services;

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the mutual covenants and provisos herein contained, the parties hereby agree as follows:

1. THAT all equipment, apparatus and facilities provided for the Fire Department shall belong to and constitute part of the Fire Department.
2. THAT the Fire Department shall be equipped with such apparatus and equipment as may be required from time to time to maintain its efficiency and to properly protect life and property from fire.
3. THAT all equipment and apparatus of the Fire Department shall be safely and conveniently housed in such places as may be designated by the Councils. Such places shall be heated during the winter season.
4. THAT the Fire Department Hall is an asset belonging equally to both the Town of Lac du Bonnet and the Rural Municipality of Lac du Bonnet and that under the Tangible Capital Asset (TCA) definition a repair extends the life expectancy of the facility; the costs of such a TCA repair shall be shared by both parties.
5. THAT all maintenance of the Fire Department Hall is provided by the Fire Department.
6. THAT suitable arrangements and equipment shall be provided for citizens to turn in an alarm and for notifying all members of the Fire Department so that they may promptly respond.

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7. a) THAT effective January 1, 2014, expenditures and revenues regarding the provision of fire protection and firefighting services shall be apportioned to the RM and Town on a 5 (five) year ratio as follows:

i) Town Firefighting Ratio Equation

Town census population
(Town census population + RM census population)
= Town population ratio

Town census dwellings
(Town census dwellings + RM census dwellings)
= Town dwellings ratio

5 year total of Town firefighting hours
(5 year total Town firefights hours + 5 year total RM firefights hours)
= Town firefighting hours ratio

(Town population ratio + Town dwellings ratio + Town firefighting ratio)
Divided by 3
= Town firefighting ratio

ii) RM Firefighting Ratio Equation

RM census population
(Town census population + RM census population)
= RM population ratio

RM census dwellings
(Town census dwellings + RM census dwellings)
= RM dwellings ratio

5 year total of RM firefighting hours
(5 year total Town firefights hours + 5 year total RM firefights hours)
= RM firefighting hours ratio

(RM population ratio + RM firefights hours ratio + RM dwellings ratio)
Divided by 3
= RM firefighting ratio

b) all operating, maintenance, wages & training costs shall be cost shared on the same basis as specified in 7a) i) & ii);

c) all apparatus, equipment and facilities, with the exception of the Hall, required by the Fire Department, the expenditures for which have been approved by both Councils, shall be cost shared on the same basis as specified in 7a) i) & ii) or as otherwise agreed through a resolution passed by both Councils;

d) all actual expenditures incurred as a result of providing firefighting services, apparatus and facilities belonging to the Fire Department, shall be cost shared on the same basis as specified in 7a) i) & ii);

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- e) all revenues including insurance and retainer fees received as a receipt of providing firefighting services shall be cost shared on the same basis as specified in 7a) i) & ii).
8. THAT the RM of Lac du Bonnet shall administer all financial aspects of the operation of the Fire Department and shall:
- a) bill the Town for its portion of the expenditures, as provided herein, on a quarterly basis;
 - b) authorize the Fire Department to make the necessary purchases for the Fire Department. All invoices must be approved and initialed by the Fire Chief or his designate. Items under One Thousand (\$1,000.00) dollars which have been included in the budget shall be made at the request of the Fire Chief or other officers of the Fire Department. All purchases over One Thousand (\$1,000.00) dollars shall be made on a tendered basis, unless otherwise agreed to by both Councils, as per specifications provided by the Fire Chief. The determination of acceptance of any tender shall be made by either both Councils or by persons designated by the Councils. *"Purchases" shall include fire extinguishers, smoke detectors and other related items, the sale of which are to be handled through either of the officials of the Town or RM;*
 - c) incur emergency or incidental expenditures only with at least the consent of the Councillors appointed as representatives to the Fire Department;
 - d) submit financial statements of revenue and expense to the Fire Department and both Councils a minimum of twice yearly;
 - e) prepare, submit and collect all accounts receivable pertaining to the Fire Department. Where applicable, the charges and revenues shall be apportioned between the Town and the RM as per 7a) i) & ii);
 - f) make payments regarding remuneration to members of the Fire Department, based on information submitted by the Fire Chief, on a monthly basis.
9. THAT a Fire Department Committee shall be established on the following basis:
- a) two Councillors to be appointed by the Town Council, two Councillors to be appointed by the RM Council, and two members to be designated by the Fire Department;
 - b) the duties and responsibilities of the Fire Department Committee shall be as follows:
 - i) on or before February 1 of each year provide and make recommendations on an annual budget and update the five (5) year plan for the Fire Department to both Councils; budgets to be approved via resolution of both Councils;
 - ii) to prepare and review tenders for purchases in excess of One Thousand (\$1,000.00) dollars and to make recommendations regarding same to both Councils;

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- iii) to make recommendations to both Councils regarding rates to be charged for firefighting services, where applicable;
 - iv) to maintain a written record of all meetings; and submit same to both Councils; and
 - v) to make all recommendations in writing.
- c) the Council representatives on the Fire Department Committee shall also attend Fire Department meetings when deemed necessary and shall act as a liaison between their respective Councils and the Fire Department.
10. THAT the Reeve and Mayor shall be ex-officio representatives on the Fire Department Committee.
11. THAT the recommendations made by the Fire Department Committee regarding budgetary requirements shall be discussed at a meeting of both Councils and the Councils shall jointly determine the amount to be deemed necessary as the total estimated expenditure for each year. Each Council shall make adequate provision in its budget to meet its share of the estimated expenditure.
12. THAT a Reserve Fund designated for capital expenditures for firefighting equipment shall be established and maintained by both the Town and the RM. Deposits shall be made in accordance with the by-laws establishing the reserve fund.
13. a) Agreements for the provision of firefighting services to other municipal corporations and local government districts shall be approved by both the Town and the RM. The agreements shall be reviewed annually at a joint meeting of both Councils.
- b) When an agreement which requires payment of a retainer fee for which a specific amount of firefighting service is provided at no additional charge, the costs for the firefighting wages shall be apportioned between the Town and the RM on the same basis as provided in 7a) i) & ii).
14. THAT any changes in remuneration to be paid to members of the Fire Department shall be jointly approved based on a recommendation from the Fire Chief then determined by resolution of both Councils.
15. THAT the rates to be charged for firefighting services shall be jointly determined by resolution of both Councils and shall reflect the costs of maintenance, training and all other costs pertaining to the provision of the service.
16. THAT all by-laws and resolutions pertaining to the Fire Department, which are required to be passed by both Councils, shall be as similar in content as is reasonably possible, and, no by-law or resolution which directly or indirectly affects the intent of joint operation of the Fire Department shall be passed by either Council without preliminary discussion of both Councils.

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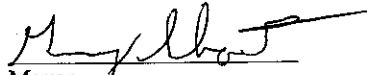
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17. THAT the by-laws of both the Town and the RM, establishing the Fire Department shall be deemed to be and shall constitute part of this agreement.
18. THAT this agreement shall be in effect for a minimum of five years at which time Schedule "A" is to be reviewed and updated to ensure validity.
19. THAT this agreement shall be binding upon the respective successors and assigns of the parties hereto.


IN WITNESS WHEREOF the RM of Lac du Bonnet and the Town of Lac du Bonnet have hereunto affixed their Corporate Seals, attested to by the hand of their respective officers duly authorized in that behalf, on the dates recorded below.

TOWN OF LAC DU BONNET

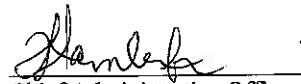
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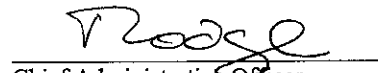
Mayor



Reeve



Chief Administrative Officer



Chief Administrative Officer

DATED: November 12-2013