

**Cornett, Kathy M JAG:EX**

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**From:** Cornett, Kathy M JAG:EX  
**Sent:** Thursday, May 7, 2015 9:18 AM  
**To:** Lalonde, Jarett JAG:EX; Langlands, Kevin J JAG:EX; Tennant, Laura JAG:EX  
**Cc:** Hoskins, Jeannie JAG:EX; Groot, Jeff GCPE:EX; Hughes, Candice JAG:EX; Hansen, Lucy JAG:EX; Walker, Nikki JAG:EX; Anderson, Gordon A JAG:EX; Quealey, Pat JAG:EX; Biggs, Jackie JAG:EX; Karger, Kristina JAG:EX  
**Subject:** 509368 - Information BN re Fire Season Claim - West Kelowna  
**Attachments:** 509368 - BN re Fire Season Claim - West Kelowna.pdf

The attached Briefing Note has been approved by Lori Wanamaker, Deputy Solicitor General, and is for the information of the Minister.

Thank you, Kathy

*Kathy Cornett*

Senior Executive Administrative Assistant  
Office of the Deputy Solicitor General  
Ministry of Justice  
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**MINISTRY OF JUSTICE  
EMERGENCY MANAGEMENT BC  
OFFICE OF THE FIRE COMMISSIONER  
BRIEFING NOTE**

**PURPOSE:** For INFORMATION for Suzanne Anton QC, Attorney General and Minister of Justice

**ISSUE:** West Kelowna has submitted a request for reimbursement related to the 2014 fire season that is considered ineligible. It is expected that there will be a negative reaction to the denial of the claim.

**SUMMARY:**

- The reimbursement claim by West Kelowna for their response within their own boundaries will be denied. Only communities assisting the affected community are eligible for reimbursement of costs.
- The amount of the claim for the Smith Creek fire is approximately \$195,000 and in private discussions the representative of West Kelowna linked their claims to a statement at the time that he attributes to the Premier, promising support to the communities.
- The claims of the communities that assisted West Kelowna have been approved for processing.
- This information note is being provided for awareness prior to a final decision being shared with West Kelowna.

**BACKGROUND:**

- There are annual documents entitled, "EMBC Interim Policy and Procedures Bulletin Fire Season 2014" and "Appendix A to Interim Policy 2014" that outlines the entitlement and procedures for reimbursement for local government fire services during Wildland urban interface fires. (attached)
- During the 2014 fire season there were two separate fire incidents that resulted in one claim (with another expected) from West Kelowna that are in dispute. In neither case were the procedures followed with respect to obtaining the required approvals necessary to be eligible for reimbursement. This is a secondary factor and is not the reason for denying the claim.
- Incident: (Smith Creek fire): West Kelowna responded to the fire within its boundaries and initiated mutual aid with four other departments, as well as requesting a Wildfire Management Branch (WMB) response. The first formal request by West Kelowna for resources (under attached policy) was initiated at approximately 2100hrs on the same day, but was unrelated to this claim and did not include a request for the use of the (initial) mutual aid equipment/crews.

- The other departments submitted reimbursement requests, taking the position that the initial mutual aid had converted into a situation that would be covered by the attached policy. West Kelowna subsequently submitted a reimbursement request to cover its own apparatus and crews for this incident.
- The mutual aid department reimbursement requests were approved as they were acting in good faith and had the proper process been followed by West Kelowna, the request for their assistance likely would have been approved. The starting time for those claims was deemed to be 2100hrs as this was the first formal indication of a need for additional resources beyond a mutual aid type situation. The time frame from the initial mutual aid request up until 2100hrs was also considered to be a reasonable expectation of mutual aid.
- The reimbursement request from West Kelowna will be denied as ineligible, for the following reasons;
  1. There is no evidence to indicate that their response was outside of their boundaries, making the claim ineligible.
  2. Only "assisting" departments are eligible and in this case West Kelowna was the community requesting outside assistance.
  3. West Kelowna had not been requested by WMB or another community to respond.
  4. The request for reimbursement was given consideration even though the proper approvals required by the attached policy had not been obtained and it was determined that even if the process was followed the claim would still not be eligible under the policy. (Attachment: Appendix A figure 6 "not eligible")
- The value of the denied claim is approximately \$195,000 as submitted by West Kelowna.

**OTHER MINISTRIES IMPACTED/CONSULTED:**

- Wildfire Management Branch

**Prepared by:**  
Gordon Anderson  
Fire Commissioner  
250-952-5048

**Approved by:**  
Patrick B. Quealey  
Assistant Deputy Minister  
250-952-5013

**Attachment(s)**

EMBC Interim Policy and Procedures Bulletin: Fire Season 2014  
Appendix A to Interim Policy and Procedures Bulletin

## **EMBC INTERIM POLICY and PROCEDURES BULLETIN FIRE SEASON 2014**

### **REIMBURSEMENT FOR LOCAL GOVERNMENT FIRE SERVICES DURING WILDLAND URBAN INTERFACE FIRES**

This policy and procedures bulletin will apply only to structure firefighting response activities due to wildland urban interface fires occurring between April 01, 2014 and December 31, 2014.

Wildland urban interface fires are defined as *'fires occurring in or threatening an area where urban structures and wildland vegetation coincide'*.

Emergency Management BC (EMBC), through the Office of the Fire Commissioner (OFC), will continue to encourage local authorities to develop and use mutual aid agreements as the most effective method of enhancing their structure fire suppression capacity.

Local governments, for the purposes of this bulletin, include local authorities as defined in the *Emergency Program Act* and First Nations band councils.

#### **POLICY**

This policy enables local governments to request additional structure firefighting resources and/or seek financial reimbursement for eligible structure firefighting costs from the Province under the following conditions:

- A structure fire, or threat of multiple structure fires, is a direct result of a wildland urban interface fire and is inside a fire protection area;
- The local government has a fire protection service in place that is adequate for its size;
- The local government has made all reasonable attempts to avail itself of mutual aid support;
- The threat to the community is greater than the local government can reasonably be expected to have the capacity to adequately respond with existing fire services, including any established mutual aid support;
- The British Columbia Wildland/Urban Interface Fire Consequence Management Plan, 2008 Edition, has been activated and authorized by an appropriate EMBC employee (Provincial Emergency Coordination Centre (PECC) Director or Provincial Regional Emergency Operations Centre (PREOC) Director) in accordance with Section 4 (1) of the *Emergency Program Act*; and,
- An emergency response task number has been obtained from EMBC.

It is important that consideration be given to these conditions early enough to enable resources to be safely and effectively deployed.

## **PROCEDURE**

### **Resource Provision:**

Upon request from a local government Emergency Operations Centre (EOC) for provincial support as noted above, EMBC through OFC will coordinate the acquisition and deployment of the provincially provided firefighting resources. These additional firefighting resources will be deployed as follows:

- A resource request and expense approval form (EAF) must be submitted to the PREOC or EMBC duty officer;
- A resource request and EAF must be approved and task number assigned by the EMBC PREOC that has been activated in response to the event. If a PREOC has not been activated, the EMBC Provincial Duty Manager must approve the resource request. Contact 1-800-663-3456;
- Deployed structure firefighting resources will be under the direction of the requesting local government or requesting agency (utilising Unified Command); and,
- EMBC through its OFC representative, who may be on site, will determine the length of deployment and the actual structure firefighting resources that are required.

### **Financial reimbursement limitations:**

- EMBC will not reimburse requesting local governments for regular wages of their structure firefighting staff.
- EMBC will not reimburse any local or mutual aid structure firefighting support response costs incurred by the requesting local governments before the EAF has been submitted and approved.

EMBC may reimburse local governments for incremental costs according to the *Emergency Program Act, Compensation and Disaster Financial Assistance Regulations* such as:

- Assisting with structure firefighting costs, for the assisting community and not the requesting community, when mutual aid agreements have exceeded normal operational expectations;
- Any and all exceptional costs must be pre-approved by EMBC in writing, or must be outlined in the *Financial Assistance for Emergency Response and Recovery Costs, A Guide for BC Local Authorities and First Nations*; and,
- The reimbursement rates for fire apparatus and resources shall not exceed the current "Inter-Agency Working Group Report - Reimbursement Rates"

EMBC will work with local governments to maintain fiscal control of any approved resources or expenditures during responses.

Assistance from EMBC notwithstanding, claimants are responsible for ensuring that all reimbursement requests are complete and supported by verifiable documentation suitable to EMBC. Please see Appendix A for additional details.

## **Appendix A:**

### **RESPONSE CLAIM PROCEDURES AND ELIGIBILITY**

#### **Addendum To EMBC INTERIM POLICY and PROCEDURES BULLETIN FIRE SEASON 2014**

This addendum will specify and clarify response claim procedures as detailed in the "Financial Assistance for Emergency Response and Recovery Costs – A Guide for BC Local Authorities and First Nations" directly related to the new Policy Bulletin named above. The attached *Examples of Eligible Response Costs* has been updated and will be included in complete review of the guidelines document.

The basic steps local authorities should take to ensure successful cost recovery include:

1. Prepare a Response Claim as soon as an emergency operations centre (EOC) is activated. Using a spreadsheet application (such as Excel) document each for eligible line item being claimed. Include the date, vendor, invoice # (if applicable), purpose and cost information (gross amount, taxes, net of HST). If the amount claimed was incurred during an evacuation phase (Alert or Order) please indicate in a separate column.
2. Document Rationale for Response Expenditures - the response claim submission must provide clear documentation that verifies the cost, date, purpose and proof of payment. Copies of paid invoices/receipts will provide most of this evidence. If the purpose of the expenditure is unclear a brief written rationale should be provided. The most effective way to confirm eligibility and ensure reimbursement is to prepare and submit an Expense Authorization Form (EAF) to the activated Provincial Regional Emergency Operation Centre (PREOC). The approved and signed EAF document must be included with the response claim submission to facilitate claim reimbursement.
3. Collect and Organize Documentation – make copies of paid invoices/receipts and copies of the general ledger and/or payroll register showing proof of payment.
4. Pay Invoices - local authorities are expected to pay response costs first and then submit a claim to EMBC for processing. Note: In-kind expenses and lost revenue are not eligible.
5. Submit Completed Response Claim – claims are to be sent to the closest EMBC regional office. Include the summary sheet, invoices and proof of eligible expenditures.
6. Each local authority, whether the provider of provincial assistance or the recipient of provincial support, is responsible for the submission of their own Response Claim.
7. Administration fees, related to the preparation and submission of Response Claims are not considered an eligible expenditure.

The attached *Examples of Eligible Response Costs* is a brief summary and may not contain all eligible items for all events. There is some room for interpretation which provides flexibility to allow the legislation to work as intended – to help those most in need. Therefore, it is in the interest of every local authority to check assumptions with EMBC regional office staff regarding eligibility, especially when dealing with large cost items.

## Examples of Eligible Response Costs Specific to Policy Bulletin Attached

<b>Figure 6. Examples of Eligible and Ineligible Response Costs</b> (This table presents examples only and is not comprehensive. Refer to the C & DFA Reg for exact wording.)		
<b>Response Item</b>	<b>Eligible</b>	<b>Not Eligible</b>
<b>Apparatus &amp; Personnel from Host Fire Department</b>	<ul style="list-style-type: none"> <li>• Firefighting costs (all found) for the assisting departments under mutual aid agreements when they are pre-authorized and exceed normal operational expectations.</li> <li>• As outlined in EMBC Interim Policy Bulletin 2014 Fire Season</li> <li>• Costs of special fire services that are pre-authorized.</li> </ul>	<ul style="list-style-type: none"> <li>• Incremental costs that are not pre-authorized.</li> <li>• Normal costs for the host departments working within their jurisdiction.</li> <li>• Costs associated with backfilling personnel by the assisting jurisdiction</li> <li>• Normal operating or usage charges of equipment</li> </ul>
<b>Mutual Aid Costs for Assisting Agencies</b>	<ul style="list-style-type: none"> <li>• Firefighting costs for the assisting departments under mutual aid agreements when they are pre-authorized and exceed normal operational expectations.</li> <li>• As outlined in EMBC Interim Policy Bulletin 2014 Fire Season</li> </ul>	<ul style="list-style-type: none"> <li>• Costs associated with backfilling personnel by the assisting jurisdiction</li> </ul>

For more information on eligible and ineligible response costs, refer to Schedule 5 of the *Compensation & Disaster Financial Assistance Regulation*, and Part 3 of the Regulation, which can be viewed at the EMBC website ([www.pep.bc.ca](http://www.pep.bc.ca)).

## Cornett, Kathy M JAG:EX

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**From:** Karger, Kristina JAG:EX  
**Sent:** Wednesday, May 6, 2015 2:19 PM  
**To:** Cornett, Kathy M JAG:EX  
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**Subject:** 509368 - BN for SG Information - Fire Season Claim - West Kelowna  
**Attachments:** 509368 - BN for SG Information - Fire Season Claim - West Kelowna.doc; 509368 - BN Attachment - EMBC Interim Policy Bulletin 2014 FireSeason.pdf; 509368 - BN Attachment - Appendix A to Interim Policy 2014.pdf

Hi Kathy,

The attached briefing note has been approved by Pat Quealey, ADM and is for the SG's information.

Thank you.

**Kristina Karger | Executive Administrative Assistant**  
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**Emergency Management BC**  
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**Emergency  
Management BC**



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