

CORPORATION OF THE TOWNSHIP OF WHITEWATER REGION

BY-LAW # 10-03-422

Being a By-Law to authorize the Mayor and CAO to execute a Municipal Forest Fire Management Agreement with the Ministry of Natural Resources.


WHEREAS pursuant to the Municipal Act, R.S.O. 1990 Chapter M.45, as amended, a Council may enter into agreements;

AND FURTHER that the Municipal Council for the Township of Whitewater Region deems it necessary to enter into an agreement with the Ministry of Natural Resources regarding the execution of a Municipal Forest Fire Management Agreement.

THEREFORE the Council of the Corporation of the Township of Whitewater Region enacts that:

1. The Head of Council and the CAO are hereby authorized to execute this Municipal Forest Fire Management Agreement between the Ministry of Natural Resources and The Township of Whitewater Region as in Schedule A attached hereto.
2. This can be considered an extension to the previous agreement.

READ a First, Second and finally passed on the Third Reading this 17th day of March, 2010


MAYOR


CAO/CLERK



Ministry of Natural Resources
31 Riverside Drive
Pembroke ON. K8A 8R6

Phone: (613) 732-5541
Fax: (613) 732-7059

April 23, 2010

Township of Whitewater Region
Box 40, 44 Main Street
Cobden, ON
K0J 1K0

Subject: Municipal/MNR Forest Fire Management Agreement

Please find enclosed a signed copy of the Municipal Forest Fire Management Agreement between the Township of Whitewater Region and the Ministry of Natural Resources for the five year term of April 1, 2010 to March 31, 2015.

Please contact Bob Butler at (613) 732-5641 if you have any questions.

Thank you for your continued cooperation.

Dan Leonard
Fire Operations Supervisor
Pembroke Fire Management Headquarters
(613) 732-5540
/bb

Municipal Forest Fire Management Agreements

This agreement made in triplicate this 1st day of April, 2010.

BETWEEN:

Her Majesty the Queen in right of Ontario, as represented by the Minister of Natural Resources for the Province of Ontario, hereinafter referred to as the "Ministry"

AND

The Corporation of **the Municipality of Whitewater Region**
hereinafter referred to as the "Municipality"

WHEREAS the Municipality is responsible to extinguish grass, brush, and forest fires within its limits pursuant to Section 21 of the Forest Fires Prevention Act:

AND WHEREAS the parties wish to enter into a fire management agreement pursuant to section 19 of the Forest Fires Prevention Act, R.S.O. 1990, c.F-24, "FFPA" with respect to the prevention and control of grass, brush, and forest fires:

THEREFORE in consideration of the mutual covenants contained herein, the parties agree as follows:

- d) At the request of the Municipality, the Ministry may assist in the investigation of fire occurrences where fires are of a contentious nature, and undertake prosecutions for contravention of the Forest Fires Prevention Act and its Regulations.

CROWN PROTECTION AREA

3. a) Subject to paragraph b), the Ministry, at its own expense, agrees to suppress grass, brush and forest fires within the Crown Protection Area.
- b) Where, on the request of the Ministry, the Municipality responds to suppress a fire in the Crown Protection Area, the Ministry agrees to reimburse the Municipality the cost of providing such assistance according to rates set out in Appendix "C".
- c) Where, on the request of the Ministry, the Municipality responds to an incident in the Crown Protection Area, the Ministry agrees to reimburse the Municipality the cost of providing such assistance according to rates set out in Appendix "C".

MUNICIPAL PROTECTION AREA

4. a) Subject to paragraph (b), the Municipality, at its own expense, agrees to suppress grass, brush and forest fires within the Municipal Protection Area.
- b) Where, on the request of the Municipality, the Ministry responds to suppress a fire in the Municipal Protection Area, the Municipality agrees to reimburse the Ministry the cost of providing such assistance according to rates set out in Appendix "C".
- c) Where, on the request of the Municipality, the Ministry responds to an incident in the Municipal Protection Area, the Municipality agrees to reimburse the Ministry the cost of providing such assistance according to rates set out in Appendix "C".

SUPPRESSION ACTIONS

5. a) Regardless of responsibilities set out in sections 3 and 4, the Municipality and the Ministry agree to begin suppression of a fire in the Crown Protection Area or Municipal Protection when either party is the agency arriving first at the fire and cost associated with such action will not be applicable until the agency responsible for that area is notified of the fire and a request for continued action is made.
- b) The Ministry will exercise its powers under section 21 of the Forest Fires Prevention Act and assume control of the fire suppression activities when it is determined in the opinion of an officer that the present suppression action has the potential to result in one or more of the following conditions:

Loss of Life

Significant loss of private property

Significant loss of public property

10. a) To qualify for reimbursement, both parties must provide to each other a complete Municipal Fire Information and Cost Report as described in Appendix C within 30 days of the end of the suppression activity on each fire.
 - b) Costs incurred by the Municipality will be offset against costs incurred by the Ministry. Any balance owing to either party on November 30 of any year that this agreement is in effect, will be an amount due to that party as of that date.
11. The Municipality and Ministry agree, at their own expense, to investigate the cause and origin of fires in the Municipal and Crown Protection Areas, respectively, and provide annual reports to each other of the fire activity within the municipality, on or before November 30th of each year that this agreement is in effect.

INDEMNITY

12. a) The Ministry agrees to indemnify and save harmless the Municipality, its officers, servants, and agents from and against all claims, demands, costs, actions, causes of action, expenses whatsoever which may be taken or made against them by or any of them for any loss, damage, or injury, including death, of any nature or kind whatsoever arising out of or in consequence of any act, neglect, or omission of the Ministry, her servants or agents in relation to fire suppression activity undertaken by the Ministry at the request of the Municipality, pursuant to this agreement.
- b) The Municipality agrees to indemnify and save harmless the Ministry, its officers, servants, and agents from and against all claims, demands, costs, actions, causes of action, expenses whatsoever which may be taken or made against them by or any of them for any loss, damage, or injury, including death, of any nature or kind whatsoever arising out of or in consequence of any act, neglect, or omission of the Municipality, her servants or agents in relation to fire suppression activity undertaken by the Municipality at the request of the Ministry, pursuant to this agreement.
- c) The Municipality agrees that fire fighters employed by the Municipality or volunteering to the Municipality are employees of the Municipality for the purposes of benefits under the Workplace Safety and Insurance Board whether working on Crown Land or private land, in the Crown Protection Area or the Municipal Protection Area.
- d) The Crown agrees that fire fighters employed by the Crown or volunteering to the Crown are employees of the Crown for the purposes of benefits under the Workplace Safety and Insurance Board whether working on Crown Land or private land, in the Crown Protection Area or the Municipal Protection Area.
- e) The parties agree each is responsible for damage or loss of owned vehicles or equipment used in fire fighting under this agreement and that rates described in Appendix "C" include recovery of costs for normal wear and tear on fire fighting vehicles and equipment, as well as the cost of repair of periodic breakage or accidental damage.

APPENDIX A

1. The Crown Protection Area, save and except land covered with water, is comprised of a total of 0 hectares
2. The Municipal Protection Area, save and except land covered with water, is comprised of a total of 53,509 hectares
3. A map of the municipality which shows the Municipal Protection Area and the Crown Protection Area.

APPENDIX B - Application of Comprehensive Protection Charges to Land Types

Municipality

Whitewater Region

Agreement in effect from

Year: 2010 To 2015

Per Hectare CPC Rate: \$1.01

AMCTO Zone: 6

LAND CLASS	TAXATION/REVENUE SITUATION	Municipal Protection Area				Crown Protection Area				Total
		Hectares	Rate	Factor	Cost	Hectares	Rate	Factor	Cost	Hectares By Type
Comprehensive Protection Charge			CROWN PAYS			MUNICIPALITY PAYS				
Unalienated Crown Land	Crown does not pay Municipal Taxes	586	\$1.01	100%	591.86		\$1.01			586
Provincial Parks	Crown pays grants to Municipalities	446	\$1.01	100%	450.46		\$1.01			446
Patented Land (Residential/farm, Farmlands, Multi-Residential, Commercial, Industrial) ----- Federal Lands	Municipal Taxpayers based on Assessment; Patented Crown Land where Crown gives grants in lieu of taxes ----- Federal Gov't pays Grants in lieu of taxes to Municipality	52,477	\$1.01		-		\$1.01	100%		52,477
Private Land (Managed Forests)	Municipal Taxpayers Tax Rate restricted because of public interest in this land		\$1.01				\$1.01	50%		0
Patent Mining Lands (Crown has Full Timber Rights) <u>Patented after March 26, 1918</u>	Unit Class of M L (Mining lands) with a Tax Rate of C. (Commercial) ----- Owner pays some taxes to municipality but has no interest above ground		\$1.01	100%			\$1.01			0
Federal Lands and Indian Reserves	Federal Government pays Ontario for Fire Protection under INAC or other agreement		\$1.01	100%			\$1.01			0
Conservation Lands (Lands Assessed by Conservation Lands)	C.A. no pays taxes to Municipality (M.N.R. gives Grant for significant conservation Lands)		\$1.01				\$1.01			0
Unorganized Territory	Crown Land and Private Land where taxpayer pays Public Land Tax to Province		\$1.01	100%			\$1.01			0
TOTALS		53,509			1,042.32	0			\$ -	53,509
		Crown Owes the Municipality				Municipality Owes the Crown				
										\$0.00

Appendix C

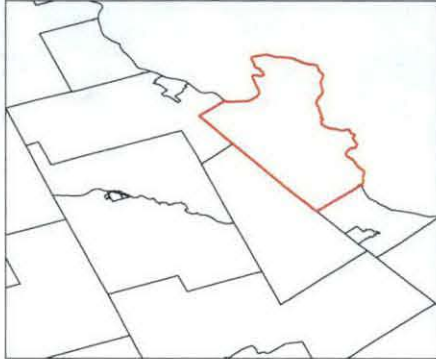
FIRE FIGHTING COST COLLECTION to / from MUNICIPALITIES

The following Table Applies When:

1. The M.N.R. requests Municipal assistance on fires in the Crown Protection Area
2. The Municipality requests M.N.R. assistance on fires in the Municipal Protection Area
3. The M.N.R. exercises its power under the F.F.P.A. to control the fire

	Assistance Under Agreement
Ground Suppression Services Crews / Firefighters, Vehicles	The greater of: <ul style="list-style-type: none"> • \$600.00 per fire or • \$175 per half-hour (30 minutes), for each fire fighting apparatus c/w 4 people; or crews of 8 people (excluding those people included with each apparatus). NO additional charge if transported by helicopter An apparatus is a fire service vehicle that carries wildland firefighting capability (includes pumpers, tankers and forestry trucks carrying portable firefighting equipment).
Airtankers CL215/415 and Twin Otters	Dispatch Fee of CL215/415 \$2900.00 per dispatch , Twin Otter \$1390.00 per dispatch, regardless of distance, for each aircraft on dispatch to an incident or fire CL215/415 \$2900.00 , Twin Otter \$1390.00 hourly rate per flying hour for each aircraft "over fire" (foam included)
Aircraft - Birddog	Contract Aircraft \$550.00 per hour for every flying hour "over fire"
Helicopter	Contract Helicopters Rates Light \$800.00 per hour , Medium \$2010.00 per hour , Heavy (calculated at time of hire) (flying calculated as "time over fire" only) (no charge if used just to transport MNR crews to fire)
Supplies and Equipment	As per approved response plan for a specific fire

TOWNSHIP OF WHITEWATER REGION



Legend

- Native Reserve
- Community
- Utility Line**
 - Submerged Line
 - Pipeline
 - Transmission Line
- Road**
 - Primary
 - Secondary
 - Tertiary
 - Railway
- ▭ Municipal Index
- ▭ OBM Index
- ▭ Township Boundary
- Fire Agreement Area**
 - ▭ CPA
 - ▭ MPA
 - ▭ NIL
- Land Use**
 - Private Land, Community Forest
 - Private Land
 - Crown Land
 - Crown Leased Land
 - Federal Land, Native Reserve
 - Federal Land, Other
 - Conservation Reserve
 - Provincial Park



1:55,000

0 0.4 0.9 1.8 2.7 3.6
Kilometers



Information

Pembroke Fire Management Area

Fire Agreement Areas

Revision Date: Apr 09, 2009

Data Source: NRVIS (Natural Resources Values Information System), and data provided by other Ministries.

North American Datum 1983, UTM Zone 18 Projection.

This map is illustrative only. Do not rely on it as being a precise indicator of routes, locations of features, nor as a guide to navigation.

This map may contain cartographic errors or omissions.

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Fire Information Report for Municipalities
(This section completed by Municipality only)

Issued to _____ Date: _____
yyyy-mm-dd

Address _____

Fire Number _____ Municipal # _____ M.N.R. # _____

Fire Reported to Municipality Date: _____ Time: _____
yyyy-mm-dd hh:mm

Fire Reported to M.N.R. Date: _____ Time: _____
yyyy-mm-dd hh:mm

Zone _____ Basemap _____ Block _____

Lot _____ Concession _____ Surveyed Township _____

Initial Response Group _____ Fire Cause _____

Assistance Requested by _____ To _____

Fuel Type _____ MPA/CPA _____

Hectares Burned _____ Crown land _____ Private land _____

Source of ignition _____ Responsible Group _____

Fire Start: Date: _____ Time: _____
yyyy-mm-dd hh:mm

Initial Fire Size (ha): _____ Final Fire Size (ha): _____

Fire Out: Date: _____ Time: _____
yyyy-mm-dd hh:mm

Incident Commander _____ Phone Number _____

Municipal Fire Agreement Cost Report Form 210

Part I

Fire Number MNR/Municipal _____ Start Date _____ Out Date _____
 yyyy-mm-dd yyyy-mm-dd

Fire Cause _____ Municipality _____

Location: Basemap _____ MPA/CPA or _____ Final Size _____
 or lot and conc Border (ha)

Border Fire Only Crown Protection Area (Ha) [] Municipal Protection Area (Ha) []

Assistance Requested by _____ To _____

Invoice Date _____ Invoice Number _____
 dd/mm/yyyy

A. Personnel / Apparatus

(i.) Flat Rate for Response/False Alarm \$728.00 [] = \$0.00
 (min. amount paid out for a response)

(ii.) Half hour per number of apparatus [] x \$213.00 = \$0.00
 input max. number of units on fire at one time # apparatus units total # half hours for all units

Half hour on fire per units of 8 or less people [] x \$213.00 = \$0.00
 input max. number of units on fire at one time # personnel units total # half hours for all units

People must be assigned to apparatus prior to forming personnel units (4staff/apparatus) Sub-total must be >\$720.00 Sub-total [] = \$0.00

Reimbursement claimed (greater of i or ii) Total [] = \$0.00

B. Aircraft

See Appendix C in municipal agreement document for detailed explanation

CL215 / 415 Dispatch Fee \$1,907.75 x # of Aircraft [] = \$0.00

Flying Rate \$3,815.55 x Total Hours [] = \$0.00

Twin Otter Dispatch Fee \$730.67 x # of Aircraft [] = \$0.00

Flying Rate \$1,461.33 x Total Hours [] = \$0.00

Birddog Flying Rate \$1,288.15 x Total Hours [] = \$0.00

Helicopters

of Light [] x Total Hours [] = \$0.00
 ACIMS

of Intermediate [] x Total Hours [] = \$0.00
 \$870.62

of Medium [] x Total Hours [] = \$0.00
 \$2,321.53

of Heavy [] x Total Hours [] = \$0.00
 ACIMS

Air attack and helicopter fees are only for time over fire. No helitak fee for delivery and pick up of crew only. Total Aircraft Costs [] = \$0.00

C. Other Expenditures Approved in Suppression Plan (Appendix C descriptions) (Attach description of expenses and invoices)

Total Other Expenditures []

Total of A, B and C [] = \$0.00

(Joint Fire Operations Enter MNR + Municipal Costs Non Border Fire) [] [] = \$0.00
 MNR Municipal

Person Completing Report _____

Date _____ yyyy-mm-dd

Municipal Fire Agreement Cost Report Form 210

Part II

Border Fires (areas between MPA/CPA) must be completed electronically by MNR

Border fire costs are calculated automatically if CPA/MPA ha are entered in Part I
 Municipal fire cost data must be input under Agency's Total Costs when assistance provided

M.N.R. USE ONLY						
Municipal Agreement Fire Information and Cost Report Form 210						Part II
Calculation of Border Fire Costs						
Agency Responsible	Hectares Burned	% of Area Burned	Agency's Total Costs	Costs Agency Responsible For	Agency to be billed for	
Ministry	C.P.A.	0.0	#DIV/0!	\$0.00	#DIV/0!	#DIV/0!
Municipality	M.P.A.	0.0	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!
TOTALS		0.0	#DIV/0!	\$0.00	#DIV/0!	
Amount Re-imbursed to Municipality					#DIV/0!	
Amount to be Invoiced to Municipality					#DIV/0!	

Municipal Fire Agreement Cost Report Form 210

Part III

Fire Managers to complete Part III

Issue invoice to: Municipality MNR Other Insert Costs to be Billed

Agency to assume the cost: Yes No

Refer to court for cost collection or infractions (MNR use only) Yes No

Invoice issued to:

Invoices to MNR/MUN will be processed at the end of fire season for the end of the year reconciliation process.
 Third party invoices are to be processed once the Fire Manager has approved the invoice.

Comments: Manager explanation is required when assuming costs, issuing third party invoice or referring to court for cost collection. **MNR use only**

 Signature of Authorized Management Representative
 Certified Accurate, Complete and True

 Date yyyy-mm-dd

Appendix C

Municipal Fire Agreement Rates to / from Municipalities
Valid for 2014

	Assistance Under Agreement										
<p>Comprehensive Protection Charges (CPC)</p> <p>The new CPC rate system started April 1, 2013</p>	<p>CPC rates adjustments are applied April 1 of each year.</p> <p>CPC rates 2013 - 2017</p> <table> <tr> <td>2013</td> <td>\$0.95/Ha</td> </tr> <tr> <td>2014</td> <td>\$1.04/Ha</td> </tr> <tr> <td>2015</td> <td>\$1.12/Ha</td> </tr> <tr> <td>2016</td> <td>\$1.21/Ha</td> </tr> <tr> <td>2017</td> <td>\$1.29/Ha</td> </tr> </table> <p>NOTE:</p> <p>In 2018 the CPC will be increased by averaging the 5 years prior CPI rates capped to a maximum increase of 4%</p> <p>In 2019 the CPC rate will increase annually by the CPI process.</p>	2013	\$0.95/Ha	2014	\$1.04/Ha	2015	\$1.12/Ha	2016	\$1.21/Ha	2017	\$1.29/Ha
2013	\$0.95/Ha										
2014	\$1.04/Ha										
2015	\$1.12/Ha										
2016	\$1.21/Ha										
2017	\$1.29/Ha										
<p>Ground Suppression Services</p> <p>Personnel Units Apparatus Units</p> <p>Personnel and Apparatus Units are annually adjusted by the Consumer Price Index for Ontario (All Products) from the period of September to September. Rates will be updated by Feb. 28 each year.</p>	<ul style="list-style-type: none"> • Flat Rate/False Alarm • \$728.00 per fire or • \$213.00 per half hour (30 min) for each; • Personnel Unit = max. 8 staff plus suppression gear • Apparatus Unit = Fire service vehicle with maximum 4 staff, includes suppression gear. <p><u>Personnel must be affixed to an Apparatus Unit</u> prior to forming personnel units.</p> <p><u>NO</u> charges for helicopter if only used to deliver and pickup crews. Helicopter is not an apparatus.</p> <p>Apparatus” means a Fire service vehicle that carries firefighting personnel and/or equipment (includes pumpers, tankers, boats, Fire response vehicles that are designed to carry portable/firefighting equipment).</p>										

<p>Air tankers and Birddog</p> <p>CL215/415 and Twin Otters</p> <p>Air tanker fees are set annually by the MNR and will be updated by April 30 each year.</p> <p>Air tanker support charges are only for time over the fire.</p>	<p>2014 Rates</p> <p>CL415 Dispatch Fee = \$1907.75 Hourly rate = \$3815.55</p> <p>Twin Otter Dispatch Fee = \$730.67 Hourly rate = \$1461.33</p> <p>Birddog Hourly rate = \$1288.15</p>								
<p>Helicopter</p> <p>Helicopter rates are set annually by the MNR Aviation Services.</p> <p>No charge if used just to transport MNR crews to fire</p> <p>Municipalities that rent aircraft for fire operations must submit rental invoices</p>	<p>Contract Helicopters Rates 2014</p> <table border="0"> <tr> <td>Light</td> <td>\$As per invoice</td> </tr> <tr> <td>Intermediate</td> <td>\$ 870.62 per hour,</td> </tr> <tr> <td>Medium</td> <td>\$2321.53 per hour ,</td> </tr> <tr> <td>Heavy (calculated at time of hire)</td> <td>(flying calculated as "time over fire" only)</td> </tr> </table> <p>Aircraft rental fees by the Municipality must be supported by the aircraft invoice.</p>	Light	\$As per invoice	Intermediate	\$ 870.62 per hour,	Medium	\$2321.53 per hour ,	Heavy (calculated at time of hire)	(flying calculated as "time over fire" only)
Light	\$As per invoice								
Intermediate	\$ 870.62 per hour,								
Medium	\$2321.53 per hour ,								
Heavy (calculated at time of hire)	(flying calculated as "time over fire" only)								
<p>Section C: Other Expenses Approved in the Suppression Plan</p> <p>All costs must be supported by actual invoices, or fire cost forms by either agency</p> <p>Other Agencies Form 210 Total can be included here on joint operations.</p>	<p>As per approved response plan for a specific fire; the following expenses can be considered;</p> <ul style="list-style-type: none"> • Heavy equipment • Base camp operations and infrastructure support, accommodations • Incident Command Trailers • Support equipment; boats, ATV's, trailers that fall outside normal fire apparatus <p>Form 210 Part 2</p>								

APPENDIX A - Application of Comprehensive Protection Charges to Land Types

Municipality

Township of Whitewater Region

Agreement in effect from

Year: 2010 To 2015

Per Hectare CPC Rate

\$1.04

CPC Year:

2014 CPI Increase %

LAND CLASS	TAXATION/REVENUE SITUATION	Municipal Protection Area				Crown Protection Area				Total
		Hectares	Rate	Factor	Cost	Hectares	Rate	Factor	Cost	By Type
Comprehensive Protection Charge		CROWN PAYS				MUNICIPALITY PAYS				Hectares
		Hectares	Rate	Factor	Cost	Hectares	Rate	Factor	Cost	By Type
Unalienated Crown Land	Crown does not pay Municipal Taxes	586	\$1.04	100%	609.44		\$1.04		-	586
Provincial Parks/Conservation Reserve	Crown pays grants to Municipalities	446	\$1.04	100%	463.84		\$1.04		-	446
Patented Land (Residential/farm, Farmlands, Multi-Residential, Commercial, Industrial) ----- Federal Lands	Municipal Taxpayers based on Assessment; Patented Crown Land where Crown gives grants in lieu of taxes ----- Federal Gov't pays Grants in lieu of taxes to Municipality	52,477	\$1.04		-		\$1.04	100%	-	52,477
Private Land (Managed Forests)	Municipal Taxpayers Tax Rate restricted because of public interest in this land		\$1.04		-		\$1.04	50%	-	0
Patent Mining Lands (Crown has Full Timber Rights) Patented after March 26, 1918	Unit Class of M.L (Mining lands) with a Tax Rate of C. (Commercial) ----- Owner pays some taxes to municipality but has no interest above ground		\$1.04	100%	-		\$1.04		-	0
Federal Lands and Indian Reserves	Federal Government pays Ontario for Fire Protection under INAC or other agreement		\$1.04	100%	-		\$1.04		-	0
Conservation Lands (Lands Assessed by Conservation Lands)	C.A. no pays taxes to Municipality (M.N.R. gives Grant for significant conservation Lands)		\$1.04		-		\$1.04		-	0
Unorganized Territory	Crown Land and Private Land where taxpayer pays Public Land Tax to Province		\$1.04	100%	-		\$1.04		-	0
TOTALS		53,509			1,073.28	0			\$ -	53,509
		Crown Owes the Municipality \$1,073.28				Municipality Owes the Crown \$0.00				