



BOARD REPORT

- TO:** Chair and Directors
- SUBJECT:** Grant in Assistance Request – Property Clean Up for affected North Shore Properties
- DESCRIPTION:** Report from John M. MacLean, CAO, dated July 4, 2024 identifying options for funding property clean up for affected North Shore properties without adequate insurance.
- RECOMMENDATION #1:** THAT: the Board accept this report for information.
Corporate Vote Unweighted Majority
- RECOMMENDATION #2:** THAT: the Board consider and discuss the attached report and direct Staff as to any additional action to be taken.

SUMMARY:

The Regional District has been supporting recovery efforts in the Shuswap areas impacted by the wildfires of 2023. Most properties have been cleaned and many are on the path to redevelopment.

We have been approached by the North Shuswap Disaster Relief Society to assist with the funding of clean up of properties that did not have insurance in place. Most of the affected properties had insurance policies in place that managed the costs of the clean up on behalf of the property owner.

There are 18 properties that do not have insurance to manage the clean up costs. The North Shuswap Disaster Relief Society has reported that a majority (almost all) of the people without insurance are living on limited income and the cost of insurance represented an absolute barrier.

The Samaritan’s Purse, non-governmental organization, that is active in assisting people recover from disasters, has done an assessment of the 18 properties in question and is in position to assist in the clean up. They do not have access to the necessary funds to cover the tipping fees at our solid waste facilities.

The estimate prepared by Samaritan’s Purse has estimated that the cost associated with waste disposal at our facilities (tipping fees) is approximately \$30,000.00.

BACKGROUND:

The Bush Creek East Fire was the most destructive fire in the Columbia Shuswap’s history. Over 170 properties suffered damage, much of it being total loss.

The CSR, along with the Province and agencies like the North Shuswap Disaster Relief Society, have been working to facilitate recovery from the fires.

A remaining challenge has been addressing the clean up of damaged properties of people who for many reasons, mostly economic, do not have access to insurance to cover these costs.

Property clean up represents societal, personal and environmental benefits. Having the properties appropriately and safely lean will assist with personal healing for the property owner, facilitates redevelopment and reducing the environmental risks of contamination.

POLICY:

The legislative basis for grants-in-aid are established in the following sections of the Local Government Act:

Corporate powers

263 (1) *Subject to the specific limitations and conditions established under this or another Act, the corporate powers of a board include the following:*

(a) to make agreements respecting

(i) the regional district's services, including agreements respecting the undertaking, provision and operation of those services, other than the exercise of the board's regulatory authority,

(ii) operation and enforcement in relation to the board's exercise of its regulatory authority, and

(iii) the management of property or an interest in property held by the regional district;

(b) to make agreements with a public authority respecting

(i) activities, works or services within the powers of a party to the agreement, other than the exercise of regulatory authority, including agreements respecting the undertaking, provision and operation of activities, works and services,

(ii) operation and enforcement in relation to the exercise of regulatory authority within the powers of a party to the agreement, and

(iii) the management of property or an interest in property held by a party to the agreement;

(c) to provide assistance for the purpose of benefiting the community or any aspect of the community;

(d) to acquire, hold, manage and dispose of land, improvements, personal property or other property, and any interest or right in or with respect to that property;

(e) to delegate its powers, duties and functions, in accordance with Division 7 [Delegation of Board Authority] of Part 6 [Regional Districts: Governance and Procedures];

(f) to engage in commercial, industrial and business undertakings and incorporate a corporation or acquire shares in a corporation for that purpose;

(g) to establish commissions to

(i) operate regional district services,

- (ii) undertake operation and enforcement in relation to the board's exercise of its regulatory authority, and
- (iii) manage property or an interest in property held by the regional district.

(2) In exercising its powers under subsection (1), a board may establish any terms and conditions it considers appropriate.

(3) The powers of a board under subsection (1) may be exercised outside the boundaries of the regional district.

Division 4 — Providing Assistance

Definition of "assistance"

271 For the purposes of section 263 (1) (c) [assistance for community benefit] and this Division, "**assistance**" means providing a grant, benefit, advantage or other form of assistance, including

- (a) any form of assistance referred to in section 272 (1), and
- (b) an exemption from a tax, fee or charge.

Publication of intention to provide certain kinds of assistance

272 (1) A board must publish, in accordance with section 94 [requirements for public notice] of the [Community Charter](#), notice of its intention to provide any of the following assistance:

- (a) disposing of land or improvements, or any interest or right in or with respect to them, for less than market value;
- (b) lending money;
- (c) guaranteeing repayment of borrowing or providing security for borrowing;
- (d) assistance under a partnering agreement.

(2) The notice must be published before the assistance is provided and must include

- (a) the intended recipient of the assistance, and
- (b) the nature, term and extent of the proposed assistance.

General prohibition against assistance to business

273 As a limitation on section 263 (1) (c) [assistance for community benefit], a board must not provide assistance to an industrial, commercial or business undertaking.

Exception for assistance under partnering agreements

274 Despite section 273 and in addition to the power under section 263 (1) (c) [assistance for community benefit], a board may provide assistance under a partnering agreement.

Exception for assistance in relation to utilities, mountain resorts or high-speed internet services

- 275** (1) Despite section 273, a regional district may operate the service of
- (a) providing capital financing for services provided by a telephone, natural gas or electric power utility,
 - (b) the giving of grants to an applicant for a business promotion scheme under section 215 [business improvement areas] of the [Community Charter](#) in relation to a mountain resort, or
 - (c) providing capital financing for high-speed internet service to an area without access to high-speed internet service.
- (2) In this section, "**high-speed internet service**" has the meaning prescribed by regulation.

Exception for heritage conservation purposes

- 276** (1) A board may provide assistance for one or more of the purposes referred to in section 25 (2) [heritage assistance] of the [Community Charter](#).
- (2) A board may, by an affirmative vote of at least 2/3 of the votes cast, provide assistance for the conservation of property referred to in section 25 (3) [heritage property assistance to business] of the [Community Charter](#).
- (3) The powers under this section are in addition to the power under section 263 (1) (c) [assistance for community benefit] and apply despite section 273 [general prohibition against assistance to business].

Limitation on assistance by means of tax exemption

- 277** As a limitation on sections 263 (1) (c) [assistance for community benefit] and 274 [exception for assistance under partnering agreements], a board may provide a property tax exemption only in accordance with Division 4 [Tax Rates and Exemptions] of Part 11 [Regional Districts: Financial Management].

Apportionment of costs

- 380** (1) If the establishing bylaw sets the method for apportioning the costs of providing a service, those costs must be apportioned among the participating areas in accordance with the bylaw.
- (2) If the method of apportionment is not set by establishing bylaw, the costs of providing a service must be apportioned on the basis of the converted value of land and improvements in the service area as follows:
- (a) if there is an establishing bylaw but it does not set out the method of apportionment, among the participating areas for the service;
 - (b) if there is no establishing bylaw and the method of apportionment is not otherwise set under this or another Act, among all the municipalities and

electoral areas participating in the service, with the service area deemed to be the entire regional district;

(c) in the case of electoral area administration,

(i) subject to subparagraph (ii), among all the electoral areas, with the service area deemed to be all the electoral areas, and

(ii) if the board provides that some or all of the costs are to be apportioned among the electoral areas that the board considers benefit from the administration, those costs must be apportioned among those electoral areas, with the service area deemed to be all those electoral areas;

(d) in the case of feasibility studies in relation to proposed services, if no service is established and the board provides that the costs are to be apportioned among the electoral areas, among all the electoral areas, with the service area deemed to be all those electoral areas;

(e) in the case of services related to an approving officer, if the board is authorized to appoint the approving officer under section 77.1 [appointment of regional district and islands trust approving officers] of the [Land Title Act](#), among all the electoral areas, with the service area deemed to be all those electoral areas;

(f) in the case of a service that is in relation to a regional growth strategy for an area that is less than the entire regional district, among the areas for which the regional growth strategy is initiated or adopted, with the service area being all those areas;

(g) in the case of assistance under section 263 (1) (c) [assistance for community benefit], other than assistance under a partnering agreement referred to in section 274, at the option of the board,

(i) in accordance with paragraph (b) of this subsection, or

(ii) among the municipalities or electoral areas benefiting from the assistance, with the service area deemed to be all those areas;

(h) in the case of a referendum under section 336 [referendums regarding services] that is not limited to all or part of the service area for an existing service, among the municipalities and electoral areas in which the referendum is held, with the service area deemed to be all those areas;

(i) in the case of a local community commission under section 243 [local community commissions], entirely from the local community, with the service area deemed to be that local community;

(j) in the case of a business improvement area under section 215 [business improvements areas] of the [Community Charter](#) in relation to a mountain resort, entirely from that area, with the service area deemed to be the business improvement area;

(k) in the case of services under Part 14 [Planning and Land Use Management], in accordance with section 381 [cost sharing for Part 14 services].

The CSRD has adopted Policy F-30 which establishes the existence of grant-in-aid funding in the Electoral Areas and the policies and procedures associated with them.

In terms of our Policy and the relevant legislation we see an opportunity for the Board to approve a Grant-in-aid to (GIA) one of the organizations working on this file.

The Board can fund the request through a Grant-in-aid pursuant to the legislation and our policy. The funding could be funded through a GIA funded by one or more Electoral Area (See Policy: <https://www.csr.bc.ca/DocumentCenter/View/1232/Policy-F-30-Electoral-Grant-in-Aid-PDF>).

FINANCIAL:

The Board has sufficient funding in at least two funds (GIA and a specific reserve) to cover the requested funding.

Please see the GIA chart (attached) that indicates the remaining GIA balances for the EA Directors.

If this source of funding is ultimately chosen that it will be the Electoral area Directors making that decision and voting accordingly.

Secondly, there is a Reserve fund in the Emergency Management Service called the Disaster Mitigation Reserve. The current balance in that reserve is approximately \$180,000.

If this method is chosen there is a requirement for discussion by the Shuswap Emergency Program Committee, and with their concurrence, the Board as a whole can make this choice. A budget amendment will be required.

KEY ISSUES/CONCEPTS:

While staff are comfortable that the Board has options to fund this ask if they so desire, staff want to advise caution and awareness.

- Will it be expected that all people will have tipping fees related to property clean up funded by the Government?
- Is it equitable that some people chose to expend funds to acquire levels of insurance that covered these expenses?
- Will the insurance companies be incentivized to remove such coverage from new policies in anticipation that the Government will cover these costs?

IMPLEMENTATION:

If approved, through whatever method that is deemed to be acceptable to the Board, staff will take the necessary steps.

COMMUNICATIONS:

N/A

DESIRED OUTCOMES:

That the Board endorse the staff recommendation(s).

BOARD'S OPTIONS:

1. *Endorse the Recommendation(s).*
2. *Deny the Recommendation(s).*
3. *Defer.*
4. *Any other action deemed appropriate by the Board.*

Report Approval Details

Document Title:	2024-07-18_Board_CS_Request for Support - Unmet Needs Bush Creek East Fire.docx
Attachments:	GIA Chart.pdf
Final Approval Date:	Jul 9, 2024

This report and all of its attachments were approved and signed as outlined below:



Jennifer Sham