



Corporate Report

NO: R136

COUNCIL DATE: June 7, 2004

REGULAR COUNCIL

TO: **Mayor &
Council** DATE: **May 31,
2004**

FROM: **General Manager, Planning &
Development** FILE: **0125-020**

SUBJECT: **Safety Standards Act – Administrative
Agreement with the Province Regarding the
Continued Provision of Electrical Safety
Services by the City of Surrey**

RECOMMENDATION

It is recommended that Council authorize the Mayor and City Clerk to execute the Administrative Agreement, attached as Appendix I to this report, between the Province of British Columbia and the City of Surrey, regarding the continued provision of electrical safety services by the City of Surrey within the City.

INTENT

The purpose of this report is to obtain Council authorization for the Mayor and City Clerk to execute an Administrative Agreement with the Province related to the continued provision of electrical safety services by the City under the **Safety Standards Act**, S.B.C. 2003, c. 39 (the "**Safety Standards Act**").

BACKGROUND

This report is to be read in conjunction with the Corporate Report entitled "Safety Standards Act and Regulations – Response to B.C. Federation of Labour Concerns" that is to be considered by Council at the same meeting as this report.

DISCUSSION

The Province has introduced the new *Safety Standards Act* to consolidate and update, among other things, the current *Electrical Safety Act*, R.S.B.C. 1996, c. 109, *Elevating Devices Safety Act*, R.S.B.C. 1996, c. 110, *Gas Safety Act*, R.S.B.C. 1996, c. 169 and the *Power Engineers and Boiler and Pressure Vessel Safety Act*, R.S.B.C. 1996, c. 368 (the "Acts"). To address the existing circumstances where some local governments provide some of the services covered by some of these Acts, the *Safety Standards Act* introduces an Administrative Agreement that will act to formalize these existing arrangements between the Provincial government and the related local government. The relevant provisions of the *Safety Standards Act*, related to these Administrative Agreements become effective June 30, 2004, so as to allow affected local governments sufficient time to obtain proper authority to execute such an Agreement. There are 11 local governments that provide electrical and/or gas inspections as part of integrated building inspection programs. Each of these local governments is required, under the *Safety Standards Act* to enter into an Administrative Agreement with the Province if it wishes to continue providing specific safety services

covered under that *Act*.

The Province has conducted Local Government Forum meetings over the past year involving representatives of the 11 local governments providing gas and/or electrical inspection services. The focus of these meetings was to develop an agreement that was as simple as possible, addressing only the requirements of the new *Safety Standards Act*. The Administrative Agreement, attached as Appendix I, is the result of these meetings. The provisions of the Administrative Agreement will not change how the City of Surrey provides electrical inspection services or how it liaises with the Provincial inspection authorities. Further, the Administrative Agreement will not add any new significant requirements or costs to the City or increase liability for the City, in continuing to provide electrical safety services in the City of Surrey. The Administrative Agreement calls for the City to enter into a Memorandum of Understanding ("MOU") with the new Safety Authority regarding, the sharing information between the City and the Safety Authority. Staff will work with officials of the Safety Authority in structuring such a MOU and will forward it to Council for approval if its contents go beyond the authority of staff to execute.

The Administrative Agreement and this Corporate Report have been reviewed by the City Solicitor and were found acceptable.

CONCLUSION

Based on the above information, it is recommended that Council authorize the Mayor and City Clerk to execute the Administrative Agreement, attached as Appendix I to this report, between the Province of British Columbia and the City of Surrey, regarding the continued provision of electrical safety services by the City of Surrey within the City.

Original signed by

Murray Dinwoodie
General Manager
Planning and Development

RJB/kms/rdd/saw
Attachment

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Appendix I

DATED this **day of** **, 2004.**

ADMINISTRATIVE AGREEMENT

BETWEEN:

HER MAJESTY THE QUEEN IN
RIGHT OF THE PROVINCE OF
BRITISH COLUMBIA, represented by
the Minister of Community, Aboriginal
and Women's Services

(the "Province")

AND:

The City of Surrey

having an office at
14245 – 56th Avenue
Surrey, BC V3X 3A2

(“Surrey”)

(collectively the “Parties”)

WHEREAS:

- A. Pursuant to section 5(3) of the Act, the Lieutenant Governor in Council may, by regulation, delegate the authority to administer all or part of the Act to a local government, subject to an administrative agreement being entered with that local government, and, upon execution of this Agreement by the Parties, the Minister of Community, Aboriginal and Women's Services intends to recommend to the Lieutenant Governor in Council the enactment of a delegation regulation.
- B. The Province wishes to maintain and enhance public safety, promote consistency in the application of the Act, and be responsive to client needs.
- C. Surrey wishes to continue to provide electrical safety services within its community as contemplated in this Agreement and the regulation.

NOW THEREFORE the Parties agree as follows:

Article 1

Definitions

1.01 In this Agreement and in the recitals to it, unless the context otherwise requires, the following definitions will apply:

“**Act**” means the *Safety Standards Act*;

“**Administrative Authorities**” means local governments which administer some or all of the provisions of the Act pursuant to a regulation enacted under section 5(3) of the Act;

“**Agreement**” means this agreement and includes the recitals to this agreement; and

“**BCSA**” means the British Columbia Safety Authority incorporated under the *Safety Authority Act*.

Article 2

Purposes of Agreement

2.01 The purposes of this Agreement are:

- (a) to formalize the current practice whereby Surrey administers certain requirements for electrical safety; and
- (b) to provide for a consistent approach to safety by establishing the overall objectives of the safety assurance system.

Article 3

Objectives

- 3.01 The Parties agree to the following objectives with respect to electrical safety in British Columbia:
- (a) to promote activities which will enhance public safety;
 - (b) to promote safety services that meet the needs of clients and the public; and
 - (c) to promote open lines of communication between Administrative Authorities, the BCSA and the Province on safety matters, including the sharing of information.
- 3.02 The basis for a consultative partnership in the delivery of safety services will be established in a Memorandum of Understanding agreed to between the BCSA and the Administrative Authorities.

Article 4

Incident Reporting

- 4.01 The *Safety Standards General Regulation* under the Act establishes the process for incident reporting to the appropriate safety manager.
- 4.02 Subject to the *Safety Standards General Regulation*, any additional requirements for the reporting of incidents will be established between the Administrative Authorities and the BCSA in a Memorandum of Understanding which will identify the method of, and the timing for, reporting the details of the incident.

Article 5

Amendments to the Agreement

- 5.01 This Agreement may be amended only by further written agreement between the Parties.
- 5.02 The Parties agree to a formal review of the Agreement every 5 years.
- 5.03 In accordance with section 5(4) of the Act, the Province will consult with Surrey where proposed changes to the Act or its regulations have substantive implications for this Agreement.
- 5.04 If Surrey intends to terminate all or part of its administration of the Act as contemplated in section 5(6) of the Act, the Parties will establish a time frame for the change that is acceptable to both Parties.

Article 6

Miscellaneous

- 6.01 The headings or captions in this Agreement are inserted for convenience only and do not form a part of this Agreement and in no way define, limit, alter or enlarge the scope or meaning of any provision of this Agreement.
- 6.02 This Agreement constitutes the entire agreement between the Parties and no understandings, representations or agreements, oral or otherwise, exist between the Parties with respect to the subject matter of this Agreement except as expressly set out in or incorporated by reference in this Agreement.
- 6.03 In this Agreement, words in the singular include the plural, and words in the plural include the singular, unless the context otherwise requires.
- 6.04 In this Agreement, a reference to a statute includes every amendment to it, every regulation made under it, and any law enacted in substitution for it, or in replacement of it.

IN WITNESS WHEREOF this Agreement has been duly executed on behalf of Her Majesty the Queen in Right of the

Province of British Columbia, represented by the Minister of Community, Aboriginal and Women's Services and by Surrey by its duly authorized representatives or officers as of the date first above written.

SIGNED on behalf of Her Majesty)
 the Queen in Right of the Province)
 of British Columbia by a duly)
 authorized representative of the)
 Minister of Community, Aboriginal)
 and Women's Services in the)
 presence of:)
 _____)
 (Witness)) For the Minister of Community,
) Aboriginal and Women's Services

SIGNED on behalf of)
 The City of Surrey by its)
 duly authorized representatives or)
 officers as of the date first written)
 above:)
 _____)
 (Witness)) D.W. (Doug) McCallum, Mayor
)
)
)
 _____)
) Marg Jones, City Clerk