

TO: UBCM MEMBERS
Attention: Mayor and Council
Chair and Regional Board
Administrators

FROM: Ken Vance, Senior Policy Analyst

DATE: June 7, 2005

RE: WEST NILE VIRUS

A meeting was held on June 3, 2005 with staff representatives from the Ministry of Health, Ministry of Finance, Ministry of Attorney General and Minister Responsible for Treaty Negotiations, Municipal Insurance Association, the GVRD and UBCM to discuss the application and purpose of the West Nile Virus Regulation and a number of liability issues that has been raised by the indemnity agreement put forward by the Ministry of Health.

Ministry of Health officials indicated that the West Nile Virus has not yet been identified in British Columbia, however, it has been identified in Alberta and bordering US states and it was a matter of time before it would likely be found here. In the event that a West Nile Virus outbreak did occur, the Ministry of Health indicated that the province intended to play the lead role in addressing the situation and for taking the measures needed to contain it. The intent of the Ministry of Health is to work cooperatively and in partnership with local government to address this public health issue.

Ministry of Health and Health Authority officials envision local governments assisting to protect the public from this particular health problem under the following legislative framework. First, under the *Health Act*, local governments are identified as 'local boards of health' with broad general responsibilities to assist the ministry in protecting public health and the ability to identify local measures which might assist in protecting the public from the virus. Second, under the *Emergency Program Act* local governments are identified as a 'local authority' with responsibility for undertaking measures to ensure prompt coordination of action to protect the health, safety or welfare of the public. Local government, in the case of West Nile Virus, would appear to have a general responsibility, similar to that of fire or flood protection, to identify in its local emergency plan how it intends to address this matter should an outbreak occur in the community. In both cases the legislation provides the framework for local government to help the Ministry of Health and Health Authorities deal with West Nile Virus, if and when, it is identified in a local area.

In the case of the indemnity agreement proposed by the Ministry of Health earlier in the year, the ministry indicated that the intent of the agreement was to clarify the liability protection for the parties involved in dealing with an outbreak of the virus. The ministry indicated that it was prepared to amend the agreement to reflect its intended purpose. It also pointed out, that the agreement was intended as a tool local governments might use, if needed, and it was not a requirement for taking measures to address West Nile Virus.

More information will be provided on this matter as discussions with the Ministry of Health continue.