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REPORT TO ELECTORAL AREAS COMMITTEE MEETING OF WEDNESDAY, JUNE 9, 2021

Subject Livestock Injury Compensation Service Separation for Electoral Area Participation

ISSUE

The Electoral Areas Committee (EAC) directed staff to prepare proposed service establishment bylaw amendments to provide for livestock kill compensation service separation within the electoral areas.

BACKGROUND

The Capital Regional District (CRD) operates a livestock-injury-by-dog compensation service as a sub-service under its regulatory animal control service, established by Letters Patent OIC 446/1979 and governed by CRD Bylaw No. 1465, Animal Regulation and Impounding Bylaw No. 1, 1986. Participants are the three electoral areas. Due to the nature of regional district cost apportionment, it is not possible to craft a solution where a single electoral area only pays for compensation within its electoral area. A solution is separation of this livestock injury service from the main animal control compensation service into a regulatory compensation service for each electoral area.

In discussion at the July 8, 2020 EAC, staff were directed to return with details on the service separation process. The earliest this change could have effect is for the 2022 fiscal year.

After consultation with the Province, CRD staff were advised to convert the Letters Patent for the main animal control service, required when modifying service powers under the *Local Government Act*, at the same time as creating the separate livestock injury compensation services.

The following bylaws are proposed, and may be approved by Electoral Area Director consent:

1. Appendix A - Bylaw No. 4416, Animal Control Service Establishing Bylaw, 2021. This converts the supplemental letters patent into an establishing bylaw;
2. Appendix B - Bylaw No. 4417, Livestock Injury Compensation Service (Juan de Fuca) Bylaw No. 1, 2021, which establishes a service for the Juan de Fuca;
3. Appendix C - Bylaw No. 4418, Livestock Injury Compensation Service (Salt Spring Island) Bylaw No. 1, 2021, which establishes a service for Salt Spring Island; and
4. Appendix D - Bylaw No. 4419, Livestock Injury Compensation Service (Southern Gulf Islands) Bylaw No. 1, 2021, which establishes a service for the Southern Gulf Islands.

To establish the operation of the service – that is, how applications for compensation are received and considered, and to set an annual maximum for each new service – Bylaw No. 4264, Animal Regulation and Impounding Bylaw No. 1, 1986, Amendment Bylaw No. 11, 2021 (Appendix E), should be read but not yet adopted until after Ministerial approval of the conversion and new service establishment bylaws. The service operation changes come into force on January 1, 2022, a date after it is assumed Ministerial approval will be given for the conversion and new service establishing bylaws. Claims submitted prior to that date will be dealt with under the existing funding model, and claims submitted after that date shall be dealt with by the new services as applicable. An annual maximum, initially set at \$3,000 per year per electoral area, may be changed by the Board by resolution through the Regulation Bylaw on recommendation of the

respective Electoral Area Director. It is anticipated this would be done as part of establishing the annual budget for each compensation service before the commencement of each fiscal year, in order to determine the appropriate amount to requisition each year.

ALTERNATIVES

Alternative 1:

The Electoral Areas Committee recommends to the Capital Regional District Board:

1. That Bylaw No. 4416, Animal Control Service Establishing Bylaw, 2021, be read a first, second, and third time;
2. That Bylaw No. 4416 be referred to the Ministry for approval;
3. That Bylaw No. 4417, Livestock Injury Compensation Service (Juan de Fuca) Bylaw No. 1, 2021 be read a first, second and third time;
4. That Bylaw No. 4417 be referred to the Ministry for approval;
5. That Bylaw No. 4418, Livestock Injury Compensation Service (Salt Spring Island) Bylaw No. 1, 2021 be read a first, second and third time;
6. That Bylaw No. 4418 be referred to the Ministry for approval;
7. That Bylaw No. 4419, Livestock Injury Compensation Service (Southern Gulf Islands) Bylaw No. 1, 2021 be read a first, second and third time;
8. That Bylaw No. 4419 be referred to the Ministry for approval;
9. That Bylaw No. 4264, Animal Regulation and Impounding Bylaw No. 1, 1986, Amendment Bylaw No. 11, 2021, be read a first, second, and third time; and
10. That staff report back on Ministerial approval of Bylaws No. 4416, 4417, 4418, and 4419 when received.

Alternative 2:

That staff be directed to report back with bylaw amendments as directed by the Electoral Areas Committee.

IMPLICATIONS

Service Delivery and Costing

The one animal control service, three compensation services approach to livestock injury compensation will retain enforcement, operations, and administration with shared costs among all Electoral Areas, but will split payment of livestock kill compensation into each Electoral Area specifically. It is recommended that an annual maximum compensation for each separate service be established that would be allocated to verified eligible claims on a first come first served basis until such time as the annual maximum is reached. An initial amount of \$3,000 per service is recommended by staff. It is unlikely based on historical values to exceed this amount in each electoral area each year. Unused portions of the annual compensation amounts would be carried over to the following year's budget thereby lowering the required requisition to maintain the service.

Effects on Municipal Contracts

No effects should occur on those municipalities who hire CRD to enforce their animal control bylaws or provide animal control services. Those municipal clients have the option under their own animal control bylaws to provide livestock injury compensation services (Metchosin, for example, does this) and can either hire CRD to administer this function to be paid out of dog licensing fees or other revenues from the municipality, or can budget for this amount through their own municipal powers.

CONCLUSION

Splitting the three livestock injury compensation services will fulfil the requests of Electoral Area Directors to only pay livestock injury claims arising from their respective electoral areas. Should the services be split, it will take effect in 2022 due to the nature of local government requisitions.

RECOMMENDATION

The Electoral Areas Committee recommends to the Capital Regional District Board:

1. That Bylaw No. 4416, Animal Control Service Establishing Bylaw, 2021, be read a first, second, and third time;
2. That Bylaw No. 4416 be referred to the Ministry for approval;
3. That Bylaw No. 4417, Livestock Injury Compensation Service (Juan de Fuca) Bylaw No. 1, 2021 be read a first, second and third time;
4. That Bylaw No. 4417 be referred to the Ministry for approval;
5. That Bylaw No. 4418, Livestock Injury Compensation Service (Salt Spring Island) Bylaw No. 1, 2021 be read a first, second and third time;
6. That Bylaw No. 4418 be referred to the Ministry for approval;
7. That Bylaw No. 4419, Livestock Injury Compensation Service (Southern Gulf Islands) Bylaw No. 1, 2021 be read a first, second and third time;
8. That Bylaw No. 4419 be referred to the Ministry for approval;
9. That Bylaw No. 4264, Animal Regulation and Impounding Bylaw No. 1, 1986, Amendment Bylaw No. 11, 2021, be read a first, second, and third time; and
10. That staff report back on Ministerial approval of Bylaws No. 4416, 4417, 4418, and 4419 when received.

Submitted by:	Shawn Carby, CD, BHSc, MAL, Senior Manager Protective Services
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Concurrence	Kristen Morley, J.D., General Manager, Corporate Services & Corporate Officer
Concurrence:	Robert Lapham, MCIP, RPP, Chief Administrative Officer

ATTACHMENTS

- Appendix A: Bylaw No. 4416, Animal Control Service Establishing Bylaw, 2021
- Appendix B: Bylaw No. 4417, Livestock Injury Compensation Service (Juan de Fuca) Bylaw No. 1, 2021
- Appendix C: Bylaw No. 4418, Livestock Injury Compensation Service (Salt Spring Island) Bylaw No. 1, 2021
- Appendix D: Bylaw No. 4419, Livestock Injury Compensation Service (Southern Gulf Islands) Bylaw No. 1, 2021
- Appendix E: Bylaw No. 4264, Animal Regulation and Impounding Bylaw No. 1, 1986, Amendment Bylaw No. 11, 2021