



**REPORT TO ELECTORAL AREAS COMMITTEE
MEETING OF WEDNESDAY, MARCH 13, 2019**

Subject **Bylaw 1465 – Livestock Kill Compensation; Alternatives for Electoral Area Participation**

ISSUE

On January 9, 2019, the Electoral Areas Committee (EAC) directed staff to report back on alternative options to allow each electoral area to make its own decision on participation in the livestock kill compensation program.

BACKGROUND

A regional board which charges dog licensing fees may, at its choosing, pay compensation to the owner of livestock killed or injured by any dog more than four months in age, whose owner cannot be located, and where the owner of the livestock has taken all reasonable precautions against such attacks (*Local Government Act*, RSBC 2015, c 1, s. 319(4)).

The Capital Regional District (CRD) has a compensation program in its *Animal Impounding and Regulation Bylaw No. 1, 1986* (Bylaw No. 1465), ss. 19 to 23, contained in Appendix A. The CRD has paid compensation since the creation of its animal control service, starting with the *Dog Regulation and Impounding Bylaw No. 1, 1979* (Bylaw No. 551).

The per animal limit is presently \$750. No annual maximum limit is set out for compensation claims. The total of compensation claims received for 2018 was \$8681.25. The CRD does not specifically budget for these claims. This amount is borne by the operating budget for animal control which does not have adequate capacity to manage these additional unplanned costs to the program. Throughout the history of this program there have been loss claims in all electoral areas.

The typical process is for the CRD to send staff, along with a qualified veterinarian, to investigate and determine whether an animal kill was by a rogue dog. The cost of this process can be greater than \$1,000 when all staff, veterinary and administrative time is considered depending on the location and nature of the claim, not inclusive of the compensation claim itself. The CRD has processed approximately 14 such claims in the last 15 years. With claims difficult to predict from year to year the existing budget has not included ongoing funding for claims.

The evolution of the Bylaw 1465 discussions at EAC are as follows:

Sept. 5, 2018:

Staff were directed to bring forward bylaw amendments to eliminate future compensation claims following any claims that are currently in process.

Oct. 10, 2018:

That staff report item 5.2 and Bylaw No. 4264, Animal Regulation and Impounding Bylaw No. 1, 1986, Amendment Bylaw No. 12, 2018 be deferred pending consultation with the farming community and;

That staff be directed to provide alternative options to make the sheep kill program applicable to individual electoral areas or municipal jurisdictions.

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Dec. 4, 2018 (Special EAC):

During the EAC strategic planning session, the EAC Directors requested that the amended bylaw be brought back to the January 9, 2019 meeting for reconsideration.

Jan. 9, 2019:

The staff report was referred back to staff to report back on alternative options to allow each Electoral Area to make its own decision on participation in the livestock kill compensation program.

Staff were told not to undertake consultation with farmers as the Electoral Areas Committee felt they had heard from the farming community on the issue.

DISCUSSION

Bylaw 1465 is a Regulatory Bylaw established in 1986 in support of a Letter Patent from 1979. The bylaw outlines the scope of the service to be provided though does not identify the method of requisition or service funding, as this is in the Letters Patent and requires each electoral area participant to share equally in animal control. There is no service establishment bylaw that articulates the funding mechanism for this program, as it is continued under its Letters Patent.

It is possible to alter the current bylaw to reflect a change in livestock kill compensation by amending the appropriate section to either remove the compensation altogether, limit the amount paid to a specific incident, put in place an annual cap, or increase the compensation amount as long as it is applicable across the region.

In order to withdraw one or more Electoral Areas from the livestock kill compensation component of Bylaw 1465, it would be necessary to amend the bylaw to remove the compensation provisions and establish one or more separate livestock kill compensation bylaws for identified Electoral Area participants.

If the EAC chooses to remove the livestock kill compensation component from Bylaw 1465 to set up a new service(s), the establishing bylaws to create the new separate services would need Ministry approval. Because this is a regulatory bylaw, each Electoral Area Director can consent on behalf of the electors (sections 349 and 339(b) of the *Local Government Act*).

Once in place, CRD would requisition the participating Electoral Areas under the new service(s) specifically for livestock kill compensation, separate from the ongoing requisition for animal control. Typical service establishment bylaw processes can take up to a year to put in place.

ALTERNATIVES

Alternative 1:

That staff be directed to prepare proposed service establishment bylaw amendments to provide for Livestock Kill Compensation within one or more of the electoral areas as directed by the Committee.

Alternative 2:

That the Electoral Areas Committee receive this report for information.

FINANCIAL IMPLICATIONS

The financial implications of the changes to the livestock kill compensation component of Bylaw 1465 will depend solely on the route the EAC decides upon. Removal of the compensation clause will have no financial impact on the Electoral Areas. Retention of the compensation program in any form, depending on any rate changes, caps on compensation rates per annum or incident, or number of Electoral Area participants will require additional funding from the participating Electoral Areas. It is recommended that a base reserve fund of \$5,000 be established and maintained to manage these claims going forward, unless an annual maximum cap was established on the compensation program that would require a lesser amount of funding to sustain the program and any potential claims.

CONCLUSION

Any change to Bylaw 1465 to alter the number of Electoral Areas participating will require the establishment of separate livestock kill compensation bylaw(s) for identified Electoral Area participants. Removal of or change in rates for the livestock kill compensation component of Bylaw 1465 can be achieved without new service establishment bylaws needing to be created as long as all Electoral Areas participate. As this program is currently not funded in the current animal control budget, 2019 claims will need to be funded from the Bylaw Services Operating Budget and budgeted for in 2020 should the program continue.

RECOMMENDATION

That staff be directed to prepare proposed service establishment bylaw amendments to provide for Livestock Kill Compensation within one or more of the electoral areas as directed by the Committee.

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Concurrence:	Kevin Lorette, P.Eng., MBA, General Manager Planning & Protective Services
Concurrence:	Robert Lapham, MCIP, RPP, Chief Administrative Officer

Attachments: Appendix A: Bylaw 1465 Consolidated

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