

Report

Date January 17, 2024

File:

Subject Delegation of Authority Amendment Bylaw No. 3943, 2024, for first three readings

PURPOSE

To consider amendments to the Animal Responsibility and Delegation of Authority Bylaws to delegate Council's authority to appoint the Poundkeeper and Animal Control Officers to the director responsible for bylaw services.

BACKGROUND

On November 15, 2023, Council directed staff to amend the Animal Responsibility and the Delegation of Authority Bylaws in order to delegate Council's authority to appoint the Poundkeeper and Animal Control Officers and to enter into agreements for animal control and animal shelter services to the Director responsible for bylaw compliance (see November 15, 2023, resolution below).

IT WAS MOVED AND SECONDED:

THAT Council:

- (1) Appoint Trevor Hughes, Chris Hunt, Jordon Montgomery, and Mattaius Brueckl as Animal Control Officers effective immediately and terminating on December 31, 2025;
- (2) Authorize the employee or agent of Coastal Animal Control Services of B.C. Ltd. to act as the Poundkeeper for the District of North Cowichan for the purpose of the establishment, maintenance, operation, and regulation of a Pound and the enforcement of the provisions contained in Animal Responsibility Bylaw No. 3740, 2019, effective immediately and terminating on December 31, 2025, when the Agreement for Services between the District of North Cowichan and Coastal Animal Control Services of B.C. Ltd. expires; and,
- (3) Direct staff to amend the Animal Responsibility Bylaw and the Delegation of Authority Bylaw to delegate Council's authority to appoint the Poundkeeper and Animal Control Officers and to enter into agreements for animal control and animal shelter services to the Director responsible for bylaw compliance. CARRIED

On December 22, 2023, Trevor Hughes from Coastal Animal Control Services of B.C. Ltd. notified staff that Jordan Montgomery was no longer with their company and that his replacement was Kevin Watson.

DISCUSSION

The following table outlines the amendments contained within Delegation of Authority Amendment Bylaw No. 3943, 2024, which proposes to amend Animal Responsibility Bylaw No. 3740 and Delegation of Authority Bylaw No. 3814 to delegate Council's authority to the Director of bylaw services to appoint Animal Control Officers, the Poundkeeper, and enter into an agreement for animal control services.

Amendments to:	Animal Responsibility Bylaw No. 3740	Delegation of Authority Bylaw No. 3814
Appoint Animal Control Officers	<p>Amend the definition for Animal Control Officer under section 2 by striking out "<i>Council</i>" and inserting "<i>District of North Cowichan</i>" in its place to be consistent with authority being delegated under the Delegation of Authority Bylaw.</p> <p>Changes to definition under section 2:</p> <p>"Animal Control Officer" means any Person who is:</p> <ul style="list-style-type: none"> (a) A Poundkeeper; (b) A Peace Officer; (c) A Bylaw Compliance Officer; or (d) A Person appointed by the Council District of North Cowichan as an Animal Control Officer. <p>Strike out "<i>Council</i>" in section 106 and insert "<i>District of North Cowichan</i>" in its place to align with the CAO's authority to appoint Bylaw Compliance Officers under the Delegation of Authority Bylaw and the change for the director to appoint Animal Control Officers.</p> <p>Changes to section 106:</p> <p>106. This Bylaw may be enforced by an Animal Control Officer, and any other Person or class of Persons designated by Council the District of North Cowichan to enforce Municipal bylaws.</p>	<p>Add new subsection under section 9 to delegate power to appoint Animal Control Officers.</p> <p>New subsection under Section 9:</p> <p>(10) Council delegates its powers to appoint the Poundkeeper and Animal Control Officers to the Director responsible for bylaw compliance.</p>
Appoint the Poundkeeper	<p>Amend the definition in section 2 for Poundkeeper by striking out "<i>Council</i>" and inserting "<i>District of North Cowichan</i>" in its place.</p> <p>Changes to definition under section 2:</p> <p>"Poundkeeper" means the Person or Persons appointed from time to time by Council the District of North Cowichan for the purpose of maintenance, operation and regulation of a Pound in accordance with the provisions of this Bylaw, including the care, euthanasia and disposal of Animals and the collection and remission of fees; or the authorized employee or agent of any corporation or society with which Council the District of North Cowichan has an agreement to act as Poundkeeper.</p>	<p>Add new subsection under section 9 to delegate power to appoint Poundkeeper.</p> <p>New subsection under Section 9:</p> <p>(10) Council delegates its powers to appoint the Poundkeeper and Animal Control Officers to the Director responsible for bylaw compliance.</p>
To enter into agreements for animal control and animal shelter services	<p>Strike out "<i>Council</i>" in section 12 and insert "<i>District of North Cowichan</i>" in its place to enable staff to establish more than one animal shelter if needed or where contractor has multiple facilities.</p> <p>Changes to definition under section 12:</p> <p>12. Council The District of North Cowichan may establish one or more Pounds for the keeping and impounding of Dogs and other Animals, and the Poundkeeper shall make all rules and regulations not inconsistent with this Bylaw pertaining to the administration of the Pound(s).</p> <p>Strike out "<i>Council</i>" in section 13 and insert "<i>District of North Cowichan</i>" in its place to align with the change being made to the Delegation of Authority Bylaw.</p>	<p>Add new subsection under section 11 to enable the Director to enter into agreements for animal control services.</p> <p>New subsection under Section 11:</p> <p>(6) Council delegates its powers to enter into agreements for animal control and animal shelter services to the Director responsible for bylaw compliance.</p>

Amendments to:	Animal Responsibility Bylaw No. 3740	Delegation of Authority Bylaw No. 3814
	Changes to definition under section 13:	
	13. Council The District of North Cowichan may enter into an	
	agreement with any Person or organization to act as a	
	Poundkeeper for the establishment, maintenance,	
	operation, and regulation of a Pound and the enforcement	
	of any of the provisions of this Bylaw.	

Any changes in the appointments of Animal Control Officers must be approved by Council until Delegation of Authority Amendment Bylaw No. 3943, 2024, is adopted. Therefore, Council's November 15, 2023, appointment of Jordan Montgomery must be rescinded, and Kevin Watson must be appointed to replace him.

OPTIONS

1. **(Recommended Option)** THAT Council:

- (1) Appoint Kevin Watson as an Animal Control Officer, to replace Jordan Montgomery, effective immediately, and that Kevin Watson's appointment shall terminate on December 31, 2025; and
- (2) Give first, second, and third readings to Delegation of Authority Amendment Bylaw No. 3943, 2024.

- *This option is consistent with the direction given by Council on November 15, 2023.*

2. THAT Council rescind their November 15, 2023, decision to "direct staff to amend the Animal Responsibility Bylaw and the Delegation of Authority Bylaw to delegate Council's authority to appoint the Poundkeeper, and Animal Control Officers, and to enter into agreements for animal control and animal shelter services to the Director responsible for bylaw compliance".

- *This option would require staff to bring forward a report to Council whenever the animal control service provider (Coastal Animal Control Services of B.C. Ltd.) hires or terminates staff that would be providing animal control services for North Cowichan in order for Council to appoint the new Animal Control Officer(s) or to terminate their previous appointments.*

IMPLICATIONS

Delegating the authority to appoint the Poundkeeper and Animal Control Officers to the Director responsible for bylaw services will reduce red tape and speed up the appointment process of Animal Control Officers.

RECOMMENDATION

THAT Council:

- (1) Appoint Kevin Watson as an Animal Control Officer, to replace Jordan Montgomery, effective immediately, and that Kevin Watson's appointment shall terminate on December 31, 2025; and
- (2) Give first, second and third readings to Delegation of Authority Amendment Bylaw No. 3943, 2024.

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Attachment:

- (1) Delegation of Authority Amendment Bylaw No. 3943, 2024