

STAFF REPORT

THE CORPORATION OF THE TOWN OF COBOURG



Report to:	Mayor and Council Members	Priority:	<input checked="" type="checkbox"/> High <input type="checkbox"/> Low
Submitted by:	Brent Larmer Municipal Clerk/Manager of Legislative Services blarmer@cobourg.ca	Meeting Type:	Open Session <input type="checkbox"/> Closed Session <input checked="" type="checkbox"/>
Meeting Date:	August 23, 2021		
Report No.:	Corporate Services-076-21		
Submit comments to Council			

Subject/Title: Municipal Animal Control Service Delivery –Northumberland Humane Society Partnership

RECOMMENDATION:

THAT Council receive the report from the Municipal Clerk/Manager of Legislative Services regarding the Joint Animal Municipal Services Board for information purposes; and

FURTHER THAT Council proceed and accept the proposal by the Northumberland Humane Society for domestic animal sheltering for a period of five (5) years at a cost of \$36,000 per year with a yearly increase in the cost of living adjustment in December of each year.

1. STRATEGIC PLAN

Town of Cobourg Strategic Plan: Programs:

The Town provides efficient and effective corporate, community, business and recreational services for its residents, businesses, and visitors.

Action # 1: Improve Corporate Governance

Review and provide recommendations to Council on Third Party Agreements.

2. PUBLIC ENGAGEMENT

On January 6, 2020, Municipal Council received a Staff report on Notice of Termination of the JACMSB Agreement and the Town's continue Participation on the Board for Animal Control Services to the Community. This report and final resolution to provide Notice of Termination was made at a public Council Meeting in January 2020. Notice was then provided by Staff to the Joint Animal Control

Municipal Services Board and notice was published on their Agenda and made public.

Since the report and decision was made by Council to provide Notice of Termination of Cobourg's participation on the JACMSB, the Clerks' and By-law Department has not received any public comments or feedback to date on the recommendation to terminate the relationship and agreement with the JACMSB.

3. PURPOSE

The purpose of this Staff Report is to provide Council a response to the motion that was approved on February 3, 2020, and the next steps for the Town of Cobourg related to the internal Animal Control Enforcement by the Town of Cobourg By-law Enforcement Officers.

NOW THEREFORE BE IT RESOLVED THAT Council provide direction to staff to exercise the Town's option to withdraw from the Board and terminate participation in the Joint Animal Control Municipal Service Board (JACMSB) program by providing twentyfour (24) months written notice pursuant to section 30.4 of the Joint Animal Control Municipal Services Board Agreement; and

FURTHER THAT Council direct the Municipal Clerk to send correspondence to the Joint Animal Control Municipal Services Board to inform the Board that the two (2) year notice has been established by the Town of Cobourg to take effect on the final resolution passing date; and

FURTHER THAT Council direct the Municipal Clerk to provide a report to Council within the two (2) year notice period and prior to the exiting of the agreement to explain and provide an overview on the proposed operational model by the Town's By-law Enforcement Department to provide all Animal Control Enforcement internally for the residents of the Town of Cobourg.

4. ORIGIN AND LEGISLATION

The Town of Cobourg, officially entered into a Joint Municipal Service Agreement pursuant to Section 202(1) of the *Municipal Act, 2001, S.O. 2001, as amended*, through By-law No.025-2013 with four (4) Northumberland County Municipalities being, Municipality of Port Hope, Township of Hamilton, the Township of Alnwick/Haldimand and the Town of Cobourg.

5. BACKGROUND

The Joint Animal Control Municipal Services has a long history that dates to 2003 that has existed between member municipalities in the County of Northumberland. In January Council received a Staff report that detailed the brief historic timeline of the shared service agreement. For consistency and ease of reference this review has been included in this report.

Throughout the years the management and administration of Animal Control Services has evolved over time within the Town of Cobourg. Pursuant to section 11, 103 and 105 of the *Municipal Act, 2001*, as amended.

Historically, prior to 2003, the Town of Cobourg administered the program on behalf of all municipal partners and meetings were convened by the Board of Management as required to handle various matters. In 2003, the administration of the program was transferred from Cobourg to Hamilton Township while the payroll component, continued to be provided by Port Hope, and Hamilton Township owned the lands for the facility and all capital / operating costs continued to be shared by the joint municipal partners on a per capita basis. Municipal partners were intended to take turns in assuming the administrative role over time no one partner municipality was burdened.

In March 2003, a legal agreement was developed which identified the capital and operating costs, and a cost sharing formula based on 2005 Census information. However, the agreement did not clearly define the operational roles and responsibilities of the joint municipal partner contributions of Hamilton Township, the Shelter of Hope personnel, and the Joint Animal Control Board of Management. It was identified by the Municipal Clerks and CAO's at the time that the operational involvement of the Board appeared to be contrary to the governance structure put in place by agreement in 2003.

There was concurrence by the existing 2003 Board that a Working Group comprised of staff representatives of the four (4) municipal partners be struck to review the Joint Animal Control program governance model in May of 2011. Part of the review entailed an operational audit to fully understand and appreciate how the administration of the program was being affected, to understand the operational function of Shelter of Hope staff and in-kind contributions of Municipal partners.

Further, the 2003 Agreement approved by the Town of Cobourg Council through By-law No. 28-2003 which terminated on December 31, 2012. There was agreement from the Municipal Working Group and concurrence of the Board, that a review of the Joint Animal Control Program be conducted, and further, an operational audit be affected and through a subsequent gap analysis, identify areas for remediation. This review was approved by Council with an extension to the 2003 Agreement of one (1) year to permit a recommendation of all four (4) municipalities for a new agreement.

The following governance model options were discussed at the time by the working group:

- Status Quo of a general agreement between municipalities.
- Municipal Service Corporation.
- Municipal Services Board; and
- Contracting out to private enterprise.

In 2012 all Member municipal Council's received a presentation regarding the review of the Joint Animal Control program in terms of efficiencies, the sustainability of the program and a proposal to consider a different Municipal Service board governance model. Based on favorable feedback from all of the

Member Municipal Councils on the Municipal Service Board governance model, the Staff Advisory Committee in consultation with the Municipal Solicitor prepared an Agreement to establish oversight and responsibility for the Shelter of Hope as a Board of Management. All the partner municipalities including the Township of Alnwick/Haldimand, Township of Hamilton, Town of Cobourg and Municipality of Port Hope passed by-laws authorizing executing of the Agreement in April 2013. To accomplish the objectives of the new Agreement, the existing Board of Management was dissolved, and Council representative members were appointed or re-appointed to fill the new positions.

The established Board, resulting from the signed agreement is responsible for the oversight of the Municipal Animal Services (formerly know through the previous name the 'Shelter of Hope') as a Board of Management.

The Joint Municipal Service Board agreement also sets out terms and conditions for personnel, administration, finances, and requests for service from other municipalities, an exit clause with conditions and governance standards. The Treasurer for Hamilton Township through the existing agreement is appointed as the Treasurer for the Board, the Municipal Clerk from each municipality shares the responsibility on a rotating basis the recording secretary duties and the Municipal Staff Advisory Committee is available to provide expertise and advice to the Board as required.

6. ANALYSIS

As a Town service, the Town of Cobourg By-law Enforcement Department's mandate is derived from the authority of the Corporation of the Town of Cobourg under the Municipal Act, 2001, as amended. Specifically in Section 11, the Act states that within its municipal boundaries:

A municipality may provide any service of thing that the municipality considers necessary or desirable for the public may, by by-law; regulate, prohibit and impose requirements in relation to the following spheres of jurisdiction (related to By-law Enforcement):

- Economic, social, and environmental well-being of the municipality, including respecting climate change.
- Health, safety, and well-being of persons
- Protection of persons and property, including consumer protection.
- Highways, including parking and traffic on highways
- Culture, parks, recreation, and heritage.
- Drainage and flood control, except storm sewers
- Structures, including fences and signs
- **Animals.**
- Business licensing.

In addition to the *Municipal Act*, the mandate of the By-law Services Department is guided by provincial legislation such as *Dog Owner's Liability Act* and the *Provincial Offences Act*, to name a few that relate directly to the Animal Control enforcement function.

In addition to Section 11 of the *Municipal Act*, Section 103 deals directly with Animals being at large and certain regulation that may be enforced as follows:

Impounding animals

103 (1) *If a municipality passes a by-law regulating or prohibiting with respect to the being at large or trespassing of animals, it may provide for,*

(a) *the seizure and impounding of animals being at large or trespassing contrary to the by-law; and*

(b) *the sale of impounded animals,*

(i) *if they are not claimed within a reasonable time,*

(ii) *if the expenses of the municipality respecting the impounding of the animals are not paid, or*

(iii) *at such time and in such manner as is provided in the by-law.*

Definition

(2) *In this section,*

“animal” has the same meaning as in section 11.1.

Muzzling of dogs

105 (1) *If a municipality requires the muzzling of a dog under any circumstances, the council of the municipality shall, upon the request of the owner of the dog, hold a hearing to determine whether or not to exempt the owner in whole or in part from the requirement. 2002, c. 17, Sched. A, s. 22 (1).*

Conditions

(2) *An exemption may be granted subject to such conditions as council considers appropriate. 2001, c. 25, s. 105 (2).*

Request does not stay requirement

(4) *A request of the owner of a dog for a hearing under this section does not act as a stay of the muzzling requirement. 2001, c. 25, s. 105 (4); 2002, c. 17, Sched. A, s. 22 (2).*

The By-law Services Department within the Town has municipally appointed Provincial Offences Officers whose job is to provide compliance and enforcement support for any by-law, where Council or other decisions are made to engage the Department in this service.

The following is the By-law related services that are currently being enforced internally related to Animal Control activities within the Town of Cobourg:

Animal Related By-law Services:

- Animal Welfare
- Dogs Running at large
- Dog Bite Legislation enforcement under the Cobourg Animal Control By-law and the Dog Owner's Liability Act
- Dog Licensing
- Rabies Control
- Responsible Pet ownership
- Reuniting Lost Dogs with Owners.

In the past four (4) years the Town has successfully taken over all enforcement matters due to inconsistent, unexperienced Municipal Animal Control Officers who the Town of Cobourg has no authority over to judge performance of personnel and to control effective service delivery to Cobourg residents when needed. Animal Control can be a very serious incident and should be managed by experienced and professional enforcement officers.

Joint Animal Control Municipal Services Board:

As reported to Council in January 2020, the Town of Cobourg Staff have identified that the current agreement and the terms outlined within the agreement are no longer providing a significant benefit to the Town of Cobourg residents and is not delivering effective and efficient services when it comes to providing animal control enforcement services to our residents. It should be noted that the Town does recognize that the Service of running a Domestic Animal Facility continues to be a benefit to the Town when dealing with the adoption and boarding of domestic animals.

Attached to this report is statistics provide by the JACMSB statistics for various years:

- 1. Attachment "A" is the Joint Animal Control Comparison statistics from 2015 to 2020. (Note that this is a combined count of all member municipalities)**
- 2. Attachment "B" is the Joint Animal Control Monthly Statistics from Jan 1, 2020 to December 31 2020.**
- 3. Attachment "C" is the Municipal Animal Services Reported Dog Bites.**

These statistics give a general overview of the activity that the Town of Cobourg has been provided with the existence of the JACMSB Agreement.

In 2020, Municipal Council engaged in a Service Delivery Review with KPMG for the entire corporation, its divisions, and departments, as well as various service agreements that are in existence. KPMG provided Council with a service delivery opportunity to consider discontinuing the Town's involvement in the Joint Animal Control Service Board.

Service Delivery Review Comments provided by KPMG:

The Town currently participates in the Joint Animal Control Service Board, a shared service organization providing animal control services to municipalities in

Northumberland County. During 2020, the Town budgeted a total of \$101,032 in taxation support for animal control services, (2021 - \$104,000) representing an average of \$9.56 per household. The Town's spending on animal control services is higher than the average of both the Tier 1 (\$4.82 per household) and Tier 2 (\$4.63 per household). Given the differential in animal control costs, the Town may wish to undertake a business case analysis for an independent (i.e. Town only) animal control function.

As part of this recommendation and finding, Staff have reviewed a future Animal Control service level for the Town of Cobourg and below is the recommendation from staff that will provide an enhanced service delivery while realizing significant cost savings for the Municipality, and in turn our tax payers.

Northumberland Human Society Proposal:

Established in 1966, and located at 371 Ward Street in Port Hope, the Northumberland Human Society (NHS) is the local branch of the Ontario Humane Society (known as the OSPCA today). The Northumberland Humane Society (NHS) has been serving the local community for over 50 years and remains the only registered charitable animal shelter in Northumberland County. The Goals of the NHS are protecting and serving the animals that call Northumberland County home.

The Northumberland Humane Society (NHS) proposes to provide on behalf of the Town of Cobourg, the following services:

- Maintain a facility suitable for the housing of domestic animals, to be available to Town of Cobourg staff every day of the year;
- Provide housing and appropriate humane care and feeding of any domestic animal brought to NHS by Town staff;
- Provide appropriate and prompt veterinary care as may be required for all such animals;
- Make every effort to identify owner or guardianship of any stray animal and whenever possible return to the owner;
- If unable to identify ownership or if return of the animal is declined, cause the animal to be re homed or adopted after a minimum in the care of NHS of 72 hours; and
- Act as a resource for Town staff by providing advice and assistance as may be required relative to animal care

The above proposal from the Northumberland Human Society is a list of services that would help to offset the resources that the Town would need to effectively assume a 'Town Only' animal control function and being able to provide full animal control responsibilities when the Town exits the current Agreement with the JACMSB.

If the Town of Cobourg were to provide some of the above noted services on our own that the NHS is offering to cover, the Town would be looking for a location for a pound facility, looking to hire or contract veterinary services and adhering to Provincial legislation that is in place to operate a legitimate pound. At this time the Town of Cobourg would benefit from a new partnership and agreement for specific

animal services, while maintaining control over the By-law Enforcement and animal control officer function.

7. FINANCIAL IMPLICATIONS/BUDGET IMPACTS

The annual cost to the Town of Cobourg in the budget related to the Joint Animal Control Municipal Services Agreement is \$101,000.

Over the past six (6) years from 2014 to 2020 the Town of Cobourg has approved the following Budget Amounts under the JACMSB Agreement:

Year	Budget	Actuals
2014	\$79,417	\$80,702.00
2015	\$88,000	\$85,714.65
2016	\$88,000	\$87,959.00
2017	\$94,100	\$93,465.00
2018	\$97,204	\$97,204.00
2019	\$99,148	\$99,147.64
2020	\$101,032	107,807.00
2021	\$101,032	TBA
2022 (Forecast)	\$104,000	
TOTAL eight (8) Years:		651,999.29

The proposed cost of Northumberland Human Society services is **\$3,000 per month (\$36,000 annually) to be contracted for five (5) years with annual increases consistent with cost-of-living increase**. The intention is if Council agrees to the proposal and terms of the agreement that Staff and the NHS are proposing, then the Agreement would start October 1, 2021, and billing would begin on January 1, 2022.

With this new agreement the Town would be saving approximately \$68,000 in 2022 and would be managing a more accountable and experienced Animal Control Service for the residents of Cobourg.

The Town of Cobourg in 2020, the Legislative Services Department introduced a more convenient and innovative way to license Dogs within the Town of Cobourg, separate from the JACMSB. The Town has entered into an agreement with DocuPet to outsource the licensing of Dogs at no cost to taxpayers and with improvements and advancements to dog owners who purchasing licenses. This program has increased the revenue generated from Dog Tag sales vastly as follows:

Dog Tag Sales:

2019 (prior to DocuPet)	\$6,610
2020 (DocuPet)	\$14,603
2021 (DocuPet)	\$11,255

The Town will utilize this Dog Tag program and work to license all dogs within the Town to assist with the cost of the Agreement. Staff believes that the Dog owners

should contribute directly to the animal services agreement and services that the Northumberland Human Society will provide when and if needed for animal control services.

8. CONCLUSION

THAT Council to proceed and accept the proposal by the Northumberland Humane Society for domestic animal sheltering for a period of five (5) years at a cost of \$36,000 per year with a yearly increase in the cost-of-living adjustment in December of each year.