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HALIFAX
REGIONAL MUNICIPALITY
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PO Box 1749
Halifax, Nova Scotia
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FOIPOP Review

Approved for Release

Date 12.05.2018

TO: Mayor Kelly and Members of Halifax Regional Council

Original Signed

SUBMITTED BY:

Dan English
Dan English, Acting Chief Administrative Officer

Original Signed

Wayne Anstey
Wayne Anstey, Acting Deputy Chief Administrative Officer

DATE: November 2, 2005

SUBJECT: **Transfer of Enforcement Services for Animal Control**
(CONFIDENTIAL REPORT)

PRIVATE AND CONFIDENTIAL

ORIGIN

July 5, 2005 Regional Council motion to "authorize staff to review the implications of HRM assuming sole responsibility for animal control enforcement services, (outlined in Option #3, page 86-87 of the Project Report dated June 1, 2005) and effective June 1, 2006, negotiate with the key stakeholders and develop an implementation strategy for Regional Council's consideration in the 2006/2007 budget"(report attached).

RECOMMENDATION

It is recommended that :

1. Regional Council authorize staff to proceed with hiring term staff to provide animal control enforcement services as outlined in this report; and
2. Regional Council not release this report to the public until the HRM animal control enforcement services has been established.

BACKGROUND

Staff advised the NSSPCA of the intended direction of the HRM to assume sole responsibility for animal control enforcement services effective June 1, 2006. The NSSPCA provided written notice on September 16, 2005 that they are withdrawing the enforcement service effective December 15, 2005, and requested a response by September 23, 2005. Staff in Legal Services acknowledged the termination letter on September 21, 2005.

DISCUSSION

The termination of the enforcement service by the NSSPCA for December 15, 2005 has presented a tremendous challenge for staff. Staff from the respective business units have undertaken a number of tasks in preparation for the transfer of service. These tasks include telecommunications, calls for service process, case management software, interim facilities, leasing vehicles, purchasing equipment/supplies, hiring staff, communication plan and other related matters. Every effort is being taken to synergise the new animal control enforcement services with HRM's existing services in order to minimize costs.

The NSSPCA currently provides an enforcement service daily from 9AM to 9PM. A "call out service" is provided daily from 9PM to 9AM. A staff complement of 1 Field Supervisor, 7 Animal Care & Control Officers and 2 administrative staff will be required to maintain the current service level. The Human Resources business unit will establish the salary levels based on other HRM positions performing similar work. Staff are recommending a 1 year term for these positions to provide Regional Council an opportunity to assess the internal service.

Regarding Animal Control Shelter services, staff have communicated to NSSPCA that HRM desires to continue with shelter services under the current contract. Council should be aware that NSSPCA has threatened to withdraw these services; however, open discussions continue. Should it become apparent that NSSPCA would default on their contract and withdraw services, staff will return to Council with contingency alternatives (currently being investigated) for consideration.

BUDGET IMPLICATIONS

Every effort will be made to provide the HRM animal control enforcement services within the remaining 05/06 contractual funds that would have been provided to the NSSPCA had they continued to provide the service. Any additional funds required to provide the service will be obtained from the EMS 05/06 operating budget.

FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating reserves, as well as any relevant legislation.

ALTERNATIVES

1. Request the NSSPCA to continue providing Enforcement Services, possibly with additional HRM funding under the current contract. This alternative is not recommended because of the ongoing issues with the service delivery of the current contract. Additional funds provided to the NSSPCA under the current contract have not yielded any improvements in performance.
2. Authorize staff to proceed with hiring permanent animal control enforcement staff. This is not recommended because it will significantly reduce future flexibility to alter the service as a result of lessons learned/synergies achieved within the first year of HRM operations.

ATTACHMENT

Halifax Regional Council, July 5, 2005 In Camera report- Internal Animal Control Services
(CONFIDENTIAL REPORT)

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.html> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by:

Allan Wayne, General Manager, Community Projects, EMS

490-6484

Financial Review:

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Joan Broussard, Financial Consultant, Financial Services

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Report Approved by:

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Brad Anguish, Director, Environmental Management Services

490-4825



PO Box 1749
Halifax, Nova Scotia
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Halifax Regional Council
July 5, 2005
IN CAMERA

TO: Mayor ~~Kelly~~ and Members of ~~Halifax~~ Regional Council
Original Signed

SUBMITTED BY: _____
Dan English, Acting Chief ~~Administrative~~ Officer

DATE: June 29, 2005

SUBJECT: Internal Animal Control Services (CONFIDENTIAL REPORT)

PRIVATE AND CONFIDENTIAL

ORIGIN

During budget deliberations, Regional Council requested a staff report regarding the development of an internal animal control service.

RECOMMENDATION

It is recommended that Regional Council:

1. Authorize staff to review the implications of HRM assuming sole responsibility for animal control enforcement services, (outlined in Option #3, pages 86-87 of the attached Consultant's report in Appendix A) effective June 1, 2006, negotiate with the key stakeholders, and develop an implementation strategy for Regional Council's consideration in the 06/07 budget.
2. Authorize staff to commence preparing a business case for HRM to build an Animal Service Centre and provide all animal sheltering and enforcement services.
3. It is recommended that the report not be made public until Council agrees to its release.

BACKGROUND

Since April 1999, Animal Control Services for the HRM has been provided by the Nova Scotia Society for the Prevention of Cruelty to Animals (NSSPCA). Various Councillors have expressed dissatisfaction with the service provided by the NSSPCA during HRM's annual Program and Service Reviews. The current contract was awarded to the NSSPCA for the term of September 1, 2003 to August 31, 2007 with the option to renew for 3 additional (1) year periods.

The current contract cost schedule is as follows:

Time Schedule	Enforcement	Shelter	Total
September 1, 2003 - August 31, 2004	\$328,073.50	\$145,292.62	\$473,366.12
September 1, 2004 - August 31, 2005	\$328,073.50	\$145,292.62	\$473,366.12
September 1, 2005 - August 31, 2006	\$345,227.18	\$152,557.25	\$497,784.43
September 1, 2006 - August 31, 2007	\$363,238.54	\$160,185.11	\$523,423.65

The termination clauses within the contract are as follows:

1.4.1 Termination

The HRM may terminate the contract, in whole or in part, whenever the HRM determines that such a termination is in the best interest of the HRM, without showing cause, upon giving 30 days written notice to the SPCA. The HRM shall pay all reasonable costs incurred by the SPCA up to the date of termination. However, in no event shall the SPCA be paid an amount which exceeds the bid price for the work performed. The SPCA shall not be reimbursed for any profits which may have been anticipated but which have not been earned up to the date of termination.

1.4.2 Termination for Default

When the SPCA has not performed or has unsatisfactorily performed any aspects of the contract, the HRM may terminate the contract for default upon 30 days written notice. Upon termination for default, payment will be withheld at the discretion of the HRM. Failure on the part of the SPCA to fulfil the contractual obligations shall be considered just cause for termination of the contract. The SPCA will be paid for work satisfactorily performed prior to termination, less any excess costs incurred by the HRM in re-procuring and completing the work.

DISCUSSION

Options

RFP #05-40 was awarded to James H. Badow & Associates, for the completion of an Operational Review of Animal Control Services. The review has been completed and the Consultant put forward three options for consideration as outlined on pages 85 to 87. A synopsis of the options are as follows:

Option #1: The HRM could decide to build its own animal service centre and provide all animal sheltering and enforcement services. This option is a long term solution, due to the significant funding requirement of approximately \$1.6 million in capital for a shelter and approximately \$1 million for an operating budget.

Option #2: The NSSPCA provide By-Law Enforcement and Animal Sheltering Services. The Consultant did not recommend this option:

"We will state here that the NSSPCA has expressed the interest to continue providing enforcement as well as sheltering services under a contract to the HRM. However, based on the documents we reviewed and the discussions we have had with both the HRM and the NSSPCA, and based on what we observed during the course of this project, we are not prepared to suggest that the Society, while having good intentions, has the ability to deliver an effective, comprehensive municipal animal care and control program at this time, particularly a program that includes pro-active problem prevention."

Option #3: The Enforcement Service becomes the sole responsibility of the HRM and animal sheltering activities become the sole responsibility of the NSSPCA, provided that the conditions are met as outlined in the report. The Consultant recommends this option:

"We believe that the following option is the most appropriate for the HRM at this time. Since the HRM has the experience and know how in By-law enforcement while the SPCA has the know-how and experience in sheltering and caring for animals, we are recommending, that the HRM, the residents of the HRM, and the animals of the HRM will be best served at this time, if the delivery of municipal animal care and control services were to be shared."

Issues

The HRM Animal Control Service and the NSSPCA have conflicting mandates. Animal Humane agencies are non-profit organizations that primarily deal with animal cruelty issues while animal control agencies primarily enforce municipal by-laws to protect citizens and their property from animals.

It is the view of staff that service provided under the current contract has declined since its inception in September 2003. The NSSPCA is not adhering to the RFP response they submitted or the contract.

In the Spring of 2004, a letter was sent to Ms. Gass, President of the NSSPCA, from the Director of Environmental Management Services identifying the issues that are not in compliance with the contract. HRM staff continue to address ongoing performance issues with the contractor to no avail.

The Animal Care consultant has confirmed staff's findings that major contributing factors to the performance issues are related to the following deficiencies:

- currently no Project Manager is in place;
- seven Project Managers or acting Project Managers since September 2003;
- insufficient staff to service contract;
- hiring officers without adequate experience;
- not providing adequate staff training;
- staff not following standard operating procedures;
- investigations not being conducted according to industry standards; and
- only one enforcement staff has the appropriate Special Constable status.

The Animal Care consultant has developed a business case which can be used as a guideline for the implementation of Option #3. If Council agrees with the recommendation, staff will need to further investigate and develop an implementation strategy that includes the following activities:

- comply with the recommendations of the current By-Law Service Review;
- negotiate with the NSSPCA for applicable services along with required improvements to the facility or explore other alternatives;
- improve animal licensing program and revenue generation;
- develop job descriptions and conduct job competitions;
- locate accommodations for HRM enforcement services;
- arrange for telecommunications and dispatch;
- purchase vehicles and equipment; and
- develop and implement a public education strategy.

The above tasks will require considerable time and staff resources.

BUDGET IMPLICATIONS

The Animal Care consultant report indicates there are not adequate resources to fund the existing Animal Control Service for a municipality the size of the HRM.

Under the current contract, an estimate of the cost to enforce the existing legislation with the NSSPCA is approximately \$328,000.00. The business case put forward by the Consultant for an Animal Control Enforcement Service necessitates an annual budget of approximately \$613,000.00 which does not include the costs for a licensing program, park patrol service and additional space for staff and animals.

The result is a shortfall of approximately \$285,000.00. Approximately 50% represents the increased cost relative to adopting proposed By-Law A-300 Respecting Animals and 50% is deemed necessary for additional staff and equipment to improve the existing service. Also, it is anticipated the NSSPCA will expect increased funding for additional services resulting from the proposed new By-Law.

A program should be developed to address the requirements of the proposed A-300 By-Law Respecting Animals. The program would create additional cost drivers including but not limited to:

- animal control officers to enforce By-Law violations;
- additional space for staff and animals;
- equipment including cat traps;
- vehicles and related costs to address service requests;
- administrative staff to process service requests and the issuance and tracking of cat traps;
- improved licensing strategy which would include cats;
- education and promotion;
- an adoption program;
- veterinary and euthanizing services; and
- service demands over a large geographical area.

There are not adequate funds in the Community Projects, EMS, 05/06 operating budget for the HRM to implement the recommendation. For this reason, staff requires adequate time to develop a funding/revenue generation strategy. The most appropriate approach is to develop a business case for Council's consideration in the 06/07 budget process.

FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating reserves, as well as any relevant legislation.

ALTERNATIVES

The alternatives available to Council:

1. The NSSPCA continue to provide Enforcement and Animal Sheltering Services. This alternative is not recommended because of the ongoing issues with the service delivery of the current contract. Additional funds provided to the NSSPCA under the current contract have not yielded any improvements in performance.
2. The HRM consider a joint venture with an external partner that may have an interest in building and operating an animal shelter.

ATTACHMENTS

Appendix A: Animal Care Consultant Review

Note: attachment was not included as part of distribution for November 8, 2005 meeting.

A copy of this report can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Andrea MacDonald, Manager, Animal Control and Taxi & Limousine Services,
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