Agenda – Council – September 30, 2009

Report – Standing Policy Committee on Protection and Community Services – September 14, 2009

Item No. 3 Amendment to the City of Winnipeg Pound By-law No. 2443/79
eFile EL-4

STANDING COMMITTEE RECOMMENDATION:

On September 23, 2009, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Protection and Community Services and submits the following to Council:

1. That the amendments to the City of Winnipeg Pound By-law No. 2443/79 as shown on Appendix 1 to the report from Chief Operating Officer, Animal Services SOA, dated July 16, 2009, be approved.

2. That the Proper Officers of the City of Winnipeg be authorized to do all things necessary to implement the intent of the foregoing.

Report – Standing Policy Committee on Protection and Community Services – September 14, 2009

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 23, 2009, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Protection and Community Services and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On September 14, 2009, the Standing Policy Committee on Protection and Community Services concurred in the recommendation of the Winnipeg Public Service and submitted the matter to the Executive Policy Committee and Council.

ADMINISTRATIVE REPORT

ISSUE: **Amendment to the City of Winnipeg Pound By-law No. 2443/79**

Critical Path: **Standing Policy Committee on Protection and Community Services – Executive Policy Committee - Council**

AUTHORIZATION

Author	Department Head	CFO	CAO
T. Dack	C. Wightman	N/A	G. Laubenstein

RECOMMENDATIONS

1. That Council approves the attached amendments to the City of Winnipeg Pound By-law No. 2443/79.

2. That the Proper Officers of the City of Winnipeg be authorized to do all things necessary to implement the intent of the foregoing.

IMPLICATIONS OF THE RECOMMENDATIONS

Functions performed pursuant to the Pound Bylaw by the former Chief License Inspector (specifically, presiding over Dangerous Dog hearings) are proposed to be transferred to the Manager of the Community By-law Enforcement Services of Community Services. This responsibility will require the Manager to preside over scheduled hearings, normally no more than one per month, and related administrative functions.

HISTORY

Prior to Animal Services being realigned with Community Services in 1994 it was a section under the License Branch of the former Finance Department. The Pound Supervisor reported up to the Chief License Inspector who headed up the License Branch. Due the accountability of

the Pound Services to the Chief License Inspector there are a number of references to the position of Chief License Inspector in the Pound Bylaw. After Animal Services was transferred to the Community Services Department the reporting line shift to the Director of Community Services. However even after the transfer the Chief License Inspector was still responsible for certain sections of the Pound By-law, specifically presiding over and ruling on dangerous dog hearings.

In 2008 the functions of the former License Branch were realigned with the newly formed Community Bylaw Enforcement Services. This resulted in the position of Chief License Inspector to be declared redundant. Therefore the proposed amendments to the Pound By-law are;

1. *The definition "Chief License Inspector" in section 1 is repealed*.

2. *Section 1 is amended by adding the following definition:*
   "**Community By-law Enforcement Services Manager**" means the holder of such position in the employment of the City of Winnipeg or his designate.

3. *Subsection 3(b) is amended by striking out* "Chief License Inspector".

4. *Section 15 is amended by striking out* "License Inspector".

5. *Section 18 is amended by striking out* "Chief License Inspector" *wherever it occurs and substituting* "Community By-law Enforcement Services Manager".

6. *Section 20.1 is amended by striking out* "Chief License Inspector" *wherever it occurs and substituting* "Community By-law Enforcement Services Manager".

Bullets 5 & 6 relate to dangerous dogs. The Animal Services Agency typically initiates through its investigations dangerous dog hearings. In order to provide a fair unbiased ruling the hearing officer must be from outside the Animal Services Agency. It is recommended that this duty be assigned to the Manager Community of By-law Enforcement Services.

FINANCIAL IMPACT

Financial Impact Statement

Date: June 24, 2009

Project Name: Pound By-law

First Year of Program 2009

	0	1	2	3	4
Capital					
Capital Expenditures Required	$ -	$ -	$ -	$ -	$ -
Less: Existing Budgeted Costs	-	-	-	-	-
Additional Capital Budget Required	$ -	$ -	$ -	$ -	$ -
Funding Sources:					
Debt - Internal	$ -	$ -	$ -	$ -	$ -
Debt - External	-	-	-	-	-
Grants (Enter Description Here)	-	-	-	-	-
Reserves, Equity, Surplus	-	-	-	-	-
Other - Enter Description Here	-	-	-	-	-
Total Funding	$ -	$ -	$ -	$ -	$ -
Total Additional Capital Budget Required	$ -				
Total Additional Debt Required	$ -				
Current Expenditures/Revenues					
Direct Costs	$ -	$ -	$ -	$ -	$ -
Less: Incremental Revenue/Recovery	-	-	-	-	-
Net Cost/(Benefit)	$ -	$ -	$ -	$ -	$ -
Less: Existing Budget Amounts	-	-	-	-	-
Net Budget Adjustment Required	$ -	$ -	$ -	$ -	$ -

Additional Comments: There are no financial implications associated with this report.

original signed by: Cindy Fernandes
Department Controller

CONSULTATION

In preparing this Report there was consultation with:
City of Winnipeg Legal Services
Community Services Department

SUBMITTED BY

Department: Community Services
Division: Animal Services Agency
Prepared by: Tim Dack, Chief Operating officer
Date: July 16, 2009
File No.

Appendix 1 – By-law Amendment



Animal Services\A By-law of the City of

Appendix 1

THE CITY OF WINNIPEG

BY-LAW NO.

A By-law of THE CITY OF WINNIPEG to amend the Pound By-law No. 2443/79

THE CITY OF **WINNIPEG**, in Council assembled, enacts as follows:

1. *The Pound By-law 2443/79 is amended by this by-law.*
2. *The definition "Chief License Inspector" in section 1 is repealed.*
3. *Section 1 is amended by adding the following definition:*
   "**Community By-law Enforcement Services Manager**" means the holder of such position in the employment of the City of Winnipeg or his designate.
4. *Subsection 3(b) is amended by striking out* "Chief License Inspector".
5. *Section 15 is amended by striking out* "License Inspector".
6. *Section 18 is amended by striking out* "Chief License Inspector" *wherever it occurs and substituting* "Community By-law Enforcement Services Manager".
7. *Section 20.1 is amended by striking out* "Chief License Inspector" *wherever it occurs and substituting* "Community By-law Enforcement Services Manager".

DONE AND PASSED, this day of , 2009.

_____
Mayor

_____
City Clerk

Approved as to content:

_____
Chief Operating Officer of Animal Services

Approved as to form:

_____
For Acting City Solicitor/Manager of
Legal Services