



COMMUNITY AND PROTECTIVE SERVICES COMMITTEE

**Wednesday, March 11, 2015
4:00 PM**

Henry Baker Hall, Main Floor, City Hall



**Public Agenda
Community and Protective Services Committee
Wednesday, March 11, 2015**

Appointment of Chairperson and Vice-Chairperson

Approval of Public Agenda

Minutes of the meeting held on February 11, 2015

Administration Reports

CPS15-2 North West Leisure Centre Spray Pad Donation

Recommendation

1. That City Council approve the receipt of DREAM Development's restricted donation of \$650,000 for the North West Leisure Centre Spray Pad.
2. That City Council approve the addition of the North West Leisure Centre Spray Pad to Community Service's Capital Program for 2015 with the restricted donation as the funding source.
3. That City Council delegate authority to the Executive Director, City Services and to the Chief Financial Officer to negotiate and execute a Donation Agreement based on the principles outlined in the report prior to the City of Regina issuing a tender for construction for the North West Leisure Centre Spray Pad.
4. That this report be forwarded to the March 23, 2015 City Council meeting for consideration.

CPS15-3 Grow Regina Gazebo

Recommendation

1. That City Council approve the acceptance of a donation of a gazebo from Ceramsky Artworks Ltd. for placement in the McLeod Park Community Gardens which are operated by Grow Regina Community Gardens Inc.
2. That the Chief Operating Officer, or his or her designate, be delegated the authority to negotiate and approve an agreement with Ceramsky Artworks Ltd. for donation of the gazebo.
3. That the Chief Operating Officer, or his or her designate, be delegated the authority to negotiate and approve an amendment to the City of Regina's current lease agreement with Grow Regina Community Gardens Inc. as further detailed in this report.



Office of the City Clerk

4. That the Chief Operating Officer, or his or her designate, be delegated the authority to approve submission of an application and any required agreement for any applicable tax incentives as further detailed in this report.
5. That the City Solicitor's Office be directed to prepare the agreements as negotiated by the Chief Operating Officer or designate.
6. That the City Clerk be authorized to execute the agreements and tax incentive application on behalf of the City of Regina.
7. That that this report be forwarded to the March 23, 2015 meeting of City Council for approval.

CPS15-4 Transportation of Animals in Motor Vehicles

Recommendation

1. That this issue be referred to the Traffic Bylaw Working Group for consideration by the end of Q2 2015.
2. That item EN14-1 be removed from the list of outstanding items for the Community and Protective Services Committee.

Adjournment

AT REGINA, SASKATCHEWAN, WEDNESDAY, FEBRUARY 11, 2015

AT A MEETING OF THE COMMUNITY AND PROTECTIVE SERVICES
COMMITTEE
HELD IN PUBLIC SESSION

AT 4:00 PM

These are considered a draft rendering of the official minutes. Official minutes can be obtained through the Office of the City Clerk once approved.

Present: Councillor, Bob Hawkins, in the Chair
Councillor John Findura
Councillor Shawn Fraser

Regrets: Councillor Mike O Donnell
Councillor Jerry Flegel

Also in Attendance: Council Officer, Ashley Thompson
Solicitor, Chrystal Atchison
Director, Fire & Protective Services, Ernie Polsom
Director, Transit, Kim Onrait
Manager, Community Development, Laurie Shalley
Policy Analyst, Jeanette Lye

APPOINTMENT OF CHAIRPERSON AND VICE-CHAIRPERSON

Councillor Bob Hawkins moved, AND IT WAS RESOLVED, that the nominations of Chairperson and Vice-Chairperson, be deferred to the March 11, 2015 Community and Protective Services Committee meeting.

APPROVAL OF PUBLIC AGENDA

Councillor Shawn Fraser moved, AND IT WAS RESOLVED, that the agenda for this meeting be approved, as submitted.

ADOPTION OF MINUTES

Councillor John Findura moved, AND IT WAS RESOLVED, that the minutes for the meeting held on December 1, 2014 be adopted, as circulated.

ADMINISTRATION REPORTS

CPS15-1 Taxi Rate Change 2015

Recommendation

1. Effective March 24, 2015 taxicab rates be set at the following:
 - a. \$4.00 for the first 120 metres;
 - b. \$0.25 for each additional 138 metres;
 - c. \$0.25 for every 25 seconds while waiting under engagement, after the first 5 minutes;
 - d. \$1.72 per out of town kilometre; and,
 - e. \$36.00 for the hire of taxicabs by the hour.
2. That the amendments to Bylaw No. 9635, The Taxi Bylaw, 1994, as identified in this report, be approved.
3. That the City Solicitor be instructed to prepare the required amending bylaw based on the changes outlined in this report.
4. That this report be forwarded to the February 23, 2015 meeting of City Council for approval.

Councillor John Findura moved, AND IT WAS RESOLVED, that the recommendations contained in the report be concurred in.

OTHER REPORTS

CPS15-2 Accessibility Advisory Committee - 2014 Annual Report

Recommendation

That the 2014 Annual Report for the Accessibility Advisory Committee be approved.

Councillor John Findura moved, AND IT WAS RESOLVED, that the recommendations contained in the report be concurred in.

ADJOURNMENT

Councillor Shawn Fraser moved, AND IT WAS RESOLVED, that the meeting adjourn.

The meeting adjourned at 4:20 pm.

Chairperson

Secretary

March 11, 2015

To: Members,
Community and Protective Services Committee

Re: North West Leisure Centre Spray Pad Donation

RECOMMENDATION

1. That City Council approve the receipt of DREAM Development's restricted donation of \$650,000 for the North West Leisure Centre Spray Pad.
2. That City Council approve the addition of the North West Leisure Centre Spray Pad to Community Service's Capital Program for 2015 with the restricted donation as the funding source.
3. That City Council delegate authority to the Executive Director, City Services and to the Chief Financial Officer to negotiate and execute a Donation Agreement based on the principles outlined in the report prior to the City of Regina issuing a tender for construction for the North West Leisure Centre Spray Pad.
4. That this report be forwarded to the March 23, 2015 City Council meeting for consideration.

CONCLUSION

Administration has been working with the community to develop a vision for the outdoor space surrounding the North West Leisure Centre (NWLC). Key elements of the vision include a spray pad (Phase I) and accessible play structure (Phase II), which complements the range of activities already in place on site, including the arena, pool, gymnasium and multi-purpose spaces within the leisure centre, as well as two outdoor rinks. DREAM Developments (DREAM) is interested in donating \$650,000 towards Phase I of the project, in return for a tax receipt and a donor recognition package. Administration is recommending approval of this donation to advance the project. The community will continue to raise funds for Phase II of the project, which includes the fully accessible play structure.

BACKGROUND

Administration has been approached by citizens and representatives of community associations in the North West requesting additional investment in spray pads that serve this area of the city. Consistent with the Recreation Facility Plan (RFP), Administration identified the NWLC as the priority, and began working with a steering committee in late 2014, which consists of neighbours and representatives from throughout the West Zone. A consultative process has been used to identify opportunities, constraints and develop a draft site plan for the NWLC (Appendix A). While the long term plan includes a spray pad and accessible play structure, the first Phase of the project is the addition of a spray pad.

Since this work was initiated, DREAM has offered to contribute \$650,000 towards the project to construct the spray pad (Appendix A). In return for this investment, DREAM is requesting a tax receipt and a donor recognition package for the contribution.

DISCUSSION

This project is consistent with the City of Regina's (City) RFP which recommends the site development to further enhance the NWLC as a community destination. Implementation of the plan requires a community commitment to raise the funds for implementation. DREAM's donation will advance this initiative.

Gifts and donations offered to the City are governed by the *Donation Policy 210-FIN-13* (Appendix B). Administration has had preliminary discussions with DREAM based on this policy and have agreed in principle to the following principles:

- DREAM will provide a cash donation in the amount of \$650,000 to the City via cheque two weeks after City Council approval of the donation;
- DREAM's cash donation of \$650,000 will be restricted to the design and construction of the spray pad at the NWLC;
- The City will recognize DREAM by providing signage at the facility to acknowledge the donation;
- The City may assign additional donor recognition to DREAM for the spray pad provided the City's corporate identity is not compromised. Any donor recognition package will be assigned a fair market value based on a third party valuation; and
- The City may issue a charitable donation receipt to DREAM in adherence to Canada Revenue Agency rules and regulations.

DREAM has agreed in principle that any advantage or benefit received from the donation is to be deducted from the total donation for the purpose of issuing a charitable receipt. Advantage or benefit could come in the form of a donor recognition package that includes marketing assets such as, signage, public announcements, commercials, billboards, etc. The standard industry practice for calculating fair market value for donor recognition packages is based on the degree of activation. For example, a donor recognition package for this asset class could generate a fair market value in the range of \$5,000 to \$100,000 per year. A fair market value of \$5,000 per year could be assigned to a donor recognition package that only includes site signage, where a value of \$100,000 per year could be assigned for site signage and use in all marketing assets.

If a decision was to be made to move forward with the development of the spray pad with the donation offered by DREAM, Administration would proceed with the negotiation and execution of a Donation Agreement with DREAM. This agreement would be negotiated based on principles outlined in this report, as well as the requirements set out in the *Donation Policy 210-FIN-13*. An overview the project timeline is provided:

Announcement of Donation Offered/Council	Week of March 2, 2015
Construction Documents Complete	March 23, 2015
Donation Agreement Executed	April 10, 2015
Request of Proposal for Construction Issued	April 14, 2015
Construction Started	July 2015
Construction Completed	October 31, 2015
Grand Opening Held	Spring 2016

RECOMMENDATION IMPLICATIONS

Financial Implications

The cost of constructing a new spray pad in the outdoor space at the NWLC is estimated at \$650,000. This expenditure will be fully offset by the receipt of a cash donation of \$650,000 from DREAM.

As per *Donation Policy 210-FIN-13*, City Council approval is required to accept restricted monetary donations greater than \$100,000 and for assigning recognition to donors valued in excess of \$300,000.

Ongoing operating and maintenance costs for this new spray pad are estimated to be \$7,000 per annum. Should this initiative be approved, the incremental operating costs will be part of the 2016 budget process.

Environmental Implications

There are no environmental implications associated with this report.

Policy and/or Strategic Implications

This project supports the direction outlined in the RFP to build on the NWLC site as a community destination with a range of indoor and outdoor recreation facilities. It also supports the priority of developing complete neighbourhoods identified in the *Design Regina: The Official Community Plan Bylaw No. 2013-48*. By incorporating the spray pad at the NWLC, it will allow for utilization of existing infrastructure (washrooms, change rooms, parking) already provided at the NWLC and increase active use of the outdoor space, adding to the vibrancy of the NWLC.

Approvals and principles applied to this donation are consistent with *Donation Policy 210-FIN-13*.

Other Implications

There are no other implications associated with this report.

Accessibility Implications

Administration will work to ensure that play elements contained within the spray pad will allow for full accessibility.

COMMUNICATIONS

The Community Services Department will partner with the Communications Department to work with DREAM to develop the donor recognition package, which will include a communications plan to notify citizens of the spray pad development.

If a decision were to be made to move forward with the development of a spray pad at the NWLC, further consultation and promotion would be conducted in accordance with the negotiated Donation Agreement. It is anticipated that there may be media interest related to the donation during the week of March 2, 2015. Any formal announcement would occur subsequent to Council deliberation on March 23, 2015.

DELEGATED AUTHORITY

City Council approval is required to accept this donation, as per *Donation Policy 210-FIN-13*.

Respectfully submitted,



For: Laurie Shalley, Director
Community Services

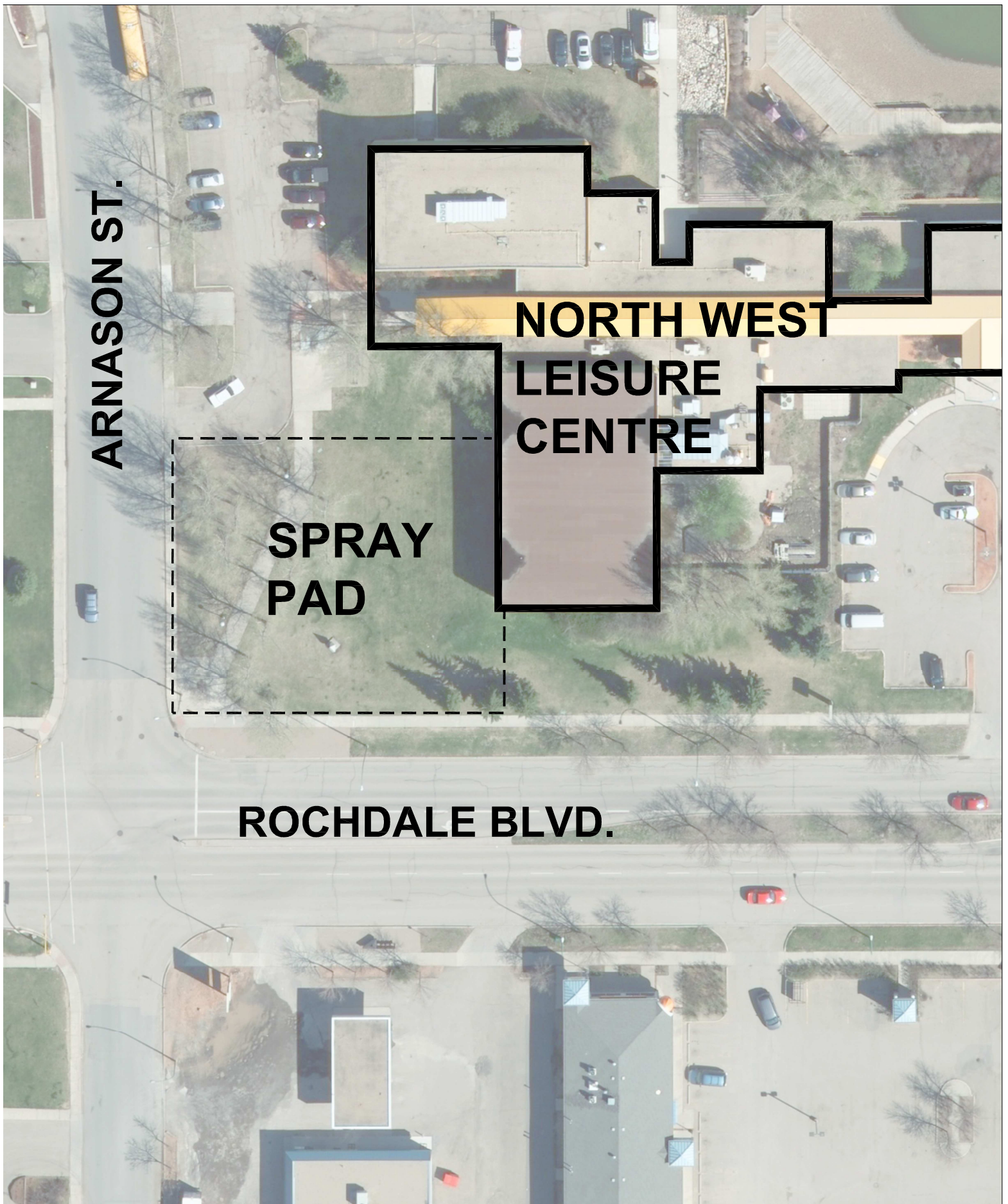
Respectfully submitted,



Kim Onrait, Executive Director
City Services

Report prepared by:
Ryley Slywka, Project Management Analyst

APPENDIX "A"



Corporate Policy

Policy Title:	Applies to:	Reference #
Donations Policy	City of Regina Administration	210-FIN-13
Approved by:	Dates:	Total # of Pages
Deputy City Manager & CFO	Effective:	30-Jan-2013
	Last Review:	N/A
	Next Review:	TBD
Authority: Regina Administration Bylaw 2003-69, Section 25 (l) and (m)		

NOTE: Corporate policies are posted on InSite. These documents are updated, added and deleted on an ongoing basis; therefore, it is your responsibility to ensure you are using a current copy.

1.0 Policy Statement

- 1.1 The City welcomes gifts and donations to assist in the provision of City services and programs.
- 1.2 All accepted donations must be consistent with the City's Corporate Vision and Mission and should not compromise or be in conflict with any policy of the City or reflect negatively on the City's public image.
- 1.3 The City retains the right to reject any gifts or donations in whole or in part.

2.0 Purpose

The purpose of this Donations Policy is to:

- 2.1 Provide general principles and guidelines for the acceptance and administration of donations as well as the issuance of charitable donation receipts.
- 2.2 Ensure the City is in compliance with Canada Revenue Agency (CRA) regulations when issuing charitable donation receipts and maintaining books and records.
- 2.3 Establish guidelines that ensure donations occur at arm's length from any City decision-making process.
- 2.4 Provide donation valuation and appraisal guidelines for issuing charitable donation receipts.
- 2.5 Confer upon the Administration the delegated authority to accept donations, within the parameters contained herein.
- 2.6 Provide guidelines to help maintain full and complete financial disclosure and reporting.

3.0 Scope

- 3.1 This policy applies to all employees of the City engaged in the acceptance and administration of donations.

4.0 Definitions

In this Donations Policy:

“Advantage” means the total value of what a donor receives in return for the gift (for example, a meal or tickets to a show). The calculation of an advantage does not include taxes such as GST, PST, or HST. As well, it does not include gratuities, unless they are included in the cost and are not discretionary. For more information, see [Pamphlet P113, Gifts and Income Tax](#).

“Appraisal” means a process of determining the fair market value of non-monetary donations.

“Assessment” means a process of determining the usefulness to the City of a gift-in-kind.

“Bequest” means a donation (money or property) to the City from the estate of a deceased individual.

“Charitable Donation Receipt” means an official receipt for income tax purposes for a donation of monetary or gift-in-kind made to the City voluntarily.

“City” means the City of Regina.

“Donation” may be used interchangeably with **“gift.”** A donation or gift means a voluntary transfer of property, either monetary or a gift-in-kind, made to the City.

“Donor” means an individual or business making the gift or donation to the City.

“Fair Market Value” means the highest dollar value that could be obtained on the property in an open and unrestricted market, between a willing buyer and a willing seller who are both knowledgeable, informed, and prudent, and who are acting independently of each other.

“Gift-in-Kind” means property other than monetary, such as equipment and land.

“Monetary” means an amount given to the City through legal tender, personal cheque, payroll deduction, or credit card payment.

“Qualified Donee” means an organization that can issue official donation receipts for gifts it receives from individuals and corporations. It can also receive gifts from registered charities.

“Restricted donations” mean donations made with conditions such as use only for a specific purpose, and not available for the general purposes of the organization (for example, contributions that donors specifically direct the registered charity to use to buy a new building), unless deemed otherwise by the donor. Endowments are one type of restricted donation. Donors create them when they stipulate that the registered charity must maintain the principal amount and only use the income earned on it.

“Unrestricted donations” means donations that have “no strings attached”. They can be deposited to the general revenue of the City unless otherwise directed by the City Administration or Council.

“Valuation” means an estimate of the fair market value of a property.

5.0 Donations Policy

5.1 Legal Authority

- 5.1.1 The Income Tax Act.
- 5.1.2 *The Cities Act* and Bylaws
 - a. Pursuant to Section 25 (f) and (l) of *The Regina Administration Bylaw* No. 2003-69, the Deputy City Manager of Corporate Services & CFO has the authority to create, amend, and approve:
 - i. The Donations Policy.
 - ii. All existing municipal policies, where applicable.
- 5.1.3 The Public Sector Accounting Board (PSAB) of the Canadian Institute of Chartered Accountants (CICA).

5.2 General Policy

- 5.2.1 The City may elect to accept or decline any donation. If a donation is declined, the donor may be advised of the reason. (See Section 5.5 for considerations for the acceptance of donations).
- 5.2.2 Depending on the type and value of the donation, and conditions attached to the donation, approval from the appropriate authority would be required.
- 5.2.3 Having the status of Qualified Donee¹, the City can issue official donation receipts and is eligible to receive donations from registered charities. (See Section 5.5.5 for rules on issuing charitable donation receipts). However, the City has the obligation to abide by the CRA rules and regulations on issuing charitable donation receipts, and on maintaining adequate books and records for donations received. Otherwise, the City may run the risk of losing such status.
- 5.2.4 The City will provide recognition of donations that is consistent with its Corporate Vision and Mission, and in accordance with Section 5.7.
- 5.2.5 Treatment/disbursement of donations shall be determined by the appropriate authority, depending on the value, as per details provided in this document.
- 5.2.6 For donations applied to/placed in public parks, open spaces, or facilities, also consult the Gift and Memorials Program (Community Services Policy - *Note: Any amendments to this Policy require Council approval.*). (See Section 7.0)
- 5.2.7 Regarding issues related to tax receipts not specifically addressed in this policy, consult the CRA website for most up-to date information and regulations (See Section 7.0).

¹ <http://www.cra-arc.gc.ca/chrts-gvng/qlfd-dns/qd-lstngs/mncplts-sk-lst-eng.html>

5.3 Donation Methods

Donations may be received through the following means:

- Cash (not exceeding the value of \$200), however cash should be discouraged;
- Cheque, credit payment or direct deposit;
- Securities that are fully paid (including shares, bonds, debentures, secured and unsecured notes);
- Gift-in-Kind;
- Life insurance including term, whole life and other commercial policies with the City named as owner and/or beneficiary; and
- Bequests in a donor's will, expressed as a specific amount, percentage or remainder of the estate.

5.4 Donations by City Staff

- 5.4.1 All employees of the City of Regina shall adhere to the rules and regulations set forth by *The Regina Code of Conduct and Conflict Bylaw*, Bylaw No. 2002-57.
- 5.4.2 Donations by City staff must not appear to be designed to influence a decision of a staff member or any other decision of the City.
- 5.4.3 Any offer of a donation that may carry actual or apparent conflict of interest, concerns, or potentially the granting or acceptance of favours for personal gain, must be reported immediately to the Director of Finance for review.
- 5.4.4 Donations by City staff that are considered to be in a conflict of interest position will be rejected.

5.5 Accepting Donations

- 5.5.1 General consideration for the acceptance of a donation:
 - 5.5.1.1 The City may decline a donation from any donor who, in the opinion of the City, represents a reputation risk to the City through involvement in activities that are contrary to the values of the City. Examples of ineligible donors include but are not limited to:
 - a. Proven or suspected criminal organizations;
 - b. Organizations that promote hatred against individuals or groups;
 - c. An individual or an organization that is currently in litigation against the City.
 - 5.5.1.2 Donations cannot confer a personal benefit to any City employee or Council members.
 - 5.5.1.3 Acceptance of donations that are conditional upon the endorsement of any product, service, or supplier requires Council approval.

- 5.5.1.4 Donations that violate City bylaws, City policies, the laws, conventions, or treaties of the other orders of government will not be accepted.
- 5.5.1.5 A donation may be of monetary or in-kind nature.
 - As per CRA rules, contributions of service (e.g., time, skills, and effort) may be accepted, but donors would not be eligible for charitable donation receipts (See Section 5.5.5.1).
- 5.5.1.6 The Donation Declaration Form (See Appendix A) must be signed by the donor and submitted prior to the acceptance of any donation with a value at or above \$500. The forms are to be retained by the recipient department, with a copy forwarded to the Finance Department.

5.5.2 Considerations and acceptance of monetary donations:

5.5.2.1 Unrestricted monetary donations:

- a. Provided that the monetary donation meets the general considerations set forth in Section 5.5.1, the Director of Finance has the authority to accept the donation, unless otherwise directed by Council.
- b. Subject to CRA rules and regulations, tax receipts may be issued to the donor of an accepted donation accordingly (See Section 5.5.5).

5.5.2.2 Restricted monetary donations:

- a. The monetary donation must meet the considerations set forth in Section 5.5.1.
- b. Attached conditions for the donation shall be assessed by the receiving division for eligibility:
 - i. Eligible donations are those that support the City's approved programs and services; capital facilities or project; asset improvement, restoration or capital maintenance.
 - ii. Donations must be for purposes consistent with the receiving division's mandate, programs, services, and activities; and must be deemed to be in the public interest of the City.
 - iii. Donations are only accepted if the receiving division has the capacity to meet the initial and ongoing costs and obligations associated with the donation.
 - iv. Donors who wish to make donations that support special purposes provided by an organization independent of the City should be directed, where possible, to the intended organization.
- c. When donations are for projects or programs that have a minimum amount that must be raised, donors are to indicate whether their donations could be directed to other City projects if sufficient funds are not raised to allow the designated project to proceed. Otherwise, donations must be returned if the specified conditions for donations cannot be met.

- d. Authority to accept restricted monetary donations:
 - i. For amount less than or equal to \$5,000, the appropriate manager has the delegated authority to accept.
 - ii. For amount greater than \$5,000 and less than \$100,000, the Director of Finance has the authority to accept.
 - iii. For amount greater than \$100,000, Council approval is required.
 - iv. Council approval is required for donations requiring endorsement of any kind (See Section 5.5.1.3).
- e. Charitable donation receipts may be issued to donors upon acceptance. (See Section 5.5.5 for applicable regulations and rules).
 - i. Should donor's conditions conflict with the CRA rules and regulations for issuing charitable donation receipts, and it is donor's requirement to receive such receipt, then, the City must decline the donation. For example, if donor disagrees on the assessed fair market value of the donated item, the City cannot adjust the assessed value to suit the donor; instead, the City must decline the offer of the donation.

5.5.3 Considerations and acceptance of gift-in-kind donations:

- 5.5.3.1 The in-kind donation must meet the considerations set forth in Section 5.5.1.
- 5.5.3.2 Approval of an in-kind donation will include the use and disposition of the real property (including the net proceeds arising from a property transaction).
- 5.5.3.3 Gifts-in-kind to the City, whether designated for a specific purpose, will be held in the name of the City.
- 5.5.3.4 In addition to 5.5.3.1 above, acceptance of the in-kind donation should be decided based on the considerations including but not limited to:
 - a. An assessment of the condition, value, and usefulness of the donation.
 - b. An assessment of initial expense and on-going costs that will have a budgetary impact (including but not limited to staffing, installation, maintenance, operation, storage, insurance, and liability costs).
 - i. Donations may not be accepted by the City where the cost of acceptance is assessed to be greater than the value of the donation unless otherwise approved by Council.
 - ii. For maintenance of certain donations such as gifts-in-kind of a cultural nature, the Municipal Arts Policy applies.
 - c. An assessment of whether the proposed donation is consistent with the priorities, mandates, strategic and business plans, and deemed to be in the best public interest of the City.
 - d. An assurance that the City acquires full, complete, and unencumbered title to all donated assets.

- e. An assessment of the potential health and safety issues for City employees, residents, and visitors.
- f. An assessment of the donation whether it meets the rules and regulations set forth by CRA, should the donor require a charitable donation receipt.
 - i. If donations are assessed as not eligible for such receipts, the City cannot accept such donations unless the donor rescinds the requirement for a charitable donation receipt.

5.5.3.5 For Restricted in-kind donations:

- a. In addition to items in section 5.5.1 and 5.5.3.1 to 5.5.3.4, Items 5.5.2.2 (c) and (e) in the same Section (5.5) should also be taken into consideration when deciding whether to accept restricted in-kind donations.

5.5.3.6 Authority to accept gift-in-kind donations, except for items covered by the policy CR98-68: Gifts and Memorials Program, is as follows:

- a. For valuations less than or equal to \$5,000, the appropriate manager has the delegated authority to accept.
- b. For valuations greater than \$5,000 and less than \$300,000, the Director of Finance has the authority to accept.

Note: Authority for accepting donations for these amounts would be based on the delegated authority of the responsible Deputy City Manager, in accordance with section 35 of The Regina Administration Bylaw, Bylaw No 2003- 69.

- c. For valuations greater than \$300,000, Council approval is required.

5.5.3.7 If an in-kind donation is deemed acceptable, a professional appraisal process as per section 5.5.4 of this Section is required to determine its fair market value. Subject to CRA rules and regulations, charitable donation receipts may then be issued accordingly. (See Section 5.5.5).

- a. The donation must be declined should CRA rules and regulations disagrees with the amount for which donor expects to receive a charitable donation receipt.

5.5.4 Determination of fair market value (FMV) for gifts-in-kind donations:

5.5.4.1 The valuation of in-kind donations serves the following two purposes:

- a. For management, accounting, and record keeping purposes:
 - i. General accounting practices as per PSAB would apply.
- b. For issuing charitable donation receipts to donors:
 - ii. CRA rules and regulations must be strictly adhered to for the purpose of issuing charitable donation receipts.

5.5.4.2 CRA sets the rules and regulations for the issuance of charitable donation receipts. For special circumstances regarding valuation of a donation not addressed in this document, consult with the Department of Finance and the

most current CRA rules and regulations on “Gifts and Income Tax”, document P113 (E). Non-compliances may result in the City losing the Qualified Donee status and privilege.

- 5.5.4.3 If the value of the gift is less than or equal to \$1,000, a qualified City employee with sufficient knowledge of the gift may appraise the gift, as per CRA rules.
- 5.5.4.4 If the value is greater than \$1,000, a third party (i.e. arm’s length from both the donor and the City) appraisal is required from a qualified appraiser. Applicable valuation method will be documented and forwarded to the Finance Department for their use of issuing charitable donation receipt to donor.
- 5.5.4.5 To mitigate potential disagreements with donor and CRA, in cases where the City finds the assessed value unreasonable, a second appraisal will be conducted. The average of the appraisals will be the deemed fair market value. Although this may not be required by CRA, it is considered a prudent and fair practice. This applies only to donations whose value is greater than \$100,000 or the donation is real estate.
- 5.5.4.6 Gift-in-kind donations are to be valued and credited on the date the donor relinquishes control of the assets to the City.
- 5.5.5 Issuing charitable donation receipts (Applies only to donors who require a charitable donation receipt for their generosity.)
 - 5.5.5.1 The issuance of charitable donation receipts must adhere strictly to the rules and regulations set forth by the CRA, e.g., the donation must be given on a voluntary basis; and, any advantage received would be deducted from the donated amount for the purpose of issuing a charitable donation receipt. Non-compliances may result in the City losing her Qualified Donee status and privilege.
 - a. If donations are assessed as not eligible for charitable donation receipts, the City cannot accept such donations unless the donor rescinds the requirement for a charitable donation receipt.
 - 5.5.5.2 A charitable donation receipt may not be issued for any donation if the donation is being used to confer a benefit of any kind to the donor, or any member of the donor’s family or to an individual of the donor’s choosing.

For example, if a donation was made for the purpose of repairing a specific section of the road in front of the donor’s property, this donation would not be eligible for a charitable donation receipt. On the other hand, if the donation was made to the City for infrastructure upgrade in general, then, the donation would be eligible for a charitable donation receipt to the donor.
 - 5.5.5.3 In compliance with the CRA rules and regulations for issuing charitable donation receipts, valuation method applied will be documented and forwarded along with the appraised fair market value to the Finance Department for the issuance of charitable donation receipt.
 - 5.5.5.4 Charitable donation receipts may only be issued for donations paid directly to the City.
 - 5.5.5.5 Ratio of advantage received in relation to the amount donated must comply with CRA guideline if a charitable donation receipt is required by donor.

For example, if the value of the advantage is greater than 80% of the value of the donation, no gift is deemed to have been made, and a receipt should not be issued. On the other hand, if the value of the advantage is the lesser of \$75 and 10% of the value of the donation, it is considered nominal (de minimis), and it need not be deducted from the eligible amount of the gift for receipting purposes.

- 5.5.5.6 The Finance Department will issue charitable donation receipts for income tax purposes after securing all necessary information.
- 5.5.5.7 It is the recipient department's responsibility to determine whether the donation qualifies, and if so, the eligible amount, for a charitable donation receipt. The Finance Department can be consulted for advice.
- a. The responsibility for securing the information for the purposes of issuing charitable donation receipt rests with the department that the donation was directed to.
 - b. Although the City must attain evidence to support the issuance of tax receipt, the responsibility for providing satisfactory evidence of fair market value of an eligible gift-in-kind to CRA rests with the donor.
- 5.5.5.8 Charitable donation receipt will be issued automatically for eligible monetary donations of \$25 or more. For monetary donations less than \$25 and more than \$10, charitable donation receipts may be issued upon request. No charitable donation receipt will be issued for monetary donations less than \$10 or gift-in-kind valued at less than \$25.
- 5.5.5.9 The eligible amount for issuing a charitable donation receipt is determined by the following formula:
- $$CDR = FMV_{DP} - AR$$
- CDR = the eligible amount for a charitable donation receipt
- FMV_{DP} = the fair market value of the donated property or monetary donation
- AR = Advantage (or benefits) received by or receivable for the donor because of the donation

NOTE: All costs incurred by the City associated with the appraisal of a bequest should be deducted from the fair market value of the property to arrive at the eligible amount for a charitable donation receipt.

5.6 Managing and Reporting Donations

- 5.6.1 The accounting and reporting for all donation transactions (including collection and issuance of charitable donation receipts) shall be managed by the Director of Finance in accordance with PSAB 3150, current municipal policies, and bylaws (including any conditions or restrictions placed upon the donation by the Administration and/or Council).
- 5.6.2 The City will comply with the CRA rules in the maintenance of books and records of accounting, as well as provide access to these books and records upon request. Failing to do so may result in the City losing her status of Qualified Donee.

5.6.2.1 The City must keep adequate books and records containing:

- a. Information to allow the CRA to verify revenues for which donors can claim tax credits or deductions;
- b. Information to allow the CRA to confirm that they meet the requirements for qualified donee status under the Income Tax Act; and
- c. A duplicate of each receipt containing prescribed information for each donation received.

5.6.2.2 Books and records include, but are not limited to:

- a. Financial statements; and
- b. Source documents such as cancelled cheques and bank deposit slips.

NOTE: For more information about maintaining proper books and records, including the types of records that should be kept, retention periods, and electronic records, see [Guide RC4409, Keeping Records](#).

5.6.3 In accordance with accepted practices, any costs incurred by the City associated with the receipt and administration of a bequest will be deducted from the funds received.

5.6.6.1 Where the donation has been made by credit card, the City may at its discretion apply only the net amount (i.e. less any bank fees and charges) where such charges are considered significant.

5.6.4 As per CRA rules, when property for which the donor received an official charitable donation receipt is returned, the City shall issue to the donor a revised receipt. The City shall send a copy of the revised receipt to the CRA when the amount of the receipt has changed by more than \$50.

5.6.4 For purposes of financial control and accountability, all donations must be deposited in the City's general bank account or directly to the appropriate accounts of the City. Externally (donor) restricted donations must be accounted for separately to ensure stipulated conditions are met.

5.6.5 Donations of monetary nature or property to the City carrying no specified conditions or restrictions are deemed undesignated and become contributions to general revenue of the City or assets of the City, unless otherwise directed by Administration or Council.

5.6.5.1 Corporate Accounting is responsible for proper accounting and reporting of all donations, including tangible capital asset donations.

5.6.6 All donations received must be represented in the City's financial statements.

5.6.7 The Donations Policy will be reviewed every two years by the Director of Finance to determine whether changes are required.

5.7 Donation Recognition

5.7.1 The City is committed to the highest standards of donor stewardship and accountability.

5.7.2 All donations received by the City that are valued at \$500 or more may be acknowledged and recognized by a letter of gratitude from the Finance Department. The letter of gratitude is to be sent immediately following receipt of the donation or at

the time a charitable donation receipt is requested. In addition, the City could recognise donors through other means as deemed appropriate by the City.

- 5.7.3 In accordance with *The Income Tax Act*, should the City offer an item, privilege or other benefit in return for the donation, the recognition should be of nominal value and not exceed the lesser of \$75 or 10 percent of the amount of the donation.
- 5.7.4 Corporate Communications may implement an annual communication plan, to recognize donors of City initiatives.
- 5.7.5 Subject to any disclosure required pursuant to *The Local Authority Freedom of Information and Protection of Privacy Act*, and other applicable legislation or bylaws, the City will ensure confidentiality of individual donors' names and amounts given, and any other private or personal information, with respect and, except when the donor authorizes release of such information.
- 5.7.6 Provided that the City's corporate identity is not compromised, naming rights may be assigned to a donor, upon approval by Council.
- 5.7.7 Any signage required for donations will be designed, constructed and installed in a manner that is mutually agreed upon by the donor and the City. The final decision shall be made by the City.

6.0 Roles & Responsibilities

6.1 City Council

Except otherwise stipulated by applicable bylaws, regulations, or policies, the following would apply:

- 6.1.1 Approves restricted monetary donations in excess of \$100,000.
- 6.1.2 Approves gift-in-kind donations valued in excess of \$300,000.
- 6.1.3 Assigns naming rights to donors valued in excess of \$300,000.

6.2 Deputy City Manager & CFO

- 6.2.1 Approves the Donations Policy.

6.3 Director of Finance

- 6.3.1 Approves any unrestricted monetary donations.
- 6.3.2 Approves restricted monetary donations between \$5,000 and \$100,000.
- 6.3.3 Approves restricted in-kind donations valued between \$5,000 and \$300,000.
- 6.3.4 Assigns naming rights valued less than or equal to \$300,000.

Note: Authority for accepting these donations shall be based on the delegated authority of the Deputy City Manager & CFO in accordance with section 35 of The Regina Administration Bylaw, Bylaw No 2003- 69.

- 6.3.5 Administers the Donations Policy.
- 6.3.6 Administers the issuance of charitable donation receipts.
- 6.3.7 Ensures there is proper accounting for all donation transactions.
- 6.3.8 Provides advice to recipient departments on policy and administration issues.

6.4 Recipient Department

- 6.4.1 Receives, reviews, and determines whether donations qualify, and secure relevant information, for charitable donation receipts.
- 6.4.2 Reports donations to the Finance Department.
- 6.4.3 Approves restricted monetary donations, less than \$5,000, designated for own department.
- 6.4.4 Consults with the Department of Finance for policy and administrative responsibilities.
- 6.4.5 Implements accepted conditions of donations for own department, and any relevant administrative responsibilities resulting from the donation.

7.0 Reference Material

- Charities and Giving>Qualified donees>Municipalities
<http://www.cra-arc.gc.ca/chrts-gvng/qlfd-dns/mncplts-eng.html>
- CR98-68 Gifts and Memorials Program
http://cms1/opencms/export/sites/Insite/content/open_space_mgmt/ServicesGuide/CommunityProg_Flw/giftsandmemorialspolicy.pdf
- Tangible Capital Asset Policy
- *The Income Tax Act*
- *The Regina Administration Bylaw* No. 2003-69
- *The Regina Administration Bylaw* No. 2002-57 (The Regina Code of Conduct and Disclosure Bylaw)

8.0 Appendix A

Donation Declaration Form

“NAME OF PROJECT”

“Project Description”

DONATIONS

I would like to make an unconditional donation to the City of Regina in the amount of: \$__

DONOR CONTACT INFORMATION

Title (Mr. Ms. Miss. Dr.)	First Name	Initial	Last Name
Street	City	Province	Postal Code
Email	Phone (Daytime)	Phone (Evening)	Fax

DONATION TAX RECEIPT INFORMATION

The City of Regina is a qualified donee under the *Income Tax Act* and therefore can issue tax receipts for donations made to the City of Regina. Receipts will be issued for donations of _\$_____or more. For donations less than _\$_____, receipts will only be issued upon request. The Donor's name and address must be complete and legible to receive a tax receipt. Tax receipts will be issued for the tax year in which the donation was received. Please note that it is the Donor's responsibility to be in compliance with the *Income Tax Act* and the policies of the Canada Revenue Agency. A temporary receipt will be issued by the City of Regina within a few weeks of receiving the donation. An official receipt will be sent at the end of the year in which the donation was made.

If the receipt is to be made out in the name of the donor listed in the “Donor Contact Information” section, please leave the following blank. If the receipt is to be made out in a different name, please fill in the following section:

Title (Mr. Ms. Miss. Dr.)	First Name	Initial	Last Name
Street	City	Province	Postal Code
Email	Phone (Daytime)	Phone (Evening)	Fax

CONSENT OF DONOR

The Donor acknowledges that the information provided herein is accurate and consents to the use of same in conjunction with the "Name of Project". The Donor agrees that the City reserves the sole right to determine and approve all aspects of the Project, including the Project schedule, location, details, scope, and all other corresponding aspects of planning and implementation of this project. The Donor acknowledges that if sufficient funds are not raised to proceed with the Project or the City for whatever reason does not proceed with the Project that the funds donated will not be returned to the Donor and that the City will re-allocate the funds to another parks, community or recreation project in that general area of the city.

Signature of Donor

Date

PAYMENT

Full payment must accompany this form, and can be made in person at Cashier Services, located on the main floor of City Hall, 2476 Victoria Avenue, Regina. Credit cards will not be accepted. Cheques are payable to the City of Regina and can be mailed to "_____", P. O. Box 1790, Regina, SK, S4P 3C8.

PRIVACY OF DONOR INFORMATION

The City of Regina is collecting the above information in accordance with *The Local Authority and Freedom of Information and Protection of Privacy Act* for the purpose of processing your donation and providing a tax receipt. We do not sell or share information about Donors with other organizations and the City will not be using the information provided on this form for any other purpose than what is indicated..

MORE INFORMATION

For more information on this project, please contact the City of Regina at (306) 777-7000, or visit the City of Regina website at www.regina.ca.

9.0 Revision History (Amendments)

Date	Description of Change	(Re)-Approval Required (y/n)
dd-mm-year		

March 11, 2015

To: Members,
Community and Protective Services Committee

Re: Grow Regina Gazebo

RECOMMENDATION

1. That City Council approve the acceptance of a donation of a gazebo from Ceramsky Artworks Ltd. for placement in the McLeod Park Community Gardens which are operated by Grow Regina Community Gardens Inc.
2. That the Chief Operating Officer, or his or her designate, be delegated the authority to negotiate and approve an agreement with Ceramsky Artworks Ltd. for donation of the gazebo.
3. That the Chief Operating Officer, or his or her designate, be delegated the authority to negotiate and approve an amendment to the City of Regina's current lease agreement with Grow Regina Community Gardens Inc. as further detailed in this report.
4. That the Chief Operating Officer, or his or her designate, be delegated the authority to approve submission of an application and any required agreement for any applicable tax incentives as further detailed in this report.
5. That the City Solicitor's Office be directed to prepare the agreements as negotiated by the Chief Operating Officer or designate.
6. That the City Clerk be authorized to execute the agreements and tax incentive application on behalf of the City of Regina.
7. That that this report be forwarded to the March 23, 2015 meeting of City Council for approval.

CONCLUSION

Grow Regina Community Gardens Inc. (Grow Regina) is a registered non-profit volunteer-driven corporation with a mandate to promote economic, social and cultural wellbeing through community gardening. Grow Regina is proposing the construction and installation of a gazebo, designed by local artist Victor Cicansky of Ceramsky Artworks Ltd., in the community gardens in McLeod Park. In addition to providing shelter, the gazebo would be used for culinary demonstrations, musical performances, literary readings, informative lectures related to gardening, as well as other programmed events. Grow Regina and Victor Cicansky are requesting the City of Regina's (City) consideration of this proposal prior to the fundraising and construction processes. Administration recommends that Council approve acceptance of the donation of the gazebo from Victor Cicansky and to apply for a Certification of Cultural Property from Canadian Heritage, if eligible.

BACKGROUND

In October 2007, Grow Regina began leasing McLeod Park as a site for its community gardens. The organization now has more than 300 members and has been responsible for all capital upgrades on the site including the installation of garden plots and irrigation, as well as two sculptures located at the entrance to the park called the "The Gates", designed by Victor Cicansky.

On January 8, 2015, after months of discussions with Administration, Grow Regina requested through the City Clerk that Council consider acceptance of a donation of a gazebo, designed by Victor Cicansky (the Artist), and approval of its installation in McLeod Park. As part of this arrangement, the organization has requested that the City include the asset in its Civic Art Collection (the Collection) and apply for the Certification of Cultural Property from Canadian Heritage as a tax incentive for the project. The tax certification process is set out in the federal *Cultural Property Export and Import Act* and is intended to encourage the transfer of cultural property from private hands to the public domain. Applications are submitted by designated organizations (which include public authorities such as cities) on behalf of the donor and are adjudicated by a review board.

DISCUSSION

Administration has explored the request for the inclusion of the proposed gazebo at McLeod Park, the provision of a tax receipt for the donation of the structure and the process for obtaining a Certificate of Cultural Property. The Community Services Department has met with and discussed the project with Grow Regina and the Artist, who has presented two possible designs that take into consideration capital and maintenance costs. The first is a more costly option, which has a roof that is the artist's interpretation of a tree canopy with laser cut steel wall panels depicting vegetables, similar to Appendix A. The second design is a less costly option that, while keeping the original roof design, changes the wall panels to horizontal railings with composite wood benches attached for seating, see Appendix B. At this time Grow Regina has indicated to Administration that the selection of a design will be based on the success of their fundraising campaign.

The following would apply to the terms of the donation:

- 1) Grow Regina and the Artist would be responsible for the design and construction of the gazebo in McLeod Park;
- 2) The gazebo would be a 25' laser cut, powder coated steel structure with a fully accessible concrete paver base;
- 3) The location of the gazebo would be as illustrated in the site plan (Appendix C), which would form part of the addendum to the lease agreement;
- 4) Facilities Management Services Department would act as an approval agent, reviewing drawings and inspecting installation to ensure the gazebo meets Professional Engineering Standards, as well as City construction standards;
- 5) The lease agreement would be amended to indicate the addition of the gazebo as a leased City asset within McLeod Park, at no cost to Grow Regina;
- 6) The City, as owner of the gazebo, would perform maintenance of the gazebo, at its own cost; and
- 7) The City will have the right to move or remove the gazebo for municipal purposes, if it is damaged or destroyed, or at the end of its useful life, as determined by the City.

An art valuation needs to be undertaken to establish a value for the asset for the purposes of applying for a Certification of Cultural Property for income tax purposes and/or issuing a municipal tax receipt. Therefore, once ownership of the gazebo has been transferred to the City, Administration would secure the services of an expert to provide an art valuation of the

historical, aesthetic and social value of the gazebo. The expert would evaluate the gazebo based on the requirements put in place by Canadian Heritage for the Certification of Cultural Property. In general the evaluation would include consideration of the criteria for cultural significance and national impact, as well as a financial appraisal. Costs for this work are estimated at \$1,500 due to the detailed information required.

Upon completion of the professional evaluation, and if the gazebo appears to meet with the guidelines for Certification as Cultural Property and is recommended for acquisition to the Collection, it would be accepted as part of the Collection and the Administration would make application to Canadian Heritage for Certification of Cultural Property for income tax purposes. If the application is successful, the Government of Canada will issue tax certification to Ceramsky Artworks Ltd. This certification is advantageous to Ceramsky Artworks Ltd as it provides non-refundable tax credits for the full fair market value of the gazebo. If the application to Canadian Heritage is unsuccessful, then the City will issue a municipal tax receipt to Ceramsky Artworks Ltd. for the fair market value of the donated gazebo.

In addition, accepting this donation would require an increase in the City's annual operating budget of \$2,000 to ensure that the gazebo is maintained and sustained at level appropriate for a work in the Collection. This maintenance would include general and detailed repairs, repairs due to vandalism, repainting, graffiti removal, replacing or resetting concrete pavers, conducting structural integrity evaluations and their maintenance.

It should be noted that through the process, Administration also explored the option of Grow Regina taking responsibility for maintenance costs; however due to capacity issues with the organization, the organization is not able to commit to maintenance of the asset. Administration believes that the initiative would be at risk for moving forward if the City were to push for this option. Given that this is a gazebo that is being designed by an internationally recognized artist with local connections, Administration is recommending approval of the donation.

RECOMMENDATION IMPLICATIONS

Financial Implications

The one-time cost of \$1,500 for the art valuation can be accommodated within the City's current operating budget.

The on-going annual maintenance costs will require an operating budget increase of \$2,000. This funding would be used for general repairs, repairs due to vandalism, repainting, graffiti removal and replacing or resetting concrete pavers. The request for this increased level of funding will be referred to the 2016 operating budget process.

If the Gazebo is damaged, destroyed, or when it is at the end of its useful life, there will be a cost to the City to remove and decommission it. This cost can not be reasonably estimated at this time.

Environmental Implications

There are no environmental implications associated with this report.

Policy and/or Strategic Implications

The gazebo that is proposed by Grow Regina is a shelter that has been included in their lease agreement plan since 2007. The addition of the gazebo at McLeod Park also supports the priority of developing complete neighbourhoods identified in *Design Regina: The Official Community Plan Bylaw No. 2013-48*. This particular community garden is a hub for the surrounding neighbourhoods, which is enhanced by its connectivity through the multi-use pathway system. By clustering the gazebo with the existing neighbourhood hub, it will allow space for Grow Regina to program cultural activities, gardening lectures and culinary demonstrations for the users of the garden, as well as the general public adding to the vibrancy of the space.

Accessibility Implications

The City has worked with Grow Regina and the Artist to ensure that the gazebo is designed to allow for full accessibility, particularly for people with disabilities.

COMMUNICATIONS

If a decision were to be made to move forward with the inclusion of the gazebo at the Grow Regina site, consultations with the adjacent residents would be conducted in accordance with the current Community Gardens Policy.

DELEGATED AUTHORITY

The recommendations contained in this report require City Council approval.

Respectfully submitted,



For Laurie Shalley, Director
Community Services

Respectfully submitted,



Kim Onrait, Executive Director
City Services

Report prepared by:
Janine Daradich, A/Manager Community Development



Gazebo Project
Christy 2010

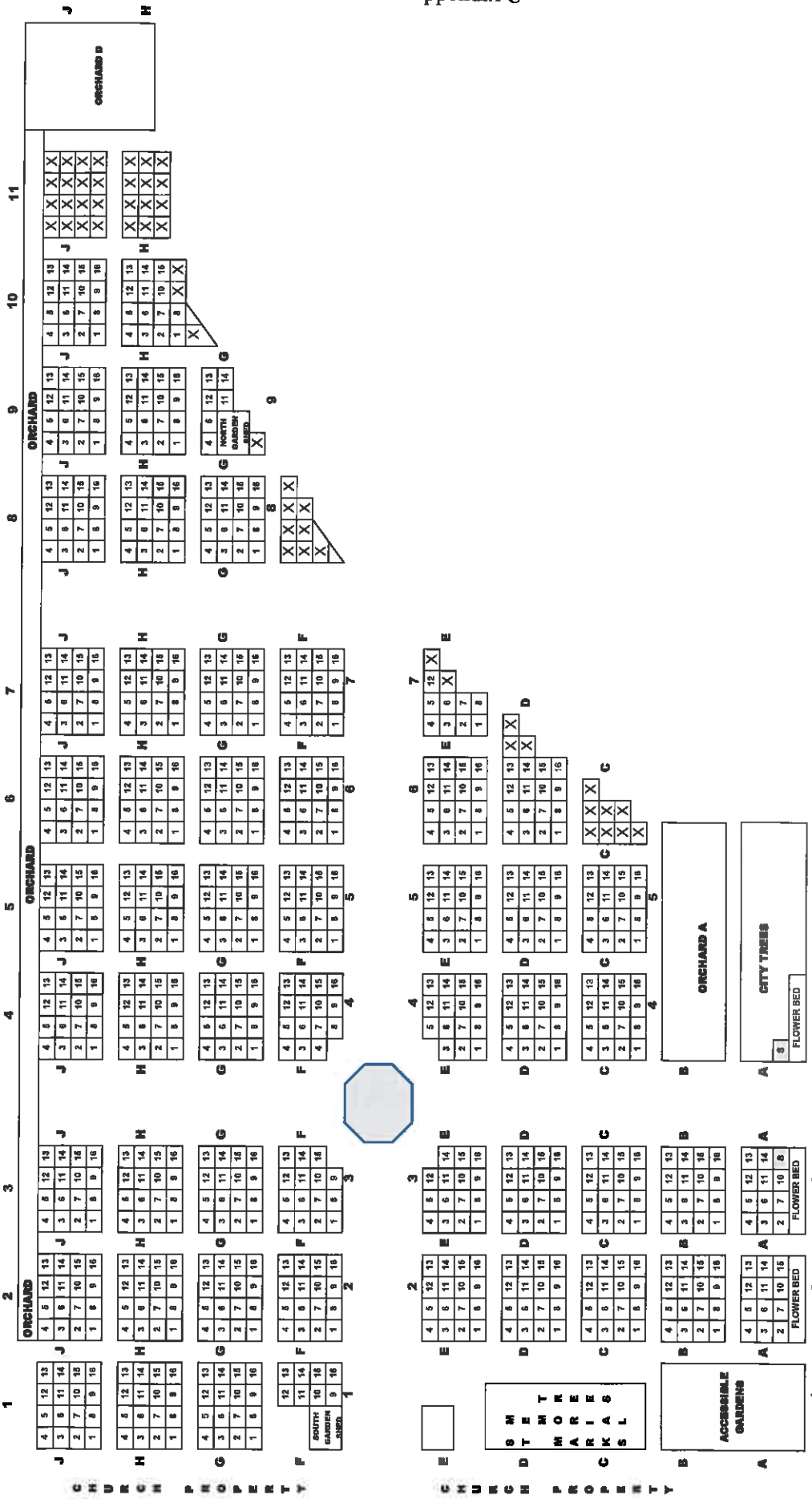
YARA GROW
REGINA COMMUNITY GARDEN



WEST ELEVATION - TREES AND HOUSES

WEST ELEVATION - TREES AND HOUSES

WEST ELEVATION - TREES AND HOUSES



3600 BLOCK QUEEN STREET

YARA - GROW REGINA COMMUNITY GARDEN

March 11, 2015

To: Members,
Community and Protective Services Committee

Re: Transportation of Animals in Motor Vehicles

RECOMMENDATION

1. That this issue be referred to the Traffic Bylaw Working Group for consideration by the end of Q2 2015.
2. That item EN14-1 be removed from the list of outstanding items for the Community and Protective Services Committee.

CONCLUSION

The transportation of unrestrained animals in the back of open pick-up trucks presents numerous risks for animals and motorists. *The Regina Animal Bylaw* requires owners to have complete control of their animal at all times; however, without a specific provision related to the transport of animals in vehicles it would be difficult to prosecute anyone under the existing sections of the bylaw. Additionally, Animal Protection Officers do not have the authority to pull over a vehicle for a moving violation, which presents a significant enforcement challenge.

It is recommended that this issue be referred to the Traffic Bylaw Working Group for consideration as a provision regarding transport of animals under *The Traffic Bylaw* that would be enforced by Regina Police Service, who have the authority to pull over a vehicle. This approach emphasizes passenger and road safety rather than animal cruelty, which is already covered under provincial and federal legislation.

BACKGROUND

At the December 15, 2014 Council meeting, it was requested that the Administration undertake discussions with the City's animal control service provider, the Regina Humane Society (RHS), to investigate regulations for transporting dogs in truck beds and report to the Community and Protective Services Committee in the first quarter of 2015. The current report provides a recommended course of action for addressing this concern.

DISCUSSION

The transportation of unrestrained dogs and cats poses numerous risks for both the animals and motorists. Dogs riding in the back of pick-up trucks are particularly at risk of serious injury or death when not properly restrained, and there is also the potential for injury to other motorists in the event an animal jumps, falls, or is ejected from a vehicle. The Society for the Prevention of Cruelty to Animals (SPCA) recommends keeping animals inside a vehicle during transport using a secured crate or pet safety belt. If it is necessary to transport an animal in an open truck bed, the animal should be in a secured crate in the centre of the truck bed. Alternatively, the animal can be tethered to the truck bed with a short body harness to ensure safety from strangulation and distress.

Current Legislation

Animal Protection Officers (APOs) for RHS have indicated that transporting a dog unrestrained in the back of a truck could be considered a failure to have control of an animal under the current *Bylaw No. 2009-44, The Regina Animal Bylaw*.

The applicable provision of the Bylaw is as follows:

12(1.1) An owner shall have complete control of their animal by either physical or verbal means at all times.

An owner in violation of section 12(1.1) may be charged with “failure to control an animal”. The fine for a first offence is \$100 and the fine increases by \$100 for subsequent offences. However, while a charge could be laid under section 12(1.1), it is unlikely to be successful unless it can be proven that the dog was not under the control of the owner, for example, was acting erratically or dangerously. If a dog was sitting calmly in the back of a moving truck it may be difficult to prove that the dog was not under the physical or verbal control of the owner. The City Prosecutor has no record of any charges being laid under section 12(1.1) for a dog travelling in the back of a truck. Without a specific provision related to the transport of animals in vehicles it would be difficult to prosecute anyone under the existing sections.

There is no provision in either *The Traffic Safety Act* or *The Animal Protection Act* prohibiting the transport of an unrestrained animal in a vehicle. Injuries sustained by an animal during transport may result in a charge under section 4 of *The Animal Protection Act*, which states that no person responsible for an animal shall cause or permit an animal to be or to continue to be in distress. Further, the owner could be charged with an animal cruelty offence for causing damage or injury to an animal due to wilful neglect during transport under the section 446 of the *Criminal Code of Canada*.

APOs do not have the authority to stop and search a vehicle without a warrant unless there are reasonable grounds to believe that the delay necessary to obtain a warrant would result in the death of an animal. This presents two enforcement challenges for APOs: animal control vehicles are not equipped with sirens or lights that may indicate to a driver that they must pull over; and it may be difficult to provide sufficient evidence that the animal was at risk of death or injury. In the majority of cases, an APO will forward the vehicle information to Regina Police Service for further investigation.

The Administration recommends that a bylaw provision regarding transport of domestic animals in motor vehicles be referred to the Traffic Bylaw Working Group (TBWG) for consideration. *The Traffic Bylaw No. 9900* is enforced in part by the Regina Police Service who, unlike APOs, would have the authority to pull over a vehicle. This approach addresses vehicle and passenger safety issues rather than animal cruelty, which is already covered under provincial and federal legislation. The TBWG is an internal interdepartmental group that deliberates on street-use issues and is best positioned to advise on changes to *The Traffic Bylaw*. The TBWG includes representatives from Regina Police Service, parking enforcement, bylaw enforcement, roadways & transportation, planning, and legal.

Jurisdictional Review

The Administration conducted a review of five Canadian jurisdictions that enforce provisions around the transportation of animals in motor vehicles (see Schedule “A”). In British Columbia and Newfoundland & Labrador, there are provincial regulations that prohibit the transport of unrestrained animals in motor vehicles. Like Regina, APOs in other jurisdictions face enforcement challenges when it comes to pulling over a vehicle when an infraction is observed.

Community Safety Officers, local police, or RCMP officers enforce these sections of municipal animal bylaws.

Public Education

Several animal enforcement staff interviewed as part of the jurisdictional review suggested a public education campaign would be the most successful way to encourage compliance with animal transport regulations. Regina APOs and other RHS staff currently provide information to individual pet owners on properly restraining animals in a motor vehicle. As this information is provided verbally and on a case-by-case basis, it may not be common knowledge amongst pet owners. It is believed a public education campaign could increase awareness and compliance. In 2006, the British Columbia SPCA partnered with the RCMP, ICBC, and municipalities to launch a joint awareness campaign on safe and responsible ways to transport animals. The campaign included television and radio ads, public service announcements, and an informational flyer distributed through community policing offices, veterinary offices, and pet supply stores. The Administration estimates that the cost of running a similar type of campaign in Regina would be approximately \$35,000 to \$50,000 annually over several years to affect behaviour change.

RECOMMENDATION IMPLICATIONS

Financial Implications

None with respect to this report.

Environmental Implications

None with respect to this report.

Policy and/or Strategic Implications

The recommendations provided in this report align with the City's transportation priority of ensuring the safe movement of people, services, and goods.

Other Implications

None with respect to this report.

Accessibility Implications

Legislation related to the safe, responsible transportation of animals also applies to service animals.

COMMUNICATIONS

The Administration consulted with the Regina Humane Society in the development of this report. Should the Traffic Bylaw Working Group determine that a specific provision related to the transport of animals in vehicles is needed, it is recommended that the Communications Department be engaged to develop a complementary public education campaign around safe and responsible ways to transport dogs and cats.

DELEGATED AUTHORITY

The disposition of this report is within the delegated authority of the Committee.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'EP' followed by a long horizontal stroke.

Ernie Polsom, Director
Fire & Protective Services

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'BS' followed by a stylized flourish.

Brent Sjoberg
Deputy City Manager & COO

Report prepared by:

Jeannette Lye, Policy Analyst, Fire & Protective Services

Schedule “A”

Jurisdictional Review Transport of Animals in Motor Vehicles

Saskatoon, Saskatchewan

Bylaw No. 7860, The Animal Control Bylaw, 1999

- 11.1 (1) No person shall transport a cat or dog in a motor vehicle unless the animal is:
- (a) inside a motor vehicle, fully enclosed trailer or truck bed cap; or
 - (b) confined or properly restrained in a manner that will prevent the animal from:
 - (i) falling from the motor vehicle;
 - (ii) being injured during transport; or
 - (iii) causing hazard to the safe operation of other motor vehicles.
- (2) No person shall tether a cat or dog to a motor vehicle that is in operation unless the animal is confined or secured as described in Clause 1 (b).
- (3) Subsections (1) and (2) do not apply to a person operating a motor vehicle that is designed for use as a mobility aid for persons with a disability and that is being used for that purpose.

Enforcement for this section of the bylaw falls under the authority of the Saskatoon Police Services.

Calgary, Alberta

Responsible Pet Ownership Bylaw (Bylaw No. 23M2006) - Municipal

(20) SECURING ANIMALS IN VEHICLES

- (1) No person shall allow an Animal to be outside of the passenger cab of a motor vehicle on a roadway, regardless of whether the motor vehicle is moving or parked.
- (2) Notwithstanding subsection 20(1), a person may allow an Animal to be outside the passenger cab of a motor vehicle, including riding in the back of a pickup truck or flat bed truck if the Animal is:
- (a) in a fully enclosed trailer;
 - (b) in a topper enclosing the bed area of a truck;
 - (c) contained in a ventilated kennel or similar device securely fastened to the bed of the truck; or
 - (d) securely tethered in such a manner that it is not standing on bare metal, cannot jump or be thrown from the vehicle, is not in danger of strangulation, and cannot reach beyond the outside edges of the vehicle.
- (3) For the purpose of this Section, “roadway” means any street or highway, whether publicly or privately owned, any part of which the public is ordinarily entitled or permitted to use for the passage or Parking of vehicles.
- (4) The Owner of a vehicle involved in an offence referred to in this Section is guilty of the offence, unless that vehicle Owner satisfies the Court that the vehicle was:
- (a) not being driven or was not Parked by the Owner; and

(b) that the person driving or Parking the vehicle at the time of the offence did so without the vehicle Owner's express or implied consent.

British Columbia

BC Motor Vehicle Act – Provincial

Transporting Animals

(72) A person commits an offence if the person transports a living animal on the running board, fender, hood or other exterior part of a motor vehicle unless a suitable cage, carrier, or guard rail is provided and is attached adequately to protect that animal from falling or being thrown from the vehicle.

Prevention of Cruelty to Animals Act, RSBC 1996 – Provincial

(372) Transportation of Animals

9.3 (1) A person responsible for an animal must not transport the animal by vehicle unless the animal is:

- (a) inside the passenger compartment; or
- (b) confined or secured in a manner that will prevent the animal from
 - (i) falling from the vehicle;
 - (ii) being injured during transport; or
 - (iii) causing a hazard to the safe operation of other vehicles.

(2) A person responsible for an animal must not attach the animal to a vehicle that is in operation unless the animal is confined or secured as described in subsection (1) (b).

(3) Subsections (1) and (2) do not apply to a person operating a vehicle that is designed for use as a mobility aid for persons with a disability and that is being used for that purpose.

St. John's, Newfoundland & Labrador

Bylaw 1514, Animal Control Regulation - Municipal

2(5) No Owner shall cause an Animal to be confined in an enclosed space, including a motor vehicle, without adequate ventilation.

2(6) No Owner shall transport an Animal in a motor vehicle outside the passenger compartment unless the Animal is, in the opinion of the Officer, adequately confined or secured in a body harness or other manner of fastening which is adequate to prevent the Animal from falling from the motor vehicle or otherwise injuring itself.

Animal Health & Protection Act – Provincial

Transport of animal in vehicle

21. A person shall not transport, or permit to be transported, an animal in a motor vehicle outside the passenger compartment unless the animal is confined or secured in a body harness, or by means of another fastening, in a manner which is adequate to prevent the animal from falling off the vehicle or otherwise injuring itself or causing a hazard to other vehicles.

Duty of owner

31. The owner of a companion animal or livestock shall not permit the animal or livestock to cause a hazard to people, livestock operations, other animals, goods, property or the safe operation of motor vehicles.

Yellowknife, Northwest Territories

Dog Bylaw No. 4755

34. No Person shall allow a Dog to be outside of the passenger cab of a motor vehicle on a highway as defined in the *Motor Vehicles Act* R.S.N.W.T. 1988, c.M-16, as amended, regardless of whether the motor vehicle is moving or parked.

35. Notwithstanding section 33, a person may allow a Dog to be outside the passenger cab of a motor vehicle, including riding in the back of a pick-up truck or a flat-bed truck if the Dog is:

- a) In a fully enclosed trailer;
- b) In a canopy enclosing the bed area of a truck;
- c) Contained in a ventilated kennel designed for the transportation of dogs, which is securely fastened to the bed of the truck; or
- d) Securely tethered in such a manner that it is not standing on bare metal, cannot jump or be thrown from the vehicle, is not in danger of strangulation, and cannot reach beyond the outside edges of the vehicle.

Criminal Code of Canada – Animal Cruelty

Causing Unnecessary Suffering

445.1 (1) Every one commits an offence who:

(a) wilfully causes or, being the owner, wilfully permits to be caused unnecessary pain, suffering or injury to an animal or a bird

Causing damage or injury

446. (1) Every one commits an offence who:

(a) by willful neglect causes damage or injury to animals or birds while they are being driven or conveyed; or

(b) being the owner or the person having the custody or control of a domestic animal or a bird or an animal or a bird wild by nature that is in captivity, abandons it in distress or willfully neglects or fails to provide suitable and adequate food, water, shelter and care for it.

Failure to exercise reasonable care as evidence

(3) For the purposes of proceedings under paragraph (1)(a), evidence that a person failed to exercise reasonable care or supervision of an animal or a bird thereby causing it damage or injury is, in the absence of any evidence to the contrary, proof that the damage or injury was caused by wilful neglect.