



October 12, 2017

Honourable Shay Anderson
Minister of Municipal Affairs
132 Legislature Building
10800 – 97 Avenue
Edmonton AB T5K 2B6

Dear Hon. Minister Anderson,

Re: Westlock County Response to the July 2017 Municipal Inspection Report

Westlock County Council received the presentation of the Municipal Inspection Report on August 30, 2017. The Municipal Staff present at the meeting relayed your directive that a response to the recommendations in the report were to be presented by Westlock County Council to you no later than November 28, 2017.

Please find attached a Document with the Recommendations along with the Responses as reviewed and agreed to by Council at the October 10, 2017 Council meeting. We note that a number of the responses will require follow up action by incoming Council and expect that this new Council will review this submission and may make some refinements. Also, we have included two general comments at the end of the Document outlining some concerns with this matter.

Thank you for addressing this matter and we look forward to the favour of your reply.

Sincerely,

Don Savage, Reeve

Copy To: County Council

WESTLOCK COUNTY MUNICIPAL INSPECTION REPORT - RESPONSE TO RECOMMENDATIONS

G1	<i>RECOMMENDATION FOR COUNCILLOR TRAINING: That all council members attend orientation training to understand their roles and responsibilities as elected officials; and that council members participate in ongoing professional development opportunities throughout the council term to strengthen their political leadership capacity.</i>
G1	Council Agreed to Response: Orientation and Councillor training was provided over the past term and Councillors participated in both. The Municipality will engage a consultant to provide orientation on roles and responsibilities of Council, as well as legal and legislative matters that direct or guide local government. This will compliment in-house orientation on internal workings of the governance and operations of the Municipality. These two initiatives will be completed prior to February 28, 2018. Additionally, Councillors will be encouraged to enroll in the Workshop for Councillors on Orientation/Responsibilities being provided at the Fall 2017 AAMD&C Conference as well as the two-day training session in early December in Westlock. Lastly, administration will recommend an increase to the Council Training Line Item in the Draft 2018 Budget from the current \$5,000 (2017) to \$15,000, to enable Councillors to enroll in the Elected Officials Education Program (EOEP).
G2	<i>RECOMMENDATION FOR CODE OF CONDUCT REVIEW: That the council review, update and adhere to a Council Code of Conduct Bylaw; and ensure that this bylaw complies with the MGA.</i>
G2	Council Agreed to Response: A review and update of the Bylaw will occur no later than December 22, 2017. Adherence to the Bylaw remains an individual responsibility of each Councillor, however, the review of the Bylaw will include a determination of appropriate measures and processes in the Bylaw in the event of a breach of the Bylaw.
G3	<i>RECOMMENDATION FOR STRATEGIC PLANNING: That strategic plans be updated annually, including input from senior staff and public consultation.</i>
G3	Council Agreed to Response: Firstly, strategic plans need to be developed. With new Council coming in October 2017, this will be a process, including public input, that we will embark on early in 2018 with a target of August 31, 2018 for a Three-Year Business Plan and a Five-Year Capital Infrastructure Plan, with a view to begin inserting funds for implementing goals and targets contained in these plans in the Draft 2019 Budget.
G4	<i>RECOMMENDATION FOR PERFORMANCE MEASURES: That administration develop meaningful performance measures to demonstrate how the use of budget resources have advanced strategic priorities.</i>

G4	Council Agreed to Response: These will be developed in conjunction with the plans developed in Recommendation G3 above and F5 below, and will be implemented in measuring the performance of the 2019 Budget, and beyond, in relation to the strategic plans approved.
G5	RECOMMENDATION FOR CAO PERFORMANCE EVALUATIONS: <i>That the council review and update the template to provide a more meaningful annual written performance evaluation of the CAO when complying with the MGA S. 205.1; and that these evaluations be based on the achievement of performance targets established through the annual strategic plan; and that the council obtain professional expertise to assist with the formal CAO performance evaluation process.</i>
G5	Council Agreed to Response: Recommend that funds will be placed in the draft 2018 Budget for Council to bring in outside assistance to develop an appropriate CAO evaluation template for 2018. Once developed, the 2018 evaluation will focus on goal-setting for the upcoming year as the previous evaluation in March of 2017 did not have a goal setting component for use in the 2018 evaluation.
G6	RECOMMENDATION FOR COMMUNITY ENGAGEMENT: <i>That council establish a community engagement strategy to effectively engage and inform citizens, business owners and local community groups.</i>
G6	Council Agreed to Response: A communications plan/strategy will be developed with Council during the first year of their term.
G7	RECOMMENDATION TO UPDATE PROCEDURAL BYLAW: <i>That council update the procedural bylaw to ensure that council conduct and meeting decorum follows a consistent, orderly, respectful process; and that public participation during meetings continue to only be permitted as formal delegations to council, or through formal public hearings.</i>
G7	Council Agreed to Response: A draft updated Bylaw will be provided for Council review no later than January 31, 2018. This draft will continue to define presentations to Council through a formal delegation process or through formal public hearings.
G8	RECOMMENDATION FOR HANDLING PECUNIARY INTEREST MATTERS: <i>That elected officials learn and abide by the pecuniary interest provisions of the MGA and consult with legal counsel as needed to ensure compliance with the MGA s. 170.</i>
	ACTION PLAN/RESPONSE:
G8	Council Agreed to Response: A section on Pecuniary Interest matters will be included in the orientation session provided to Council as outlined in the action plan/response to Recommendation G1. Councillors will also be encouraged to seek independent legal advice when they are unsure of, or are considering, declaring a pecuniary interest in a matter before Council.

G9	RECOMMENDATION FOR HANDLING VOTING ABSTENTIONS: <i>That council members review the MGA s. 183 to fully understand the requirement to vote or abstain; and that council members provide reasons for each abstention from voting; and that the reasons for abstaining are recorded in the meeting minutes; and when abstaining from voting, that council members leave the room until discussion and voting on matters of a pecuniary interest are concluded in accordance with the provisions of the MGA s. 172.</i>
G9	Council Agreed to Response: A Policy with a form for Councillors to fill out and present to the meeting when declaring a Pecuniary Interest matter will be developed and implemented no later than December 22, 2017. In addition to pecuniary interest declarations and the reasons for such being referenced in the meeting minutes (which will be outlined in the Policy), these submitted forms will be kept with the official minutes of the meeting where the Pecuniary Interest was declared.
G10	RECOMMENDATION FOR COUNCIL COMMITTEES: <i>That the council complete a review of council committees and council appointments to ensure that all council committees and/or other bodies are established by bylaw in accordance with the MGA, s. 145-146; and that related terms of reference for committee conduct and composition be developed where applicable.</i>
G10	Council Agreed to Response: A review will be conducted and finalized prior to the 2018 Organizational meeting of Council
G11	RECOMMENDATION FOR IN CAMERA AGENDA ITEMS: <i>That council members keep private matters in confidence as required by the MGA s. 153.</i>
G11	Council Agreed to Response: This is again a matter for individual Councillors to ensure that they are abiding by the direction of legislation. A section on confidentiality will be included in the orientation and training session provided to Council as outlined in the action plan/response to Recommendation G1.
G12	RECOMMENDATION FOR RESOLUTION CLARITY: <i>That council resolutions are comprehensive, concise, and appropriately worded so that council actions are clear to the general public and future councils; and that exact resolution wording is understood and agreed to by all of council prior to the vote.</i>

G12	Council Agreed to Response: This is already occurring as comprehensive Request for Decision (RFD) reports are provided to Council with each agenda on all matters of Council requiring a decision. A printed recommended action/resolution is included in these RFD's. In the event that a resolution is laid on the table that differs from the recommended resolution, a verbatim copy of the resolution will now be displayed on the large video screens in Council Chambers so that all Councillors, and the public, are fully aware of the wording of the resolution. This will begin at the next meeting of Council and continue into the future whenever needed. Note: There are occasions where resolutions on in-camera matters are deliberately less clear, this is unavoidable when approving resolutions regarding unresolved or ongoing matters of confidentiality. Recommended actions/resolutions are still provided in the in-camera RFD's for reference.
G13	RECOMMENDATION FOR ONLINE MINUTES: <i>That draft council meeting minutes be made available to the public through the municipal website.</i>
	ACTION PLAN/RESPONSE:
G13	Council Agreed to Response: This is not a normal course of municipal practice in Alberta as draft minutes are not an official record of the municipality until approved by Council. An unapproved copy of the minutes is included with the next Council Meeting agenda package and is available on-line prior to the next meeting. Approved Minutes are available on the County website within two days of the meeting in which they were approved. We respectfully state that this is, in our opinion, an irregular recommendation, and will not be implemented.
G14	RECOMMENDATION FOR BYLAW REVIEW: <i>That the council authorize a bylaw review to ensure that local bylaws are established to serve the needs of the municipality; to correct irregular matters identified in fire services, records management, transportation, and borrowing; and to ensure compliance with the MGA and other legislation.</i>
G14	Council Agreed to Response: This will commence in early 2018, after new Council has settled into their roles and have taken orientation and initial training sessions. The areas of attention that will receive first review are those raised in the Municipal Inspection Report. Comment: This is already in progress as a number of bylaws have been reviewed and either updated or repealed over the past year and a number of new bylaws have been enacted over that same time frame. This will be an ongoing process not just a one-time project.
G15	RECOMMENDATION FOR POLICY REVIEW: <i>That the council authorize a policy review to correct irregular matters and ensure that approved policies are consistent with the MGA; and that management and department staff be involved in policy reviews to ensure suitability with county operations.</i>

G15	Council Agreed to Response: This will commence in early 2018, after new Council has settled into their roles and have taken orientation and initial training sessions. The areas of attention that will receive first review are those raised in the Municipal Inspection Report. Comment: This is already in progress as a number of policies have been reviewed and either updated or rescinded over the past year and a number of new policies have been enacted in that same time frame. This will be an ongoing process not just a one-time project.
G16	RECOMMENDATION FOR INDUSTRIAL LOT SALES REVIEW: <i>That Westlock County officials seek legal counsel and financial advice to correct outstanding matters on industrial land sales and to formalize unsigned agreements.</i>
G16	Council Agreed to Response: This is already occurring under new administration as an additional lot in the industrial park was sold in July 2017 to a third party after seeking proper advice on current market value (which was the price the lot was sold for) and legal advice on sale conditions. Administration is determined that this process will continue on as it is now occurring, as it is compliant with all legislative requirements. Efforts are being made to resolve the outstanding lease matter and are targeted to be completed by February 28, 2018.
A1	RECOMMENDATION FOR HUMAN RESOURCE MANAGEMENT: <i>That the municipality engage qualified HR expertise to undertake an HR policy review, and conduct roles and responsibilities training for council and staff.</i>
A1	Council Agreed to Response: Funds will be placed in the 2018 draft budget to accommodate bringing in HR assistance to develop and re-develop HR policies. Fiscal constraints limit our ability to engage outside agencies to provide these types of services even though there is a definitive need for them in our organization.
A2	RECOMMENDATION FOR DEVELOPMENT APPLICATION REVIEW: <i>That additional resources for training and succession planning be committed to the planning and development department to ensure that the complexities of the LUB are well understood and can be properly applied to applications received; and that application forms used by the department be reviewed to ensure that the LUB required application information is clearly specified; and that site verification be incorporated as a standard component in the development application review process.</i>
A2	Council Agreed to Response: The municipality has fully trained and ALUP certified development staff. Training for Council, MPC and SDAB members will be improved. Additional staffing would be a prudent investment in this department (as well as a number of others), however, fiscal constraints have significantly curtailed our ability to provide appropriate staffing levels in a number of areas include planning and development.

A3	RECOMMENDATION FOR ROADWAY MANAGEMENT PLAN: <i>That council enable administration to conduct a comprehensive study to evaluate all road infrastructure; and based on that data, to develop a comprehensive roadway management plan to recommend strategies for ongoing maintenance, drainage control, vegetation controls, shoulder pulls, reconstruction projects, and load management.</i>
A3	Council Agreed to Response: Funds will be placed in the 2018 Draft Budget to generate a comprehensive road condition and upgrade/maintenance/load management plan.
A4	RECOMMENDATION FOR AXLE WEIGHT RESTRICTIONS: <i>That council review and update the Traffic Control / Road Protection Bylaw 15-2012 to ensure appropriate axle weight controls are in place for local roads and bridges.</i>
A4	Council Agreed to Response: The bylaw will be reviewed by March 31, 2018. Training on weights and measures certification will be provided to the CPO prior to Spring breakup in 2018 so that when this bylaw is put into force it can be enforced by the municipality as necessary.
A5	RECOMMENDATION FOR CAPITAL PROJECTS: <i>That the municipality seek professional advice and establish sound procedures in managing project tenders and securing funding for capital projects to ensure legal compliance and adherence with professional standards.</i>
A5	Council Agreed to Response: This is already occurring under the (relatively) new management team and will continue to occur. Improved formalization of such will be incorporated into the Purchasing Policy when it is reviewed and updated. Given the knowledge base and awareness of trade agreements and professional standards within the current management team, there is no need to spend significant additional dollars on experts to provide us with information that we already possess and are already implementing.
F1	RECOMMENDATION FOR BUDGET PROCESS: <i>That the municipality establish timelines for budget approval by yearend, and establish a meaningful process for public input on local budget priorities.</i>

F1	<p>Council Agree to Response: The reference by the Municipal Inspector to passing the 2017 Budget in April of 2017 is not entirely accurate. The April 2017 Budget deliberations and approved amendments, were centred around amending the 2017 Operation Budget approved in January 2017, due to the 2017 Requisition amounts and Property Assessment values, unknown in January 2017, being known in April 2017. The 2017 Capital Budget was approved in December 2016. The April budget amendment process is a common and widely accepted budget practice in Alberta local government circles. Administration is on track to present a draft 2018 budget to Council in November 2017, with a suggested meeting schedule to enable passing of the 2018 budget prior to December 31, 2017. Administration is also working hard to update the format and presentation of draft budget documents so that more meaningful processes can be implemented for public input on budget priorities. This updated process will be partially completed for the 2018 budget draft and fully completed for the 2019 budget draft. A draft policy outlining budget process and target dates will be presented to Council no later than March 31, 2018.</p>
F2	<p>RECOMMENDATION FOR FINANCIAL REPORTING POLICY: <i>That council approve a financial reporting policy to specify the detail and frequency of financial reports to council in accordance with the MGA s. 208(k); and that accounts payable reports to council be discontinued where budgeted expenses are previously approved; and that the approval of accounts payable by the deputy reeve be discontinued.</i></p>
F2	<p>Council Agreed to Response: A draft policy will be presented to Council on this matter no later than February 28, 2018. Funds will also be entered into the draft 2018 Budget to procure appropriate electronic signature software to streamline the cheque signing process.</p>
F3	<p>RECOMMENDATION ON FINANCIAL REPORTING TO THE PUBLIC: <i>That additional financial reporting to the public be considered to communicate municipal performance and the accomplishment of strategic objectives.</i></p>
F3	<p>Council Agreed to Response: Financial reporting to the public already occurs when the Auditor presents the Audited Financial Statements to the public at a Council meeting and in the Monthly Variance Report that is presented to Council in writing in a public Council meeting. Additionally, in July of 2017, a public Open House was hosted by the County with the Auditor to address the 2016 Financial Statements. As Strategic and Capital Plans are developed, as outlined in the action plan/response to Recommendation G3, this Open House format will continue and be improved upon as there will be plans in the future to which financial reports can be measured and compared.</p>

F4	RECOMMENDATION FOR PROCUREMENT PRACTICES: <i>That the municipality review procurement practices, procedures, and the purchasing policy to ensure that appropriate controls are in place for competitive purchasing of budgeted expenses; and to ensure that local procurement practices are consistent with the MGA, applicable trade agreements and other legislation.</i>
F4	Council Agreed to Response: Again, the weaknesses in adhering to these processes occurred prior to current management staff being in place. Currently, proper and transparent procedures are in place and, more importantly, are being followed. The Purchasing Policy will also be reviewed with administration, as outlined in the action plan/response to Recommendation G15, to ensure it remains current and responsive to changing provincial and federal trade and procurement legislation.
F5	RECOMMENDATION FOR CAPITAL PLANNING: <i>That the municipality develop a comprehensive long-term capital works plan to address existing infrastructure issues and identify new or upgraded infrastructure priorities.</i>
F5	Council Agreed to Response: This is addressed in the Response to Recommendation G3, with a target date of August 31, 2018.
F6	RECOMMENDATION FOR OFF-SITE LEVY: That Westlock County create an off-site levy bylaw to address off-site costs of municipal development.
	ACTION PLAN/RESPONSE:
F6	Council Agreed to Response: Given the minimal subdivision development activities that occur in the County, particularly as they relate to the even more limited services supplied by the County that could be subject to off-site levy bylaws, the cost of the highly complex process of implementing and regularly updating an off-site levy bylaw is prohibitive and would not be recovered by off-site levy fees collected, let alone any meaningful amount of funds being collected for the purposes of funding services as per the bylaw. In the example cited as a basis for implementing such a bylaw, the County was the developer and would have paid the off-site development fees to itself, a net gain of zero \$, as off-site levy fees do not increase the market value of a property. We respectfully state that, in our opinion, this recommendation is improvident for this municipality and will not be implemented until such time as potential revenues would more than offset the costs of developing and maintaining such a bylaw.
	GENERAL COMMENTS:
	Council Agreed to Summary Comments: Several key themes emerge from this Municipal Inspection process:

	<p>1. Many of the areas identified for improvement measures have already been addressed and improved since the hiring of the CAO and two key senior Directors in September/October 2016 and a corresponding change of perspective of Council. Unfortunately, these were not given the recognition they deserved through the inspection which led to a number of recommendations for change where the change was already implemented through the efforts of Council and staff.</p>
	<p>2. This municipality faces a major fiscal challenge despite the Inspector's reporting that the financial health of the municipality is quite good. Since 2015, the property assessment base has reduced significantly resulting in a decrease of approximately 10% in municipal property tax revenues, which is a substantial loss for a municipality that already has a very imbalanced capital asset to property assessment base ratio (very high infrastructure/capital liability, very low assessment base) and a Tangible Capital Asset register that shows significant depreciation of the Capital assets (one example: roads are currently valued at only 2% of original book value and require massive investment for the foreseeable future). Many of the recommendations suggest hiring professionals to assist in resolving issues or are very complex and time-consuming matters requiring significant HR resources. Additionally, there are many emerging initiatives contained in the new Municipal Government Act that will add to the demands on our staff and our tax revenues. Given the true fiscal reality of this municipality, and given that we have less municipal staff than we had two years ago, it will be very challenging to address the recommendations in a timely manner without financial assistance from the Province. Without such, the reality is that implementing these recommendations will take a considerable amount of time and patience and the targeted dates in the action plan above may, in some cases, need to be extended, and in other cases may be very difficult to achieve.</p>