Village of Rycroft

Municipal Inspection

January, 2011

Executive Summary

The Province of Alberta by way of Request for Proposal contracted for a Municipal Inspection of the Village of Rycroft, Alberta pursuant to Section 130 of the Municipal Government Act. This contract was awarded to Thomas R L Management Inc. of Lloydminster in December, 2010

The reason for the inspection was that the Minister had received a Petition from the electors for the Village of Rycroft calling for the dissolution of the Village. The Minister received this petition in October, 2009. In November, 2009 he notified the affected Councils that a dissolution study for the Village would take place in the form of a municipal inspection.

Prior to the Inspection, a Municipal Corporate Review was undertaken by the Minister's office pursuant to a request from the Municipal Council of which a copy was delivered to the Council in January, 2010.

A significant amount of time has now passed since the Petition was delivered to the Minster and a significant number of events have occurred since then that may have cast a different light upon the matters as they relate to the operation of the Village.

This report <u>does not</u> recommend that the dissolution of the Village of Rycroft take place and explains the reasons why. This report also makes recommendations in a number of areas observed during the inspection.

This report suggests alternatives to dissolution and focuses more on leadership and governance issues of the Village in an effort to be supportive of the Corporation and the region in which they are located. It is believed that this approach will be widely supported by the Council, administration, Petitioner's Representatives and many of the residents of the Village.

About Dissolution

The Municipal Government Act of Alberta sets out conditions to be considered when contemplating the dissolution of a municipality:

Those criteria are:

1. The Minister must undertake a dissolution study before a municipality is dissolved.

-MGA Sec 130(1)

2. The Minister must undertake a dissolution study in respect of a municipality if

(a) the Minister receives a request for the study from the council of the municipality, or

(b) the Minister receives a sufficient petition requesting the study from electors of the municipality numbering at least 30% of the municipality's population.....

-MGA Sec

130(2),(a),(b).

- 3. The Minister may undertake a dissolution study in respect of a municipality if the Minister believes that
 - (a) the municipality cannot balance its revenues with its required expenditures,
 - (b) the municipality is no longer viable,
 - (c) the municipality does not meet the applicable requirements in sections 78 to
- 82
- (d) vacancies on a council cannot be filled, or
- (e) the dissolution will lead to more effective or efficient municipal operations.

- MGA Sec 130(3)

Further direction is given through <u>Ministerial Order No. L:077/01</u> dated November 28, 2001, whereby certain principles, standards and criteria are to be applied when considering an application for a study of municipal restructuring. This Order very clearly states that:

"The dissolution study is appropriate where the intended restructuring does not require major changes to the Council structure, administration or operation of the receiving municipality." And,

"A dissolution study is not appropriate when the request raises broader regional issues that can be better addressed through another process such as a regional initiative or intermunicipal mediation." In the case of the Village of Rycroft, a petition requesting the study came from the electors who met the requirements under 2(b) and as such, the petition was declared valid by the Ministry.

Since there are no specifications on what form the study must take, it has been determined that a Dissolution Study by way of a Municipal Inspection would appear to be the most appropriate.

The Municipal Inspection of the Village of Rycroft took place during the period January 11 through January 18, 2011.

During the course of the Inspection, the following persons were interviewed about Village matters, either by telephone or in person.

- Mayor Bill Hawrylenko
- Deputy Mayor Whitney Burback (by telephone)
- Councillor Carol Gano
- Councillor Colleen Hartman
- Monique Jeffrey, CAO Village of Rycroft
- Kayla Gostick, Office Clerk
- Sandra Hatfield , Public Works Foreman
- Colleen Hartman Petitioner's Representative
- Carol Gano Petitioner's Representative
- Fay Slywka Petitioner's Representative
- John Sinkwich- former Councillor
- Andy Sinkwich Land Owner, Crossroads Subdivision
- Janet Sinkwich Land Owner, Crossroads Subdivision
- Approximately 18 residents within a group meeting setting all having various connections to Village matters, past and present.
- Reeve Stan Bzowy, MD of Spirit River
- Councillor Elaine Garrow, MD of Spirit River
- Councillor Dwayne Wells, MD of Spirit River

Without exception, all of the persons spoken to were supportive of the Village of Rycroft as an entity of its own and expressed positive suggestions and hopes for the Village in the future. The concerns most often expressed were of the nature on past behaviors and actions either by the Council, individual members of Council or individuals connected to or doing business with the Village. It appeared that often the information people relied on to formulate an opinion on the

matter was either incomplete, one sided only, or was incorrect because an assumption as to facts was inserted into the process. This seems to have clouded matters and has made it difficult to build consensus on many of the issues that the Village currently faces.

In any case, the issue of clear and concise communications seemed to be the problem not only between the Village and the residents, but internally, as well between the Council and the Administration of the Village.

In spite of these setbacks, there seemed to be a genuine willingness among all that things could improve if everyone could work together in a non-confrontational manner and create a more trusting and open environment.

About Rycroft

Rycroft became a Village in the Province of Alberta in 1944. At that time, agriculture and rail transport were significant employment generators. Rycroft is unique in that it is located in a very strategic location of which locally is referred to as the "Hub of the Peace". The population of the Village today sits at 638 persons.

Rycroft is located within the MD of Spirit River along with the Town of Spirit River located approximately 8 kilometres to the west. The Village and the Town are the only incorporated entities in the MD.

The Council (five persons) for Rycroft is elected at-large by the electors for Rycroft. In October of each year an Organizational Meeting is held of which a Mayor and a Deputy Mayor are elected by the Council.

The last election for the Council was held in October of 2010 of which four of the five members for the Council were newly elected with one incumbent being re-elected. This election was reported as having one of the largest voter turnouts in memory for the Village.

The Village has an annual operating budget of approximately \$ 1,300,000.00 which includes \$298,683.00 in depreciation charges for tangible capital assets. At the time of this report the Council had passed an interim budget for 2011 showing a small deficit. An audit was scheduled to be performed in February of 2011 for the 2010 fiscal year. The last full year reporting was for the year 2009 of which an audited financial statement was submitted to the Village on February 19, 2009. Highlights of the 2009 Financial Statement are summarized as follows:

- 1. The Village has no debt.
- 2. A significant transfer (grant) for capital of \$1,028,813.00 was received in 2009.

- Accumulated Surplus rose to \$8,922,987 of which \$650,000.00 has been set aside for significant Water Plant Upgrades.
- 4. Net Municipal Taxes levied for 2009 for municipal purposes was \$755,936.00
- 5. Taxes and Grant-in-lieu of taxes receivable rose to \$185,729.00 from a previous year end (2008) of \$85,389.00

6.	Consolidated Expenditures by Object in 2009 were as follows:		
	a)	Salaries, Wages and Benefits	\$ 418,703.00
	b)	Contracted and general Services	268,193.00
	c)	Materials, Goods and Utilities	294,708.00
	d)	Transfers to Local Boards and Agencies	32,338.00
	e)	Provision for Allowance	240.00
		Total	\$ 1,014,182.00

There is a report produced by Alberta Municipal Affairs for the year ending 2009, entitled "*Financial Indicator Graphs*" of which some of the graphs are quite relevant to current matters in the Village.

This series of indicators was produced by the Local Government Services Division, Financial Advisory Services and is very helpful in providing a quick snapshot in a particular financial area. These were produced by comparing a "peer" group of similar sized Villages in Alberta numbering nineteen in total for which their populations ranged from 515 persons to 818 persons. Rycroft has the 10th largest population of this nineteen Village grouping. These comparisons are intended to help Council's and administrations in making operational decisions, however, they are prepared from Financial Statement information only and do not necessarily take into account any unique or extraordinary issues that may have arose during the course of any year .

For example, the slide below shows the comparative trending for total wage and salary information. The indicator shows that Rycroft's per capita costs for this item has increased by approximately 91 %, while the mean average for the group increased by approximately 58 %. The graph could also be interpreted to mean that Rycroft has a wage and salary budget of \$139.00 per capita higher than the peer median or approximately \$88,700.00. In real dollars. Again, this is a snapshot of one particular financial area and should not be viewed entirely in isolation of all other information. Although matters are not as simple as that, they do serve as a form of guideline.

Per Capita Expenses - Salaries, Wages and Benefits



There are other indicators of which the slides are not reproduced here that indicate some trending as follows:

- 1. <u>Contracted and General Services</u> This area has trended slightly above the mean per capita level since 2004 but has dipped below the mean level since 2008.
- 2. <u>Materials, Goods and Utilities</u> This area trended less than the median from 2006 to 2008, however, it almost doubled from the median for the year 2009.
- <u>Tax Collection Rate</u> This indicator shows that the percentage of taxes collected in the year in which they are levied is declining from a high of 96.9 % in 2006 to the current level in 2009 of 82.4%
- 4. <u>Net Municipal Property Taxes</u> Net municipal property taxes have been above the median per capita level since 2004. On a per capita basis they have now reached \$1,145.00 per capita which is the highest level within the peer group. The 2009 median for that group is \$707.00

The sense by some, including the Petitioners that Rycroft has higher taxation than others has some validity.

There are some other indicators within the annual report that both Council and administration can use for useful planning purposes. The parties are encouraged to study these and share the knowledge with others to promote a better understanding of the financial affairs of the Village.

A number of very good initiatives have been undertaken by the Council in the past two years in an effort to be progressive and to address local concerns over funding, taxation and operations in general.

For example:

Municipal Corporate Review

The Council requested that a Municipal Corporate Review be conducted on the Village in June, 2009. The Minister did order the review and the same was performed in September of that year. The review did point out a number of areas of weakness in practice of the Village and gave recommendations in various areas for immediate improvement. Some of the issues noted by the Municipal Affairs staff are still on-going as issues today.

RECOMMENDATION:

It is recommended that Council revisit this document and review the recommendations contained within it.

Code of Conduct Bylaw & Procedural Bylaw

These two bylaws were passed by the Council in early 2010. Both are very comprehensive and fairly well written. A complete understanding of these two bylaws needs to be an integral part of a Councillor's knowledge base when coming on Council, especially if an individual has never been on a municipal Council before. Knowledge and adherence to the principles of these two bylaws would go a long way in understanding the role and function of a Council member.

RECOMMENDATION:

It is recommended that Council ensures that these two bylaws are at the top of the list for regular review.

Organizational Review of the Village of Rycroft

The Council engaged an outside firm to conduct an Organizational Review in August, 2010. This report has been accepted by the Council and is displayed on the Village website. In what appears to be a follow up to this report, the Council has directed that three staff members be released in mid-December, 2010. These two positions were the Bylaw Enforcement Officer, a Financial Officer and one other. It was undetermined at the time as to whether or not the

positions would or could be replaced or whether the essential duties of each would be dispersed amongst the remaining staff, contracted out or discontinued altogether.

RECOMMENDATION:

It is recommended that the Council prepare and communicate a new staffing plan that is affordable and also acts as an assurance that all critical functions of the Village are adequately covered with qualified staff.

Integrated Community Sustainability Plan

The Council engaged a firm from Leduc, Alberta in March, 2010 to provide a plan which is intended to assist as a long term strategic plan to assure the ongoing sustainability of the Community. This plan did consult the public during the course of its preparation. This plan sets out desired actions to be taken by the Village in the, short, medium and long term timelines in areas of Cultural, Economic, Social and Governance areas. All of the actions appear to be reasonable, however, some of it is designated to staff as the lead department responsible for implementation and of which these positions no longer exist.

RECOMMENDATION:

That the Council review this document with a view to prioritizing actions to be taken and that members of the public be considered as possible "lead" persons for carrying out some of the objectives under Council's guidance.

2010 Rycroft Citizen Survey

A community survey was initiated in early 2010 that asked the residents of the Village a number of questions on service levels and the quality of life in Rycroft. This survey was well responded to with the results being quite varied as to opinion. The attempt to engage the residents in some meaningful dialogue is admirable and serves as a useful sounding board that allows the Village to express their concerns. A careful summarization of the results would be a useful planning tool for the future.

RECOMMENDATION:

It is recommended that Council have a constructive and concise summary of the 2010 Survey prepared for release to the public and for future use by Council. It is also recommended that a Citizen survey be repeated on a periodic basis in order to keep the input current.

Agreements with Other Municipalities

The Council has entered into agreements with the neighbouring municipalities to provide services where it was deemed practical to do so. Most of these agreements are well written and their intent is quite clear. Some of these agreements are as follows:

- Spirit River/Rycroft Fire Services Automatic Aid Agreement This agreement beefs up Fire Response service automatically by compelling both jurisdictions to respond in the event of a Fire Incident in either jurisdiction. It is clearly laid out as to protocol and responsibilities of each. This agreement was signed September 11, 2009.
- *MD of Spirit River and Village of Rycroft Family and Community Support Services Payroll Administration.* This agreement allows the two parties to cost share the administration of providing payroll services for the region's FCSS program. This agreement was entered into on January 14, 2011.
- Regional Assessment and Review Board Services This is a five municipality agreement for purposes of lawfully hearing assessment appeals within the region. This agreement was signed on July 28, 2010. It is very common in Alberta to share this resource owing to the training and education obligation placed on municipalities by the Province.
- Disaster Services This agreement allows for the management of disaster service by the Saddle Hills County and outlines the cost sharing to fund a qualified Disaster Services Manager.
- Central Peace Region Emergency Management Mutual Aid Agreement This
 agreement lays out the framework for the training of personnel and sets out the
 procedure for invoking mutual aid between the five municipalities. This is only for in the
 event of a disaster or emergency and does not substitute or replace existing agreements
 for the sharing of firefighting resources.

There are other smaller agreements in place that demonstrate a cooperative spirit of resource sharing amongst the area municipalities. The Council and administration are to be commended for putting these arrangements in place.

Crossroads Subdivision

The Village has entered into an agreement with a local landowner(s) to develop and sell commercial/industrial lots in an area of the Village zoned for that purpose. The servicing for the subdivision was financed by a municipal initiatives grant along with a one million dollar local improvement loan for which a debenture has been issued, for a total investment of \$1,500,000.00

This subdivision has been the centre of controversy by many residents and Council members. The reason for this is mostly personal feelings, but the matter is now exacerbated by the fact that the majority landowner is at the present time unable to sell many of the lots. Taxes are now due on these lots (along with the Local Improvement Levy) while the debenture for servicing the loan requires a semi-annual payment of \$107,217.10 by the Village. There is a relatively short (five year) amortization period and the interest rate is very low at 2.575%, making the loan attractive, but it will create a considerable strain on the Village cash flows if the taxes are not kept up to date. The servicing work is over half done and needs to be completed in a timely fashion in 2011 so that development can occur and the much needed additional commercial/industrial assessment can become a reality and an asset to the community. This feedback was received by several Village residents, the Mayor and some Councillors. Most seem to recognize the value of adding commercial assessment along with other benefits that growth can bring to the Village. In the matter of the borrowing procedure for the Local Improvement loan of \$1,000,000.00 loan and the process used, it appears to have been correctly and skilfully done by the Village CAO.

RECOMMENDATION:

It is strongly recommended and encouraged that the Landowners and the Council/administration put aside any past differences they may have and jointly create a positive strategy to immediately market the lots.

Council and Administration Relationship

On the matter of the relationship between the Council and the administration, this area is of much concern at this time. The Council is new, excepting for one returning incumbent Council member as of October, 2010.

There appears to be quite a polarization between the administration and Council that has degenerated into an atmosphere of mistrust amongst the parties. This can be attributed to a lack of communication between the parties with no attempt having been made to openly discuss mutual concerns and general problem solving and goal setting.

To be fair, there is a considerable amount of pressure on both sides owing to the recent election and almost wholesale change of Council members, along with a Petition that has been filed with the Minister. This added to the fact that staff members were released on the direction of Council late in the year all of which has contributed to there being a darker mood present than there should be. There appeared to be some hesitation on the part of the staff to provide some fairly relevant information to Council to help them carry out their responsibilities. For example, providing a list of cheques to a Council for an approval or adoption of the listing where the names of the payees has been "blanked out" is nothing short of a complete waste of Council's time. It is not quite good enough to simply hand new Council members piles of documents and expect them to become immediately competent in all areas. Reports have to be prepared in a concise, factual and readable fashion for them to read and ask questions or render decisions.

RECOMMENDATION:

It is recommended as good practice to keep a standard format that is easily recognizable, not only by the Council but also for the public and the media to read.

What seems to have been missing was a complete and full orientation of Village matters for the Council. This should be done on the basis of a series of workshop/retreats in a comfortable and relaxed environment where the key persons involved are free to speak. It is at these sessions that a Council can set the tone for their term and hopefully set the stage for regular workshop discussions and related team building sessions. This activity is essential for getting up to speed and for bringing resident concerns for review and discussion during their term.

RECOMMENDATION:

It is recommended that the Village develop a full and comprehensive Council orientation package and training program to assist newly elected members of Council to quickly and comfortably find their role as municipal councillors.

Often a Council will become "issue driven" causing them to be reactive in nature and causing that same defensiveness to be telegraphed on to the staff. Being proactive involves being more open and willing to accept constructive criticism and to give it. It is not advisable to take matters "in camera" unless absolutely necessary and only for the reasons permitted under the Municipal Government Act (MGA). Doing this too often rightfully or wrongfully will add to any mistrust the public may have.

Another observation is that there is sometimes too much reliance on whether or not the MGA permits an action or prevents one. The Municipal Government Act of Alberta is considered quite empowering in that it grants "natural person powers" to a municipality. It should not be viewed as a rule book intended to prevent Council from pursuing creative endeavours. Of course, it needs to be consulted when appropriate and a good CAO will have thorough knowledge of the Act and be helpful to Council in their deliberations.

RECOMMENDATION:

It is recommended that the parties examine their roles and responsibilities and make a concerted effort to build confidence and respect for each other's role as well as for the public input process.

A general observation of the Village operations and the conduct of Council are that things are fairly well organized and are completed within acceptable timelines. There are a number of improvements that have been implemented administratively in the accounting and payroll area, however, the most impressive accomplishment was that administration was able to acquire and report an approval of \$ 2,580,797.00 in grant funding to the Village for 2010.

Municipal District of Spirit River

The Petition for Dissolution, if implemented, means that the boundaries for the Village of Rycroft would be erased and that the area would be incorporated into the MD of Spirit River. The effect would be to almost double the population of the MD.

In discussing this possibility with the MD Council, they feel the effect of dissolution would place a very heavy burden upon them and their residents and that it would be a most unwelcome situation.

In reviewing the *Financial Indicator Graphs* provided by Municipal Affairs it would appear that the MD has the second lowest population amongst the 19 MD's and Counties within their peer group. Also noted is that the MD spent more per capita for total Broad Function Expenditures than any other within their peer group, with the largest area being transportation (roads). It should also be mentioned that the MD has the second lowest equalized assessment of the peer group to help them pay for those expenses. Higher than the median Federal and Provincial Grants do help to offset the higher Net Municipal Taxes per capita that is characteristic of the MD.

The Chart below helps illustrate how the MD ranked in relationship to the median expenditures of the other 18 municipalities. Again, it is reminded that these are indicators and caution is expressed if read in isolation of all other information.



Broad Function Expenses Per Capita, 2009

Although the Council members for the MD did not think that dissolution of the Village would be at all attractive, they were very open to the concept of expense and cost sharing in order to achieve cost savings for all, even if the cooperation was taken to a higher level. They presented themselves as very open and honest people and gave one the impression that they would be respectful and easy to work with.

THE PETITION

The Petition was presented to Alberta Municipal Affairs on October 15, 2009. Of the four representatives, three were interviewed directly during the Inspection/Study. They gave the following reasons for the Petition:

1. To acquire accurate information for the residents of the economic viability of the Village for the foreseeable future.

- 2. To take a proactive stand towards the possible need to dissolve to maintain and possibly enhance the Community.
- 3. To accurately inform the residents what the costs and benefits of dissolution would be.

Major concerns were the level of property taxes with rising operating costs and deteriorating infrastructure. They did mention that cost sharing agreements were already in place in many areas with the neighbouring jurisdiction and perhaps this could help alleviate the cost/tax pressure if dissolution were to take place.

None of the Petitioner's Representatives believed that Dissolution was desirable. They are honest and caring people who honestly believe that the Village could do better and that changes had to be made to pave the way to better growth and prosperity in the Village. In many ways, the Petition was successful in fostering change or at least bringing to light the need for change in order to grow and develop.

The Petition must be disregarded as dissolution of the Village is <u>not</u> recommended. The major reason that it is not recommended is that there would be a very unfavourable impact on the MD of Spirit River.

The main reasons for not recommending the dissolution of the Village are:

- 1. Overwhelmingly, the people spoken to did not want dissolution to take place, but they definitely wanted positive changes for the Village.
- 2. The Village of Rycroft, as it sits today, does not meet the statutory requirements that would allow it to dissolve; specifically,
 - a) They can balance their revenues and expenditures
 - b) They are viable.
 - c) They have no trouble attracting electors to run for Council positions.
 - d) Dissolution would negatively impact the MD of Spirit River at this time.
- 3. There is a common thread throughout the area that suggests that regional cooperation on many more things is definitely the key to improvement in preparation for a return to a full sense of community viability and sustainability.

RECOMMENDATION:

Dissolution of the Village of Rycroft is not a viable option at this time and should not be considered at this time.

MOVING FORWARD

The Village, in spite of personal differences of individuals as described is operating on a reasonable basis given the downturn in the Provincial (and National) economy since 2008. Having said that, there are concerns on future sustainability for the Village. It is fortunate that Rycroft has some excellent qualities about it such as a strategic location, water source, excellent school facility and others that can be listed as strategic assets, not only for themselves but for the entire area.

There are many opportunities available to Rycroft, MD of Spirit River and the Town of Spirit River to take regional cooperation to a higher level.

Because all three jurisdictions perform the same administrative functions for their residents they could easily create a "service bureau", sometimes referred to as a "Regional Service Commission" of their own making that would provide full and skilful administrative function for each municipality in several key areas ranging from the organization of Council and Committee Meetings, to the preparation and delivery of payroll, to the billing and collection of utilities or taxes. All of these functions require skills and a singular skilled individual may be able to accomplish more than three individuals who perform that same function part-time only and usually at the expense of another important function.

It appears that it is an opportune time to review and undertake this type of initiative. Since attending to the inspection in Rycroft, the Mayor for the Village has resigned and the Chief Administrative Officer has gone on medical leave. This will now necessitate that the remaining Council members elect a new Mayor and also requires that the Village hold a by-election to elect a new member of Council. This is clearly a result of the new Council being unable to work together and is a setback for the Village. Some time had been spent with the Mayor and CAO in an effort to assist them to sort several matters out. This made it a little more challenging in completing this report in terms of what areas to focus on.

The parties have the advantage of a fresh Council term in front of them (minus five months) to be able to set up the governance structure and strategically implement an orderly implementation and transition over set periods of time. Conceptually, the new service structure is not as difficult to design so much as getting the actual work done. It may require that extra resources be employed temporarily with specific targets being given for implementation. The two Counties (Saddle Hills and Birch Hills) should be consulted as part of this initiative as well. The importance of strong governance for this framework to exist cannot be understated. Since this report advocates strong intermunicipal relationships instead of dissolution, it has to be understood that regional services can only be viable if a complete respect is maintained for each other's jurisdiction and their respective rights as a municipality. Proceeding along this line can and will produce some very desirable outcomes that have been thought about and suggested by many local people such as:

- 1. Greater cost efficiency with respect to the use of municipal wages and salary budgets may result in the ability to attract the most qualified in each respective area.
- 2. Consider having one common CAO for all jurisdictions along with other common administrative positions that serve all (it already exists in the property assessment area).
- 3. A more planned approach to new services, public events, public consultation and education on municipal matters as they affect each jurisdiction, but spill out over the entire area.
- 4. An examination of ways and means to pool some capital grants to upgrade essential service facilities such as water treatment facilities that are common to all.
- 5. A better understanding and coordination of area economic initiatives. It is understood that having a viable new service or development in the area is better that not having it at all and risk losing it to another area of the Province.
- 6. Focusing on the strengths of each jurisdiction and helping each other to mitigate weaknesses will produce positive results. Each jurisdiction has a multiple of strengths that can be jointly polished and presented in an effort to stimulate healthy and positive growth.
- 7. Area communications can be improved considerably through the use of joint websites or other thoughtful communication means. There are good possibilities to enhance communications if area tax and utility billings were generated from a common source.

There are many other possibilities and opportunities that likely exist and can be brought to light by area residents. It is quite possible that there is even funding available from the Province to help set up this type of framework as a regional initiative. The Village of Rycroft can succeed if the Council, administration and residents turn past negatives into positives and move constructively move forward from there. Regional collaboration is the key to sustainability and must be firmly embraced to achieve the positive outcomes desired by all.

Respectfully submitted this 25th day of February, 2011

Tom Lysyk

Thomas R L Management Inc. Lloydminster, Alberta