

**Official Administrator Report
Review and Approval of Council Meeting Minutes**

September 20, 2022, Regular Council Meeting:

Resolution No.	Motion	Council Decision	OA Response	Comments
220920-01	Council adopt the agenda as presented	Carried Unanimously	APPROVED	
220920-02	Council accept September 13, 2022 Regular Council Meeting minutes as presented	Carried Unanimously	APPROVED	
220920-03	Council accept the Firehall Medical Capabilities Presentation as information	Carried Unanimously	APPROVED	
220920-04	Council Receive the Strategic Plan update as information	Carried Unanimously	APPROVED	
220920-05	Council Direct Administration to book a workshop on the Strategic Plan framework to advance it September 27, 2022	Carried Unanimously	APPROVED	
220920-06	Council accept the Civic Site – Subdivision of 20 Acres Recreational Lands Presentation as information	Carried Unanimously	APPROVED	
220920-07	Council Accept Federal, Provincial Transportation Grants for Roads and Bridges Presentation as information	Carried Unanimously	APPROVED	
220920-08	Accept the Storm pond Usage Presentation as information	Carried Unanimously	APPROVED	
220920-09	Council accept All Season City Property Report as information	Carried Unanimously	APPROVED	
220920-10	Council direct Administration to develop a method for the public to voice Concerns and have administration address them.	Carried Unanimously	APPROVED	

OA Initials

October 11, 2022
Date

Municipal Government Act,

Section 575(1) The Minister may at any time appoint an official administrator to supervise a municipality and its council.

Section 575(2) So long as the appointment of an official administrator under this section continues.

- (c) No bylaw or resolution that authorizes the municipality to incur a liability or to dispose of its money or property has any effect until the bylaw or its resolution has been approved in writing by the official administrator, and
- (d) The official administrator may at any time within 30 days after the passing of any bylaw or resolution disallow it, and the bylaw or resolution so disallowed becomes and is deemed to have always been void.

Legend: Approved – Bylaw or resolution approved

Disallowed – Bylaw or resolution is void

Out of Scope – Council's bylaw or resolution does not require Official Administrator approval

220920-11	Council give first reading on the proposed in the Surety Bonds Policy as Presented Subject to Legal review	Carried Unanimously	APPROVED	
220920-12	Council give second reading to the City of Chestermere Surety Bonds Policy as Present Subject to Legal Review	Carried Unanimously	APPROVED	
220920-13	Council Direct admin to work Community Therapy dogs on creating a presentation for the October 4, 2022 Regular Council Meeting on the possibility of a joint venture with the City. Included in the presentation will be the contents related to Alta link, liability, safety, budget and insurance. Also included would be information gathered from residents at the open house regarding what will be known as the Steven King Dog Park.	In Favour: Mayor Jeff Colvin, Councillors Stephen Hanely, Sandy Johal-Watt, Shannon Dean, Blaine Funk Abstained due to Conflict: Deputy Mayor Foat	APPROVED	
220920-14	Council approve the development permit for a new McDonalds Restaurant (DP 22-6724) as per the plans in Exhibit A and the Conditions outlined in Exhibit B.	In Favour: Mayor Jeff Colvin, Councillors Stephen Hanely, Sandy Johal-Watt, Shannon Dean, Mel Foat Opposed: Councillor Blaine Funk	APPROVED	
220920-15	Council direct Administration to review and make recommendations regarding the current business back-lit signage rules and applications and present that to Council at a future meeting.	Carried Unanimously	APPROVED	

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220920-16	Council give first reading to Bylaw 036-20 the Traffic Control Bylaw Amendment as amended to include rubber tracks.	Carried Unanimously	APPROVED	
220920-17	Council go in Camera at 2:06 p.m.	Carried Unanimously	APPROVED	
220920-18	Council move out of In Camera at 5:42 p.m.	Carried Unanimously	APPROVED	
220920-19	As per Section 6.12.2 of the Elected Officials Code of Conduct Bylaw, to Direct the City Director of Corporate Services to engage an investigator to conduct a formal investigation.	In Favor: Mayor Jeff Colvin, Councillors Blaine Funk, Mel Foat, Stephen Hanley Opposed: Councillor Shannon Dean	DISALLOWED	Please refer to attachment for reasoning
220920-20	To further investigate the 17 Election Act Breaches and bring back the progress report to Council on the October 4, 2022 Regular Council Meeting.	In Favor: Mayor Jeff Colvin, Councillors Blaine Funk, Mel Foat, Stephen Hanley Opposed: Councillor Shannon Dean	DISALLOWED	Please refer to attachment for reasoning
220920-20 (This mistake is in their minutes)	That Council adjourn the meeting at 5:50 p.m.	Carried Unanimously	APPROVED	

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Rationale for Decisions

Submitted October 18, 2022

I, Doug Lagore have been appointed Official Administrator of the City of Chestermere (the “City”) by the Minister of Municipal Affairs pursuant to Ministerial Order MSD082/22. The Minister of Municipal Affairs Letter to His Worship Mayor Colvin regarding my appointment states:

I have taken this action at this time because I am deeply troubled by the continued escalation of conflict within council, as demonstrated at the September 20 and 27, 2022, council meetings where council launched 100 investigations for alleged code of conduct complaints. The use of the code of conduct in this manner, and to this magnitude, indicates a degree of intra-council conflict that I believe puts at risk council's ability to govern effectively and in the best interests of your residents. In that light, I believe it is necessary to take immediate action to protect the public's interest in good governance and to promote the functionality of council.

Ministerial Order MSD082/22 requires the City’s Chief Administrative Officer to, within 72 hours of a Council meeting, forward all unapproved Council meeting minutes and related documents, such as passed bylaws and supporting agenda packages to the Minister of Municipal Affairs for distribution to me as Official Administrator for my review.

I requested the full agenda packages from City Council meetings of September 20 and 27, 2022 and to date, I have not received the full agenda packages. As such, my decision is based on the materials available on the City’s website.

SEPTEMBER 20, 2022

Resolution 220920-19

As per Section 6.12.2 of the Elected Officials Code of Conduct Bylaw, to Direct the City Director of Corporate Services to engage an investigator to conduct a formal investigation.

Resolution 220920-19 is disallowed. My reasons are set out below.

Resolution 220920-19 does not specify:

- (a) the breaches of the Elected Officials Code of Conduct identified in the complaint; or
- (b) the Councillors to be investigated.

The Resolution is on its face deficient. The hiring of an investigator is an expenditure of taxpayer dollars and a liability for the City. I am concerned that the ambiguity of Resolution 220920-19 will result in a significant expenditure of both taxpayer dollars but also City staff and Council time and effort in an overbroad investigation.

I note that a letter from the Director of Corporate Services was read into the Minutes of September 20, 2022 prior to the passing of Resolution 220920-19 which states:

The City Director commenced a full review of all city' files as per section 515 of Elected Officials Code of Conduct. From the preliminary review, 100 possible infractions were identified since October 27, 2021 .

17 by Councillor Sandy Johal-Watt

33 by Councillor Shannon Dean and

50 by Councillor Ritesh Narayan

Even if I could read this letter as providing the necessary context for Resolution 220920-19, I would still disallow Resolution 220920-19 on the basis that, based on the materials before me, I cannot conclude that Council has followed the process as set out in the Elected Officials Code of Conduct Bylaw for a preliminary review of each complaint. As a broader concern, Resolution 220920-19 raises significant concerns regarding a degree of inter-council conflict which undermines a key municipal purpose – to provide good government (*Municipal Government Act, RSA 2000, c M-26, s. 3(a)*).

Resolution 220920-19 does not appear to have been passed following the process as set out in the Elected Officials Code of Conduct which provides:

6.9 Upon receipt of a complaint, the mayor, or in the event of a complaint against the Mayor, all Members of Council led by the Deputy Mayor, shall conduct a preliminary review of the complaint to determine whether to proceed with a formal investigation of the complaint or to dispose of the complaint in a summary manner

6.11 The preliminary review must consider:

6.11.1 whether the complaint is within the scope of this Bylaw,

6.11.2 the context and intent of the complaint to ensure the legitimacy of the complaint, and

6.11.3 any further action in relation to the complaint will serve the purposes of the Complaint Process as set out in Section 6.5.

Resolution 220920-19 appears to authorize 100 investigations into potential Code of Conduct breaches. On my review of the materials before me, it does not appear that City Council conducted a preliminary review of each complaint. Rather, it appears that the Director of Corporate Services conducted a preliminary review which was accepted by City Council. This is not in accordance with s. 6.9-6.11 of the Elected Officials Code of Conduct.

City Council does not appear to have considered the mandatory requirements under 6.11 of the Elected Officials Code of Conduct for its preliminary review of each of the 100 investigations authorized, specifically;

(a) if each of the 100 complaints is within the scope of the Elected Officials Code of Conduct;

- (b) the context and intent of each of the 100 complaints, to ensure the legitimacy of the complaints; and
- (c) if further action in relation to each of the 100 complaints would serve the purposes of the Complaint Process as set out in 6.5.

Section 6.5 of the Elected Officials Code of Conduct provides:

6.5 The purpose of this Complaint Process is

6.5.1 to protect the public interest,

6.5.2 to enforce this Code of Conduct,

6.5.3 to provide a means by which complaints about an Elected Official can be dealt with in a fair and expeditious way, and

6.5.4 to preserve the integrity of Council.

I do not have before me the 100 complaints as these materials have not been provided to me. However, I do not believe that City Council ordering 100 investigations meets the purposes of the Complaint process as it does not deal with these complaints in a fair and expeditious manner or preserve the integrity of Council. I also do not believe that these investigations would protect the public. This use of the Elected Officials Code of Conduct process is of a scale which does not appear to support the purposes of the Elected Officials Code of Conduct and undermines the functionality of City Council and good governance of the City.

As such, I disallow Resolution 220920-19.

Resolution 220920-20

To further investigate the 17 Election Act Breaches and bring back the progress report to Council on the October 4, 2022 Regular Council Meeting.

Resolution 220920-20 is disallowed. My reasons are set out below.

Resolution 220920-20 does not specify what “Election Act” it is referring to, nor does it identify the breaches of the “Election Act” it is directing investigation of, nor does it identify the authority City Council has to investigate breaches of the “Election Act”.

City Council has no authority to investigate breaches of the *Election Act*, RSA 2000, c E-1. If Resolution 220920-20 is intended to refer to the *Local Authorities Election Act*, RSA 2000, c L-21, it does not identify the authority City Council has to investigate breaches of the *Local Authorities Election Act*, RSA 2000, c L-21. The *Local Authorities Election Act*, RSA 2000, c L-21 provides statutory limitations for bringing proceedings in respect of certain breaches, see for example s. 124 and s. 127.

I note that the *Local Authorities Election Act*, RSA 2000, c L-21 provides that in respect of election finances and contributions disclosure and third-party advertising, these are within the authority of the Election Commissioner to investigate:

Duties and powers of the Election Commissioner

191(1) The Election Commissioner may, on the Election Commissioner’s own initiative or at the request of another person or organization, conduct an investigation into any matter that might constitute an offence under Part 5.1 or 8.

As such, I disallow Resolution 220920-20. It is not clear that Resolution 220920-20 is within the authority of City Council.