

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

Regular Council Meeting: June 13th, 2023

Resolution No.	Motion	Council Decision	OA Response	Comments
230613-01	Motion that Council accept the Agenda with the following amendments: <ul style="list-style-type: none"> As per section 25 of the FOIP Act - Land and Legal. 	CARRIED	ALLOWED	
230613-02	Motion that Council accept the May 30, 2023 Regular Council Meeting Minutes as presented and acknowledge the Official Administrator's comments.	CARRIED	ALLOWED	
230613-03	Motion that Council accept the June 6, 2023 Regular Council Meeting minutes as presented and acknowledge the Official Administrator's comments.	CARRIED	ALLOWED	
230613-04	Motion that Council give third and final reading to Bylaw 012-23 being the Animal Control Amending Bylaw as amended.	CARRIED 6-1 FOR Mayor Jeff Colvin Deputy Mayor Mel Foat Councillor Sandy Johal-Watt Councillor Stephen Hanley Councillor Blaine Funk Councillor Ritesh Narayan OPPOSED Councillor Shannon Dean	ALLOWED	

OA Initials

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230613-05	Motion that Council give second reading to Bylaw 010-23, being the Traffic Control Amending Bylaw as amended.	CARRIED	ALLOWED	
230613-06	Motion that Council give third and final reading to Bylaw 010-23, being the Traffic Control Amending Bylaw.	CARRIED	ALLOWED	
230613-07	Motion that Council accept the 1st Quarter Financial Results presentation as information.	CARRIED	ALLOWED	
230613-08	Motion that Council accept the Business Park/Industrial Review & Discussion presentation as information.	CARRIED	ALLOWED	
230613-09	Motion that Council directs City Director of CGI and administration to further investigate the incorporation of residential and light industrial business park and return to Council no later than July 25, 2023.	CARRIED	ALLOWED	
230613-10	Motion that Council move into closed session at 10:44 a.m. to discuss the following: <ul style="list-style-type: none"> • FOIP S. 16 – Rainbow Road • FOIP S. 16 – Sprung Structures • FOIP S. 25 – Land/Legal/Labour • FOIP S. 16 – Tax Review • FOIP S. 16 – TMP Workshop • FOIP S. 29 – Municipal Affairs Workshop • FOIP S. 25 – Land/Legal/Labour 	CARRIED	ALLOWED WITH AMENDMENT	SEE NOTES BELOW
230613-11	Motion that Council come out of closed session at 12:27 p.m.	CARRIED	ALLOWED	

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230613-12	Motion that Council authorizes the Mayor and the City Director of Growth and Infrastructure to award the Rainbow Road Twinning Expansion Construction contract to Volker Stevin.	CARRIED	ALLOWED	
230613-13	Motion that Council approve the revised Rainbow Road Twinning Project budget to \$7,400,000.00.	CARRIED	ALLOWED	
230613-14	Motion that Council move into closed session at 12:28	CARRIED	ALLOWED WITH AMENDMENT	SEE NOTES BELOW
230613-15	Motion that Council come out of closed session at 7:01 p.m.	CARRIED	ALLOWED	SEE NOTES BELOW
230613-16	Motion that Council directs City Director of Corporate services and administration to review with legal, to ensure consistency with the MGA, the property taxes are at an appropriate level of taxation for the property discussed in Item G.4 and provide recommendations back to council.	CARRIED	ALLOWED	SEE NOTES BELOW
230613-17	Motion that Council accept the Transportation Master Plan Workshop presentation as information.	CARRIED	ALLOWED	
230613-18	Motion that Council accepts the Municipal Affairs Roles & Responsibilities Workshop as information.	CARRIED	ALLOWED	

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230613-19	Motion that Council directs City Director of Community Growth and Infrastructure to draft a joint venture agreement, conditional to Council approval, for the lands discussed in Agenda item G.3 and conduct a legal review and approval of the agreement in alignment with the Municipal Government Act.	<p>CARRIED 5-1-1 FOR Mayor Jeff Colvin Deputy Mayor Mel Foat Councillor Stephen Hanley Councillor Blaine Funk</p> <p>OPPOSED Councillor Shannon Dean Councillor Ritesh Narayan</p> <p>ABSENT Councillor Sandy Johal-Watt</p>	ALLOWED	
230613-20	Motion that Council table the following agenda items: <ul style="list-style-type: none"> • G.2 - Sprung Structures • G.7 - Land/Labour/Legal 	CARRIED	ALLOWED	
230613-21	Motion that Council adjourn at 7:04 p.m.	CARRIED	ALLOWED	

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. My appointment was extended to March 31, 2023 by Ministerial Order MSD008/23 and further extended to December 31, 2023 by Ministerial Order MSD022/23. Below are my reasons in respect of the following resolutions:

- 230613-10
- 230613-14
- 230613-15

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- 230613-16

Resolution 230613-10 and 230613-14

The Procedure Bylaw #014-22 provides that “5.4.7 When other persons attend Closed Sessions, the meeting minutes shall record the names of those persons.”

The minutes do not identify the name of persons other than the Council Members who attended the closed sessions. The City must revise the minutes to reflect the names of the persons who attended the closed sessions in accordance with the Procedure Bylaw.

Resolution 230613-14

City Council must conduct their meetings in public unless a matter to be discussed falls within one of the exceptions to disclosure in Division 2 of Part 1 of the *Freedom of Information Act (Municipal Government Act, RSA 2000 c M-26, s. 197(1)-(2))*.

Before closing a meeting to the public, Council is required to approve by resolution:

1. The part of the meeting that is to be closed; and
2. The basis on which, under an exception to disclosure under Division 2 of Part 1 of the *Freedom of Information Act (Municipal Government Act, RSA 2000 c M-26, s. 197(4))*.

The minutes do not disclose the exception to disclosure under Division 2 of Part 1 of the *Freedom of Information Act* that formed the basis for Council to move into closed session. I have attempted to review the video recording of the June 13, 2023 Council Meeting on the City’s YouTube (<https://www.youtube.com/@cityofchestermere8111>). I note that the videos of all other Council meetings appear to be available on this website. The June 13, 2023 (as of writing) is not available. As such, I am unable to review to see if Council discussed the exception to disclosure under Division 2 of Part 1 of the *Freedom of Information Act* that formed the basis for Council to move into closed session, despite not passing a resolution that identified it. I note that I was also in attendance on June 13, 2023 and have no recollection of any discussion regarding the basis for Council to move into closed session.

I have allowed this resolution as it is impossible for me to undo the effect of the closed session without compliance with the *Municipal Government Act*. I note my concerns regarding City Council’s failure to comply with the *Municipal Government Act* and the underlying purpose of public transparency.

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Resolution 230613-15

City Council did not emerge from their closed session until 7:01 pm – over six hours of in camera discussions. Council meetings are meant to allow for the governance of the municipality, they are not tests of endurance.

I have observed that the City appears to have significantly longer Council meetings than other municipalities I am familiar with. I am concerned that the City’s Council meetings are not being conducted in an efficient manner. I note that the efficient conduct of Council meetings is the role of the Chair.

The Procedure Bylaw #014-22 provides the following provisions which may be of assistance to City Council and the Chair to consider in ensuring the efficient and orderly conduct of their City Council meetings (I note that s. 10.5 and 19.7.2 of the Procedure Bylaw appear to be in conflict, nevertheless, both limit the time a Council member may speak to a motion):

10. Meeting Proceedings

...

10.5. Unless otherwise permitted by the Chair, Members may speak only twice on any Motion, once in debate and once to ask questions. The Chair may allow a Member to speak more than twice on a matter in the following circumstances:

- (a) to clarify or further explain previous remarks by a Member if misunderstood;
- (b) in the case of the mover of a Motion, to respond to questions about the Motion directed through the Chair; and
- (c) to allow the mover to close debate on a Motion after the Chair has allowed for discussion on the Motion and all other Members were provided an opportunity to speak to the Motion.

10.6. Members may speak on a matter for a maximum of five minutes unless otherwise permitted by the Chair.

12. Member Conduct at Meetings

12.1. When in attendance at Meetings, Members must:

- (a) speak respectfully and using parliamentary language;
- (b) be acknowledged by the Chair prior to speaking;
- (c) respect the rules and proceedings of Council or the Committee;
- (d) refrain from side conversations when another Member or a member of the public is speaking;
- (e) respect the decision of the Chair on any ruling, order, question, practice, or interpretation; and

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(f) abide by the applicable Code of Conduct Bylaw.

12.2. If a Member persists in a breach of subsection 12.1 of this Bylaw, the Chair may request that the Deputy Mayor or Committee Vice Chair move a motion to remove the unruly Member from either the balance of the Meeting or until a time provided in the motion. If the motion passes, the Chair shall direct the Member to leave the Meeting.

12.3. If the Chair fails to follow the provisions of this Bylaw, or of Robert's Rules of Order when necessary, a Member may request that the Deputy Mayor or Committee Vice Chair move a motion to remove the Chair from either the balance of the Meeting or until a time provided in the motion.

...

19.1. General Motion Provisions

19.1.1. Unless otherwise determined by the Chair, no matter may be debated or voted on by Council or a Committee unless it is in the form of a motion that has been verbally moved by a Member.

19.7. Debating Motions and Closing Debate

19.7.2. Unless a resolution is passed to extend the time limit of debate, no Member may speak on a motion, including asking questions and debate but excluding any responses to those questions or debate, for longer than:

- (a) five minutes on a main motion;
- (b) three minutes on an amendment to a motion; or
- (c) three minutes for closing debate on a motion or an amended to a motion.

19.11. Motion to Limit or End Debate

19.11.1. A Member may move to limit or end debate on a motion. Motions to limit or end debate:

- (a) are not debatable;
- (b) must be passed by Resolution; and
- (c) may only be amended as to the limit to be placed on debate.

19.11.2. A Motion to limit or end debate takes precedence, but does not have privilege, over other motions except for a motion to table or a motion with privilege.

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Resolution 230613-16

I have serious concerns regarding Resolution 230613-16. City Council appears to be investigating the property taxes for a specific piece of property. There is no information contained within the Agenda regarding this property, either as a report from Administration or from the property owner. It does not appear that any request has been made to City Council to consider cancellation or reduction of tax arrears or cancellation or reduction of a tax pursuant to s. 347 of the *Municipal Government Act*. I am unclear why City Council is directing Administration to review property taxes of a specific property without any request from the property owner or Administration.

City Council does and has set the municipal property tax rates (see Bylaw #013-23). As such, I can only conclude that Resolution 230613-16 is in respect of the assessed value of this property. Assessment of property is performed by a municipal assessor pursuant to s. 284.2 and 289(1) of the *Municipal Government Act*.

City Council does not and should not prepare the assessments of property. Should a property owner dispute the assessed value of their property, they can appeal the assessment under the *Municipal Government Act*.

I have concerns that City Council in passing this resolution is seeking to overstep its appropriate role in governance of the City pursuant to s. 201 of the *Municipal Government Act*. I note that the Minister of Municipal Affairs Ministerial Order No. MSD:002/23 Directive 8(a) specifically directs City Council not to breach section 201(2) in respect of duties of the Chief Administrative Officer. City Council should similarly not seek to take on the duties of the City's municipal assessor.

I have allowed Resolution 230613-16 despite my serious concerns regarding the intent of City Council. I note that should City Council consider any motions regarding the property taxes of a specific property Councillors should carefully consider:

- If the motion is within the scope of City Council's role of governance of the City or if City Council is usurping the role of designated officer such as the municipal assessor.
- If, in the case of a motion addressing s. 347, if City Council has appropriate support included in an agenda package, to determine if it is equitable to cancel or reduce of tax arrears or cancel or reduce a tax.

I am not predetermining any resolution that City Council may make in respect of this specific property's property taxes or property taxes generally. I provide these notes as information to City Council regarding the risks apparent on the face of the resolution they have chosen to pass.

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