

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

Regular Council Meeting: June 27<sup>th</sup>, 2023

Resolution No.	Motion	Council Decision	OA Response	Comments
230627-01	<p>Motion that Council accept the agenda for the June 27, 2023 Regular Council Meeting with the following amendments:</p> <ul style="list-style-type: none"> <li>Remove Items C.1 and C.2 being the June 13 and June 20 Council Meeting Minutes</li> <li>Move I.2, being FOIP S. 25- Lift Station #12, to immediately follow F.2 to be held in Closed Session</li> <li>Add FOIP S. 29 under Section I – information that is or will be available to the Public – CRCA Discussion to be held in closed session</li> </ul>	<b>CARRIED UNANIMOUSLY</b>	ALLOWED	
230627-02	Motion that Council amend Bylaw 008-23, being the proposed East Acreages Municipal Development Plan, to include North Acreages and Paradise Meadows in the Municipal Development Plan.	<b>CARRIED UNANIMOUSLY</b>	ALLOWED	
230627-03	Motion that Council amend Bylaw 009-23, being the proposed Transitional Rural Residential District Land Use Bylaw, to include North Acreages and Paradise Meadows in the Land Use Bylaw.	<b>CARRIED UNANIMOUSLY</b>	ALLOWED	
230627-04	Motion that Council lift from the table the following items:	<b>CARRIED UNANIMOUSLY</b>	ALLOWED	

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	<ul style="list-style-type: none"> <li>• Directive #1, Recommendation #2, 3i's</li> <li>• FOIP S. 25 – Land/Labour/ Legal</li> </ul>			
230627-05	Motion that Council accept the minutes the April 20, 2023 Police Communication Committee Minutes as presented.	<b>CARRIED UNANIMOUSLY</b>	ALLOWED	
230627-06	Motion that Council open the public hearing for Bylaw 008-23, being the East Acreages, North Acreages, and Paradise Meadows area Municipal Development Plan Amending Bylaw, on June 27, 2023 at 9:19 a.m.	<b>CARRIED UNANIMOUSLY</b>	DISALLOWED	SEE BELOW
230627-07	Motion that Council adjourn the public hearing for Bylaw 008-23, being the East Acreages, North Acreages, and Paradise Meadows area Municipal Development Plan Amending Bylaw on June 27, 2023 at 10:51 a.m.	<b>CARRIED UNANIMOUSLY</b>	DISALLOWED	SEE BELOW
230627-08	Motion that Council open the public hearing for Bylaw 009-23, being the East Acreages, North Acreages, and Paradise Meadows Land Use Amending Bylaw, on June 27, 2023 at 11:05 a.m.	<b>CARRIED UNANIMOUSLY</b>	DISALLOWED	SEE BELOW
230627-09	Motion that Council adjourn the public hearing for Bylaw 009-23, being the East Acreages, North Acreages, and Paradise Meadows Land Use Amending Bylaw on June 27, 2023 at 12:34 p.m.	<b>CARRIED UNANIMOUSLY</b>	DISALLOWED	SEE BELOW

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230627-10	Motion that Council give second reading to Bylaw 008-23, being the East Acreages, North Acreages, and Paradise Meadows area Municipal Development Plan Amending Bylaw as amended.	<b>CARRIED UNANIMOUSLY</b>	DISALLOWED	SEE BELOW
230627-11	Motion that Council give third and final reading to Bylaw 008-23, being the East Acreages, North Acreages, and Paradise Meadows area Municipal Development Plan Amending Bylaw as presented.	<b>CARRIED UNANIMOUSLY</b>	DISALLOWED	SEE BELOW
230627-12	Motion that Council give second reading to Bylaw 009-23, being the East Acreages, North Acreages, and Paradise Meadows Land Use Amending Bylaw as amended.	<b>CARRIED UNANIMOUSLY</b>	DISALLOWED	SEE BELOW
230627-13	Motion that Council give third and final reading to Bylaw 009-23, being the East Acreages, North Acreages, and Paradise Meadows Land Use Amending Bylaw as presented.	<b>CARRIED UNANIMOUSLY</b>	DISALLOWED	SEE BELOW
230627-14	Motion that Council direct City Director of Community Growth and Infrastructure and Administration to develop an information package for residents affected by Bylaw 008-23, being the East Acreages, North Acreages, and Paradise Meadows Area Municipal Development Plan Amending Bylaw and Bylaw 009-23, being the East Acreages, North Acreages, and Paradise Meadows	<b>CARRIED UNANIMOUSLY</b>	DISALLOWED	SEE BELOW

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	Land Use Amending Bylaw by the end of September 2023.			
230627-15	Motion that Council direct Administration to hold information sessions with the public after the development of information packages for Bylaws 008-23 and 009-23 have been presented to Council.	<b>CARRIED UNANIMOUSLY</b>	DISALLOWED	SEE BELOW
230627-16	Motion that Council give first reading to Bylaw 014-23, being an amendment of the Clearwater Park West Outline Plan, as presented.	<b>CARRIED UNANIMOUSLY</b>	ALLOWED	
230627-17	Motion that Council schedule a public hearing for Bylaw 014-23, being an amendment to the Clearwater Park West Outline Plan Bylaw for July 18, 2023.	<b>CARRIED UNANIMOUSLY</b>	ALLOWED	
230627-18	Motion that Council directs City Director of Community Growth and Infrastructure to acquire three quotes for obtaining a consultant to design the acceleration lane from Rainbow Road within Highway 1 corridor.	<b>CARRIED UNANIMOUSLY</b>	ALLOWED	
230627-19	Motion that Council accepts the Alberta Transportation & Economic Corridors verbal update as information.	<b>CARRIED UNANIMOUSLY</b>	ALLOWED	
230627-20	Motion that Council move into Closed Session to discuss the following at 3:16 p.m.: <ul style="list-style-type: none"> <li>• FOIP S. - Code of Conduct presentation</li> <li>• FOIP S. - Waterslide</li> </ul>	<b>CARRIED UNANIMOUSLY</b>	ALLOWED WITH REQUIREMENT TO REVISE MINUTES	SEE COMMENTS BELOW



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	<ul style="list-style-type: none"> <li>FOIP S. - Lift Station #12</li> </ul>			
230627-21	Motion that Council come out of Closed Session at 6:07 p.m.	<b>CARRIED UNANIMOUSLY</b>	ALLOWED	
230627-22	Motion that Council seek legal opinion on agenda item I.2.	<b>CARRIED UNANIMOUSLY</b>	ALLOWED	
230627-23	Motion that Council accept the CRCA discussion as information and to release details of the discussion to the Public as soon as possible.	<b>CARRIED UNANIMOUSLY</b>	ALLOWED	
230627-24	Motion that Council to accept the Directive #1, recommendation #2, 3i's as information.	<b>5-1-1 CARRIED FOR</b> Mayor Jeff Colvin Deputy Mayor Mel Foat Councillor Shannon Dean Councillor Stephen Hanley Councillor Blaine Funk Councillor Ritesh Narayan <b>WEBEX/NOT RECORDED</b> Councillor Sandy Johal-Watt	ALLOWED	
230627-25	That Council reschedule the July 4, 2023 Regular Council Meeting date to be held on July 11, 2023.	<b>5-1-1 CARRIED FOR</b> Mayor Jeff Colvin Deputy Mayor Mel Foat	ALLOWED	

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		Councillor Stephen Hanley Councillor Blaine Funk Councillor Ritesh Narayan <b>WEBEX/NOT RECORDED</b> Councillor Sandy Johal-Watt <b>ABSENT</b> Councillor Shannon Dean		
230627-26	Motion that Council Table the following Agenda Items: <ul style="list-style-type: none"> <li>• G.1 Communications Update Carnival/Canada Day</li> <li>• G.4 Directive #5 Code of Conduct Presentation</li> <li>• G.3 Directive #1, Recommendation #2, 3i's</li> <li>• H.1 John Morris/Chestermere Station Way Intersection</li> </ul>	<b>5-1-1 CARRIED FOR</b> Mayor Jeff Colvin Deputy Mayor Mel Foat Councillor Stephen Hanley Councillor Blaine Funk Councillor Ritesh Narayan <b>WEBEX/NOT RECORDED</b> Councillor Sandy Johal-Watt <b>ABSENT</b> Councillor Shannon Dean	ALLOWED	
230627-27	Motion that Council Adjourn at 8:42 p.m.	<b>5-1-1 CARRIED FOR</b>	ALLOWED	

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		Mayor Jeff Colvin Deputy Mayor Mel Foat Councillor Stephen Hanley Councillor Blaine Funk Councillor Ritesh Narayan <b>WEBEX/NOT RECORDED</b> Councillor Sandy Johal-Watt <b>ABSENT</b> Councillor Shannon Dean		
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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:

- 230627-06-230627-14
- 230627-20

**Resolutions 230627-06 to 230627-15**

I have serious concerns regarding the process the City followed in respect of Resolutions 230627-06 to 230627-14 regarding Bylaw 008-23 being the East Acreages, North Acreages, and Paradise Meadows area Municipal Development Plan Amending Bylaw and 009-23, being the East Acreages, North Acreages, and Paradise Meadows Land Use Amending Bylaw. I acknowledge that the City’s advertisements appear to include these areas. However, a resident who reviewed the bylaw being advertised would have no way of knowing if their land was affected as it was not included in the bylaw.

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First, City Council amended each of the bylaws before the public hearing to include significant additional areas in the bylaws - North Acreages and Paradise Meadows. As this only occurred at the meeting when the public hearing was held, a member of the public reviewing the bylaws would not be aware that their lands were to be impacted. This is a significant procedural deficiency and raises questions of procedural fairness of the process followed by Council.

Second, City Council has not closed the public hearing for these two bylaws. Resolutions 230627-07 and 230627-09 adjourned the public hearings for each bylaw. Nonetheless, City Council proceeded with second reading of each of the bylaws. City Council is required to hold a public hearing for amendments to the Land Use Bylaw or Municipal Development Plan prior to the second reading of the bylaw (*Municipal Government Act*, RSA 2000 c M-26, s. 216.4(a) and 692(1)(f)). Holding a public hearing does not mean opening the public hearing and then adjourning it. The public hearing must be closed before City Council can proceed to second reading.

Third, Administration suggested that Council post-pone second and third reading of the bylaws to allow for Administration to provide Council with further information. Council is certainly not bound by recommendations of Administration, however, when the City's professional staff suggest that there is insufficient information before Council for Council to make an informed decision, Council should take these recommendations seriously.

I am disallowing Resolutions 230627-06 to 230627-14 on this basis. I have no comment on the planning merits or decision of City Council in adopting these bylaws but the significant deficiencies in the process followed result in potential liability for the City.

## Resolution 230627-20

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)).

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City Council’s minutes fail to identify the basis on which, under an exception to disclosure under Division 2 of Part 1 of the *Freedom of Information Act*, they closed the meeting to the public.

This is an ongoing issue with the City Council minutes that must be addressed.

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.



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