

Official Administrator Report Review and Approval of Council Meeting Minutes

Regular Council Meeting: July 25th, 2023

Resolution No.	Motion	Council Decision	OA Response	Comments
230725-01	Motion that Council remove Item H.1- Directive 1 and Directive 5.a Review, from the July 25, 2023 Regular Council meeting agenda.	<p>2-4-1 DEFEATED FOR Councillor Sandy Johal-Watt Councillor Shannon Dean OPPOSED Mayor Jeff Colvin Deputy Mayor Mel Foat Councillor Blaine Funk Councillor Stephen Hanley ABSENT Councillor Ritesh Narayan</p>	ALLOWED	
230725-02	<p>Motion that Council accept the agenda for the July 25, 2023 Regular Council Meeting agenda with the following amendments:</p> <ul style="list-style-type: none"> • Add "Highway 1 / Rainbow Road Acceleration Lane Design Budget" to section G • Move Item H.1 "Directive 1 and Directive 5a Review" to Section I – Closed Session – under 	<p>4-2-1 CARRIED FOR Mayor Jeff Colvin Deputy Mayor Mel Foat Councillor Blaine Funk Councillor Stephen Hanley OPPOSED</p>	ALLOWED	ITEM H.1 SHOULD HAVE BEEN DEALT WITH IN OPEN PUBLIC SESSION

OA Initials

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	<p>FOIP S. 21 – Intergovernmental Relations.</p> <ul style="list-style-type: none"> Remove item I.2 - Audited Financial Statements Move I.4 - Local Public Body Confidence – to D.3 reports for information. 	<p>Councillor Sandy Johal-Watt Councillor Shannon Dean ABSENT Councillor Ritesh Narayan</p>		
230725-03	<p>Motion that Council accept the June 27, 2023 Regular Council meeting minutes, and acknowledge the official Administrator's Comments, with the following amendments:</p> <ul style="list-style-type: none"> add "FOIP S. - CRCA" to motion 230627-20 add "Joshua Estanislao, Legislative Assistant" to people in attendance during all closed sessions 	CARRIED UNANIMOUSLY	ALLOWED	
230725-04	<p>Motion that Council accept the June 28, 2023 Special Council Meeting minutes, and acknowledge the Official Administrator's comments, with the following amendments:</p> <ul style="list-style-type: none"> Add "Motion allowed by the Official Administrator from Municipal Affairs" to Motion 230628-05 and 230628-08. 	CARRIED UNANIMOUSLY	ALLOWED	
230725-05	<p>Motion that Council accept the minutes for the July 11, 2023 Regular Council Meeting, and</p>	CARRIED UNANIMOUSLY	ALLOWED	

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	acknowledge the Official Administrators Comments, as presented.			
230725-06	Motion that Council accept the Chestermere Boulevard Bridge Feasibility Study presentation as information.	CARRIED UNANIMOUSLY	ALLOWED	
230725-07	Motion that Council accept the E-Scooters in Chestermere July Update presentation as information.	CARRIED UNANIMOUSLY	ALLOWED	
230725-08	Motion that Council accept the presentation for the 2023 Revenue & Expense Projection for the Chestermere Utility Company (1538974 Alberta Ltd) as information.	CARRIED UNANIMOUSLY	ALLOWED	
230725-09	Motion that Council accept the Q2 Financial 2023 Report presentation as information.	CARRIED UNANIMOUSLY	ALLOWED	
230725-10	Motion that Council give first reading to Bylaw #015-23 being the Planned Lot Cap - Municipal Development Plan Amending Bylaw.	CARRIED UNANIMOUSLY	ALLOWED	
230725-11	Motion that Council direct administration to return to Council with more information regarding density for Bylaw #015-23, being the Planned Lot Cap – Municipal Development Plan Amending Bylaw.	CARRIED UNANIMOUSLY	ALLOWED	



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230725-12	Motion that Council give first reading to Bylaw 017-23 being the East Acreages, North Acreages, and Paradise Meadows - Municipal Development Plan Amending Bylaw.	CARRIED UNANIMOUSLY	ALLOWED	
230725-13	Motion that Council schedule a Public Hearing for Bylaw 017-23, being the Municipal Development Plan Amending Bylaw, for September 12, 2023 at 9:00 a.m.	CARRIED UNANIMOUSLY	ALLOWED	
230725-14	Motion that Council give first reading to Bylaw 018-23, being the Transitional Rural Residential District - Land Use Bylaw Amendment.	CARRIED UNANIMOUSLY	ALLOWED	
230725-15	Motion that Council schedule a public hearing for Bylaw 018-23, being the Transitional Rural Residential District - Land Use Bylaw Amendment, for September 12, 2023 at 9:00 a.m.	CARRIED UNANIMOUSLY	ALLOWED	
230725-16	Motion that Council direct City Director of Community Growth and Infrastructure and Administration to develop a written notice to be mailed to landowners on title in the East Acreages, North Acreages and Paradise Meadows to provide clarity on the approval process.	CARRIED UNANIMOUSLY	ALLOWED	

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230725-17	Motion that Council accept the Annexation award update as information.	CARRIED UNANIMOUSLY	ALLOWED	
230725-18	Motion that Council approves a budget of \$75,000 for the design of Highway 1/Rainbow Road North Intersection Acceleration Lane amending the grant application for Rainbow Road as a source of funding.	CARRIED UNANIMOUSLY	ALLOWED	
230725-19	Motion that Council under Procedure Bylaw #014-22 section 2.3 temporarily suspend the following rules or procedure - #17.1 Council meetings are recorded and livestreamed to the public with the exception of Closed sessions, to allow the closed session of the council meeting to be recorded but not livestreamed. Under section 2.3, this motion to suspend the rules or procedures is only in effect for today's Regular Council meeting of July 25, 2023	5-1-1 CARRIED FOR Mayor Jeff Colvin Deputy Mayor Mel Foat Councillor Blaine Funk Councillor Sandy Johal-Watt and Councillor Stephen Hanley OPPOSED Councillor Shannon Dean ABSENT Councillor Ritesh Narayan	ALLOWED	
230725-20	Motion that Council move into closed session at 2:55 p.m. to discuss the following: <ul style="list-style-type: none"> FOIP S. 25 - Land Discussion 	CARRIED UNANIMOUSLY	ALLOWED WITH REQUIREMENT TO REVISE MINUTES	SEE COMMENTS BELOW

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	<ul style="list-style-type: none"> • FOIP S. 25 – Recreational/Public Safety • FOIP S. 23(2) - Directive 1 & 5.a • FOIP S. 25 - 11 Acres • FOIP S. 29 – Community Support Services • FOIP S. 17 – Strategic Advisory Group Discussion 			
230725-21	Motion that Council come out of closed session at 8:51 p.m.	CARRIED UNANIMOUSLY	ALLOWED	
230725-22	Motion that Council direct Administration to advertise the lands for sale at the book value of \$20,237.00, with a condition of sale, that the land-title must be consolidated with the property discussed in Item I.1, on the July 25, 2023 Regular Council Meeting, as per legal advice.	CARRIED UNANIMOUSLY	DISALLOWED	SEE BELOW REPORT
230725-23	Council accept Item I.3, on the July 25, 2023 Regular Council Meeting, as information.	CARRIED UNANIMOUSLY	ALLOWED	
230725-24	Motion that Council direct City Director of Community Growth and Infrastructure to enter into two letters of intent to continue further negotiations in relation to the land-swap agreement and purchase and sale agreement discussed in Agenda item I.5 on the July 25, 2023 Regular Council	CARRIED UNANIMOUSLY	ALLOWED	



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	Meeting Agenda and come back to Council with both agreements for approval.			
230725-25	Motion that Council direct administration to refund roll number 60542000 property tax in accordance with 1b as stated in Agenda item I.7 from the July 25, 2023 Regular Council Meeting with funds to be drawn from the unrestricted surplus account.	<p>2-3-2 DEFEATED FOR Councillor Sandy Johal Watt Councillor Stephen Hanley OPPOSED Mayor Jeff Colvin Deputy Mayor Mel Foat Councillor Blaine Funk ABSENT Councillor Shannon Dean Councillor Ritesh Narayan</p>	ALLOWED	SEE BELOW REPORT
230725-26	Motion that Council direct administration to refund roll number 60542000 property tax in accordance with 2b as stated in Agenda item I.7 from the July 25, 2023 Regular Council Meeting with funds to be drawn from the unrestricted surplus account.	<p>3-2-2 CARRIED FOR Mayor Jeff Colvin Deputy Mayor Mel Foat Councillor Blaine Funk OPPOSED Councillor Sandy Johal-Watt</p>	DISALLOWED	SEE BELOW REPORT

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		Councillor Stephen Hanley ABSENT Councillor Shannon Dean Councillor Ritesh Narayan		
230725-27	Motion that Council add emergent item titled Directive 4.a to the July 25, 2023 Regular Council Meeting.	CARRIED UNANIMOUSLY	ALLOWED	
230725-28	Motion that Council direct administration to engage a municipal consultant as per Directive 4.a before July 31, 2023.	CARRIED UNANIMOUSLY	ALLOWED	THE OA WILL LEAVE IT TO THE MINISTER TO DETERMINE IF THE DELEGATION OF THIS TASK TO ADMINISTRATION IS COMPLIANT WITH THE DIRECTIVE. THIS RESOLUTION WAS ACTIONED BY ADMINISTRATION PRIOR TO THE APPROVAL OF THE OA.
230725-29	Motion that Council table the following items: <ul style="list-style-type: none"> • Item I.4 - Directive 3.a • Item I.6 - Community Support Services 	4-1-2 CARRIED FOR Mayor Jeff Colvin	ALLOWED	

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	<ul style="list-style-type: none"> Item I.8 - Directive 1 & 5.a 	Deputy Mayor Mel Foat Councillor Stephen Hanley Councillor Blaine Funk OPPOSED Councillor Sandy Johal-Watt ABSENT Councillor Shannon Dean Councillor Ritesh Narayan		
230725-30	Motion that Council Adjourn at 8:58 p.m.	CARRIED UNANIMOUSLY	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 resolution:

- 230725-20
- 230725-22
- 230725-25 - 230725-26

Resolution 230627-20

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.” This is an ongoing issue with the minutes provided to me.

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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 230725-22

Pursuant to s. 70(1) of the Municipal Government Act, if the City proposes to transfer land for less than its market value, it must advertise that proposal.

I have serious concerns that the City properly placed this item in camera under s. 25 of the *Freedom of Information and Protection of Privacy Act*, RSA 2000 c F-25. Section 25 applies where information could “reasonably be expected to harm the economic interest of” the City. I am unclear how selling a parcel at “book value” (presumably below market value) is information that could prejudice the City’s economic interests. I have requested that the City provide the “book value” of this parcel to me. The City, to date, has not provided me with this information. It appears that the sale itself is the prejudice to the City’s economic interests.

The direction from Council to Administration in this resolution is unacceptably ambiguous. Will administration identify the specific parcel being sold? If not, the purpose of s. 70(1) of the Municipal Government Act is undermined. Is this parcel being sold for less than market value? If so, what is the market value and why is the City seeking to sell for below market value? Is this an open sale where anyone may offer on the parcel or is it limited to a sale to a specific other parcel owner?

In respect of the sale, I understand there are concerns regarding access to this City owned parcel and do not have concerns regarding the City seeking to sell the parcel. I note that this parcel has three adjacent parcels. I am unclear why the City is pursuing only an option which would require consolidation of this parcel with **one** of these three parcels. The City has (on the basis of the materials provided to me) not sought to offer this property to the three adjacent parcel owners and sell it to the parcel owner offering the highest bid on the condition that it be consolidated with their parcel. This is improvident conduct by City Council.

Should Council choose to proceed with this sale, it should pass a resolution directing that Administration advertise the specific parcel sale, the price that the City is selling it for and the market value of the parcel as provided by an independent appraiser. Section 70(1) requires that a proposed sale of land for less than market value must be advertised. I find it is insufficient for the purposes of s. 70(1) for the City to advertise that it is selling a parcel for “book value” without identifying what parcel is being sold, the price the parcel is proposed to be sold for and the market value of the parcel as identified by an independent appraiser. This information is necessary to allow for the transparency required by s. 70(1) and to allow residents of the City to understand how the City is managing City assets.

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Resolution 230725-22 does not appear to comply with s. 70(1) of the Municipal Government Act. As such, it is disallowed.

Resolution 230725-25 - 230725-26

I have commented on the subject matter of these resolutions extensively in my OA Report on the July 18, 2023 minutes. For the same reasons, I disallow Resolution 230725-26.

I note that for Resolutions 230725-25 and 230225-26, I am unclear the difference between a “refund roll number 60542000 property tax in accordance with 2b as stated in Agenda item I.7” and “refund roll number 60542000 property tax in accordance with 1b as stated in Agenda item I.7”. I note that the Agenda provided has as item I.7 “Freedom of Information & Protection of Privacy Act Part 1, Division 2, Section 17 - Disclosure harmful to personal privacy - Strategic Advisory Group Discussion Presented by: Munir Haque, Director of Economic Development”. I am unclear what 1b and 2b in Agenda Item I.7 are and if Agenda Item I. 7 relates to the tax refund issue.

Section 17 is not applicable as disclosure is not an unreasonable invasion of personal property if the disclosure reveals details of a discretionary benefit of a financial nature granted to the third party by a public body (*Freedom of Information and Protection of Privacy Act*, RSA 2000, c F-25, s. 17(2)(h)).

I have serious concerns regarding the process Council followed in coming to this resolution and the lack of transparency from Council regarding refunding a substantial portion of a single parcel’s property taxes. Council has not identified in any public documents:

- (a) What property is the subject of these motions;
- (b) The amount of taxes it is refunding;
- (c) What period of time the City is refunding taxes for; or
- (d) Why it believes it to be equitable to refund the taxes for this particular property.

Where Council determines it is equitable to provide a refund to a specific property owner pursuant to s. 347 of the Municipal Government Act, this is the minimum information I would expect to see.

No information has been provided to me that identifies **how** this request for a tax refund was brought to Council. No written correspondence from the property owner in respect of this request has been provided to me. No written documents have been provided to me from the property owner or Alberta Transportation in respect of the use that may be made of this property, the market value of the property.

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Based on my review of Council discussions on this matter, it appears that the Mayor and Deputy Mayor had individual meetings with the property owner and administration to negotiate and discuss a tax refund, both in amount and regarding the number of years to be refunded. The Mayor also met with Alberta Transportation to discuss development limitations on this property. This is highly inappropriate. I have serious concerns that this reflects an ongoing pattern of behaviour that is reflected in "A Report on the Inspection of the City of Chestermere" by George B. Cuff & Associates Ltd.

I have been provided only an extract of the legal opinion provided to Council in respect of this property and its exercise of discretion under s. 347 of the *Municipal Government Act*. I have serious concerns with only being provided an extract of a legal opinion. In particular, I do not have the information on which the legal opinion was based on. As such, I have limited consideration of the extracts of this legal opinion and do not find that it provides a basis for Council to exercise its discretion under s. 347.

Council appears to have been concerned about the assessment of the parcel and there are allegations that the property has been sterilized. There is no evidence before me that the property has been sterilized. City administration stated there are limitations on the development of the parcel imposed by Alberta Transportation. No written information about what those limitations were appeared to have been provided to Council and no information has been provided to me.

The property owner did not challenge the assessment of this parcel through the standard process as they are entitled to do so. Council appears to be basing its refund of both Council's consideration of the assessed value of the property and the classification of the property. Council appeared to compare this property's taxes paid to property taxes paid by, what appears to be, farm land which is taxed at a different rate and based on agricultural use value. These are issues that should be considered before an assessment review board with the opportunity for the municipal assessor to provide submissions. No information has been provided to me which explains why the property owner was unable to do so or why they failed to do so.

I note that Council did not appear to seek input from the municipal assessor. Given their concerns appear to be regarding the assessed value of the property and its classification, I am surprised they did not consult with the municipal assessor. Assessors have an obligation to prepare assessments in a fair and equitable manner (*Municipal Government Act*, s. 293). If Council is concerned this assessment was not prepared in a fair and equitable manner for, what appears to be a number of years, one would expect it would have consulted with the municipal assessor to understand what information the assessment was based on and if the information that Council had regarding alleged sterilization was considered by the municipal assessor in preparing the assessment.



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I have not made this decision lightly. The lack of information I have been provided regarding why it is equitable to refund property taxes paid for this property makes this decision appear arbitrary, irregular and improvident. Further, the nature of how this request came before Council, the individual meetings of the Mayor with both the property owner and Alberta Transportation to gather information which was not put into a written briefing for Council as a whole is highly irregular. As noted in my previous report, I am concerned about the impact on the City's finances as a result of Resolution 230725-26, the lack of justification for such a financial expenditure and the precedent Council is setting in refunding taxes without providing a clear and transparent rationale for the refund. Without a clear and transparent justification, the refund of taxes can appear arbitrary or to allow Council to use this power to engage in favouritism. I find Resolution 230725-26 irregular and improvident. As such, I disallow 230725-26.



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