

Official Administrator Report Review and Approval of Council Meeting Minutes

Special Council Meeting: August 31st, 2023

Resolution No.	Motion	Council Decision	OA Response	Comments
230831-01	Motion that Council accept the August 31, 2023 Special Council Meeting agenda as presented.	CARRIED UNANIMOUSLY	ALLOWED	
230831-02	Motion that Council accept the minutes of the July 25, 2023 Regular Council Meeting Minutes and acknowledge the Official Administrator's comments.	CARRIED UNANIMOUSLY	ALLOWED	
230831-03	Motion that Council lift from the table the 2021 Audit Financial Statements.	CARRIED UNANIMOUSLY	ALLOWED	
230831-04	Motion that Council accept the 2021 Audited Financial Statements and obtain signatures of the Mayor, Deputy Mayor, CAO, and other related parties for the 2021 Audited Financial Statements and disperse accordingly.	CARRIED UNANIMOUSLY	ALLOWED	THE OA WILL LEAVE IT TO THE MINISTER TO DETERMINE IF THIS IS COMPLIANT WITH THE DIRECTIVE
230831-05	Motion that Council direct Administration to provide public notice of intent to sell parcel Lot 23, Block 4, Plan 1013160 (Roll # 550000) in accordance section 70 of the MGA and the City of Chestermere Digital Advertising Bylaw for Below Market Value for Book Value (original asking price) including the following:	CARRIED UNANIMOUSLY	ALLOWED	

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	<ul style="list-style-type: none"> • Purchase Price: \$20,451.25 • Market/Appraised value: \$53,000 • Conditional to consolidation adjacent property Roll #336000 • Per posting included in this presentation 			
230831-06	Motion that Council direct Administration to cover all conveyance costs associated with this transfer (such as; appraisal, advertising, survey consolidation and legal fees, etc.) from the purchase price.	<p>4-2 CARRIED 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>	DISALLOWED	See Below
230831-07	Motion that Council agree to the 12 year review period with regards to Agenda Item E.2 on the August 31, 2023 Special Council Meeting Agenda.	<p>5-1-1 DEFEATED FOR Deputy Mayor Mel Foat</p> <p>OPPOSED Mayor Jeff Colvin Councillor Shannon Dean Councillor Stephen Hanley</p>	ALLOWED	



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		Councillor Blaine Funk Councillor Ritesh Narayan ABSENT Councillor Sandy Johal-Watt		
230831-08	Motion that Council agree to the 7 year review period as per CRA Guidelines with regards to item E.2 on the August 31, 2023 Special Council Meeting Agenda.	CARRIED 4-2-1 FOR Mayor Jeff Colvin Deputy Mayor Mel Foat Councillor Stephen Hanley Councillor Blaine Funk OPPOSED Councillor Shannon Dean Councillor Ritesh Narayan ABSENT Councillor Sandy Johal-Watt	DISALLOWED	See below
230831-09	Motion that Council direct Administration to refund tax roll number #60542000 property tax in accordance with option 2b, in the amount of \$129,880.72, as stated in Agenda item E.2 in the August 31, 2023 Special Council Meeting with funds drawn from the unrestricted surplus account.	1-4-1-1 DEFEATED FOR Deputy Mayor Mel Foat OPPOSED Councillor Shannon Dean Councillor Stephen Hanley Councillor Blaine Funk	ALLOWED	

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		Councillor Ritesh Narayan ABSTAINED Mayor Jeff Colvin ABSENT Councillor Johal-Watt		
230831-10	Motion that Council direct Administration to refund tax roll number #60542000 property tax in accordance with option 1b, in the amount of \$110,528.71 as stated in Agenda item E.2 in the August 31, 2023 Special Council Meeting with funds drawn from the unrestricted surplus account.	4-2-1 CARRIED FOR Mayor Jeff Colvin Deputy Mayor Mel Foat Councillor Stephen Hanley Councillor Blaine Funk OPPOSED Councillor Shannon Dean Councillor Ritesh Narayan ABSENT Councillor Sandy Johal-Watt	DISALLOWED	
230831-11	Motion that council open the Nominations for the position of Deputy Mayor	CARRIED UNANIMOUSLY	ALLOWED	
230831-12	Motion that Council appoint Kallen Morrison, Legislative Administrator, and Joshua Estanislao, Legislative Services Summer Student, as scrutineers.	CARRIED UNANIMOUSLY	ALLOWED	
230831-13	Motion that Council amend the motion on the floor, being Motion that Council appoint Councillor Stephen Hanley as	2-4-1 DEFEATED FOR	ALLOWED	



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	Deputy Mayor for a term of 8 months, to Motion that Council appoint Councillor Stephen Hanley as Deputy Mayor for a term of 5 months.	Councillor Shannon Dean Councillor Ritesh Narayan OPPOSED Mayor Jeff Colvin Deputy Mayor Mel Foat Councillor Stephen Hanley Councillor Blaine Funk ABSENT Councillor Johal-Watt		
230831-14	Motion that Council appoint Councillor Stephen Hanley to position of Deputy Mayor for a term of 8 months.	5-1-1 CARRIED FOR Mayor Jeff Colvin Deputy Mayor Mel Foat Councillor Stephen Hanley Councillor Blaine Funk Councillor Ritesh Narayan OPPOSED Shannon Dean ABSENT Councillor Johal-Watt	ALLOWED	
230831-15	Motion that council direct Administration to retain Deputy Mayor Hanley's salary at his previous Councillor's salary for the duration of his appointment as	CARRIED UNANIMOUSLY	ALLOWED	



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	Deputy Mayor and these budgeted additional funds be directed to 'Gifts of Kindness.'			
230831-16	Motion that Council direct Administration to provide Municipal Affairs with the Ronald W. Slater's report as of August 30, 2023 with regards to agenda Item E4 on the August 31, 2023 Special Council Meeting, in compliance with Directive 4.b.	CARRIED UNANIMOUSLY	ALLOWED	
230831-17	Motion that Council directs Administration to provide Municipal Affairs with the following Action Plan as it relates to Directive 4.c: <ol style="list-style-type: none"> 1. Recommend that the Tri CAO Model to be reviewed by future Councils. 2. Bylaw 006-22, being the Designated Bylaw Officer Bylaw, be review by Legal to ensure and enhance its compliance with the MGA to provide increased clarity. 3. Ronald W. Slater to speak with the three City Directors, privately and individually, and discuss the effectiveness, benefits and challenges each director is experiencing. 4. Ronald W. Slater to provide a report and in person discussion, upon completion of Action Plan point 3, to Council. 	CARRIED UNANIMOUSLY	ALLOWED	THE OA WILL LEAVE IT TO THE MINISTER TO DETERMINE IF THIS IS COMPLIANT WITH THE DIRECTIVE



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230831-18	Motion that Council accept Item E.5, being the Directive 3 Procedural Bylaw Review discussion as information.	CARRIED UNANIMOUSLY	ALLOWED	THE OA WILL LEAVE IT TO THE MINISTER TO DETERMINE IF THIS IS COMPLIANT WITH THE DIRECTIVE
230831-19	Motion that Council adjourn at 3:28 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 resolutions:

- 230831-05
- 230831-06
- 230831-08
- 230831-10

Resolutions 230831-05 and 230831-06

I have allowed Resolution 230831-005 which directs Administration to provide public notice of the intent to sell a parcel for below market value. I am still unclear why the City has not considered offering this parcel to the two other adjacent landowners, however, the City has met the minimum requirements in the Municipal Government Act and I note that the City had identified that their legal counsel raised concerns about an irregular lotting pattern if one of the other two adjacent landowners purchased the lands. As such, I allow Resolution 230831-05.

I do not allow Resolution 230831-06. I find this is in effect a reduction in the purchase price directed by City Council and the value of this additional benefit should be quantified for public transparency. There is no basis in the Agenda Package for why the City would pay for the appraisal, advertising, survey consolidation and legal

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fees for a third party when selling City land. Further, there is no identification of what these anticipated costs are. As such, I disallow this Resolution.

Resolution 230831-08 and 230831-10

Following my disallowance of Resolution 230725-26, the City brought the matter onto the public agenda for the August 31, 2023 Special Meeting.

Council has not addressed a number of the concerns I raised in my report on the July 25, 2023 Minutes. I reiterate those concerns. I further have significant concerns about the documentation being discussed at the City Council meeting which was not provided to me. For example, the "presentation" by the landowner was reference by Council members. I have never received a presentation from the landowner. I understand he attended the Council meeting on June 27th.

I have received no written request from the landowner identifying why they are seeking a refund of property taxes paid. There is very minimal documentation in respect of this request for a refund of a significant sum of money.

I am also unclear that if the basis for the refund of taxes is due to the limitations being placed on this property by either Alberta Transportation or the City, why those have not been clearly set out to Council. Councillors have stated that the land is sterilized by Alberta Transportation, I am unclear if this is an accurate reflection of Alberta Transportations position and I will be reaching out to Alberta Transportation for clarification. On the basis of the information before Council that has been provided to me, I am not convinced that the property has been sterilized such that the property owner cannot use it to justify a refund of taxes. A property owner's failure to develop a property in a particular time period does not mean it is sterilized. Nor is a property sterilized if the use that it can be put to is limited. If a property does in fact have specific limitations on its use, this should be incorporated into the assessment based on the market value of the property. If an assessor fails to do so, the property owner may bring a complaint to the assessment review board.

I further expressed concern that as the City appears to be taking the position that the property was over-assessed, it is surprising it would not consult with its assessor. No comment from the City Assessor was provided to Council. It may be that the City Assessor did consider the restrictions on use of the property in preparing the annual assessments. It may not be. However, City Council and I do not know. The member of Administration who presented to City Council identified that they were not an assessor. City Administration and Council Members have continued to compare the municipal taxes paid by this parcel with neighbouring properties, some of which are assessed on the basis of agricultural use value rather than market value. This is

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a blatant error. It is unreasonable for Council to refund taxes paid due to a property taxed based on market value paying more than a property taxed based on agricultural use value.

Administration also appears to use 2009 as the reference point as it is the annexation year. The property was within land annexed to the then Town of Chestermere effective January 1, 2009. As part of that annexation Order in Council, the property has been taxed at the lower of the applicable mill rate of the Municipal District of Rocky View No. 44 of the City of Chestermere until a triggering event or December 31, 2023. There is no information that I have been provided that the tax protection under the annexation order was not properly implemented for this property. If it had, I would have considered this to be a reasonable exercise of Council's discretion.

Section 347 provides an important tool for a municipal council to refund taxes where it considers it equitable to do so. The equity of refunding taxes in this matter is not clear to me as has been set out in my previous reports. City Council can exercise discretion to refund taxes where it considered it equitable to do so, however I find that there is no basis on which City Council could have reasonably concluded that it was equitable to refund taxes in the amount of \$110,528.71 and that such a resolution is irregular, improper and improvident.

I further have serious concerns about the tax refund for this property due to the subsequent conduct of the City in respect of this property. I have been advised that the City staff have entered onto this property and engaged in a cleanup of some kind and have been provided photographs in support.

I have asked the City Administration who authorized this work. The City has not responded. I find the City's actions in respect of this property to be irregular, improper and improvident. It is of substantial concern to me that the City is refunding taxes to a property owner and then entering onto the property for an unclear basis and undertaking work at what appears to be the municipal taxpayers expense.

I ask that the Minister appoint an investigator into the City's dealing with this property owner in respect of:

- Council and individual Council members actions in respect of this property and the appropriateness of such actions;
- What communications individual Council members have had with this property owner and their discussions regarding tax refunds, in particular outside of Council meetings and the appropriateness of such actions;
- Individual Council members role in administrative meetings regarding this property and the appropriateness of such actions; and

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- Work performed by the City on this property, the cost of doing so and who directed that such work be done.



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