

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

Regular Council Meeting: September 12, 2023

Resolution No.	Motion	Council Decision	OA Response	Comments
230912-01	Motion that Council accept the agenda for September 12, 2023 Regular Council Meeting as presented.	<b>6-0-1 CARRIED</b> Mayor Jeff Colvin Deputy Mayor Stephen Hanley Councillor Shannon Dean Councillor Sandy Johal-Watt Councillor Blaine Funk Councillor Ritesh Narayan <b>NOT RECORDED</b> Councillor Foat	ALLOWED	
230912-02	Motion to open the public hearing for Bylaw 017-23, being the Municipal Development Plan Amendments - East Acreages, North Acreages, Paradise Meadows MDP Amendments on September 12, 2023 at 9:13 a.m.	<b>6-0-1 CARRIED</b> Mayor Jeff Colvin Deputy Mayor Stephen Hanley Councillor Shannon Dean Councillor Sandy Johal-Watt Councillor Blaine Funk Councillor Ritesh Narayan <b>NOT RECORDED</b>	ALLOWED	



OA Initials

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		Councillor Foat		
230912-03	Motion to close the public hearing for Bylaw 017-23, being the Municipal Development Plan Amendments - East Acreages, North Acreages, Paradise Meadows MDP Amendments on September 12, 2023 at 9:50 a.m.	<b>6-0-1</b> <b>CARRIED</b> Mayor Jeff Colvin Deputy Mayor Stephen Hanley Councillor Shannon Dean Councillor Sandy Johal-Watt Councillor Blaine Funk Councillor Ritesh Narayan <b>NOT RECORDED</b> Councillor Foat	ALLOWED	
230912-04	Motion to open the public hearing for Bylaw 018-23, being the Land Use Bylaw Amendments - East Acreages, North Acreages, Paradise Meadows LUB Amendments, on September 12, 2023 at 10:08 a.m.	<b>6-0-1</b> <b>CARRIED</b> Mayor Jeff Colvin Deputy Mayor Stephen Hanley Councillor Shannon Dean Councillor Sandy Johal-Watt Councillor Blaine Funk Councillor Ritesh Narayan <b>NOT RECORDED</b> Councillor Foat	ALLOWED	

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230912-05	Motion to close the public hearing for Bylaw 018-23, being the Land Use Bylaw Amendments - East Acreages, North Acreages, Paradise Meadows LUB Amendments, on September 12, 2023 at 11:37 a.m.	<p><b>6-0-1 CARRIED</b> Mayor Jeff Colvin Deputy Mayor Stephen Hanley Councillor Shannon Dean Councillor Sandy Johal-Watt Councillor Blaine Funk Councillor Ritesh Narayan <b>NOT RECORDED</b> Councillor Foat</p>	ALLOWED	
230912-06	Motion that Council accept the July 18, 2023 Regular Council meeting minutes, and acknowledge the comments of the Official Administrator, as presented.	<p><b>6-0-1 CARRIED</b> Mayor Jeff Colvin Deputy Mayor Stephen Hanley Councillor Shannon Dean Councillor Sandy Johal-Watt Councillor Blaine Funk Councillor Ritesh Narayan <b>NOT RECORDED</b> Councillor Foat</p>	ALLOWED	
230912-07	Motion that Council accept the Chestermere Police Communication	<p><b>6-0-1 CARRIED</b> Mayor Jeff Colvin</p>	ALLOWED	

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	Minutes for May 25, 2023 minutes as presented.	Deputy Mayor Stephen Hanley Councillor Shannon Dean Councillor Sandy Johal-Watt Councillor Blaine Funk Councillor Ritesh Narayan <b>NOT RECORDED</b> Councillor Foat		
230912-08	Motion that Council accept the RCMP Delegation information package as information.	<b>6-0-1 CARRIED</b> Mayor Jeff Colvin Deputy Mayor Stephen Hanley Councillor Shannon Dean Councillor Sandy Johal-Watt Councillor Blaine Funk Councillor Ritesh Narayan <b>NOT RECORDED</b> Councillor Foat	ALLOWED	
230912-09	Motion that Council accept the Dunes West Wildfire Response Acknowledgement proclamation and sign the proclamation form.	<b>6-0-1 CARRIED</b> Mayor Jeff Colvin Deputy Mayor Stephen Hanley	ALLOWED	



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		<p>Councillor Shannon Dean Councillor Sandy Johal-Watt Councillor Blaine Funk Councillor Ritesh Narayan <b>NOT RECORDED</b> Councillor Foat</p>		
230912-10	<p>Motion that Council accept the RCMP Southern Alberta District Included in Judicial Reviews re: RCMP Interference and Misconduct presentation as information.</p>	<p><b>5-2 CARRIED FOR</b> Mayor Jeff Colvin Deputy Mayor Stephen Hanley Councillor Blaine Funk Councillor Mel Foat Councillor Ritesh Narayan <b>OPPOSED</b> Councillor Dean Councillor Sandy Johal-Watt</p>	ALLOWED	
230912-11	<p>Motion to open the public hearing for Bylaw 016-23, being the Land Use Bylaw Amendment - Business Park/Light Industrial District Amendments – Health Care Facility, on September 12, 2023 at 2:17 p.m.</p>	<p><b>CARRIED UNANIMOUSLY</b></p>	ALLOWED	

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230912-12	Is the question of Land Value change irrelevant to the Public Hearing of Bylaw 016-23, being the Land Use Bylaw Amendment of allowing permitted use Health Care Facility to the BP/LI district.	<p><b>4-3 CARRIED FOR</b> Mayor Jeff Colvin Deputy Mayor Stephen Hanley Councillor Blaine Funk Councillor Mel Foat</p> <p><b>OPPOSED</b> Councillor Shannon Dean Councillor Sandy Johal-Watt Councillor Ritesh Narayan</p>	ALLOWED	
230912-13	Motion to close the public hearing for Bylaw 016-23, being the Land Use Bylaw Amendment - Business Park/Light Industrial District Amendments – Health Care Facility, on September 12, 2023 at 2:45 p.m.	<b>CARRIED UNANIMOUSLY</b>	ALLOWED	
230912-14	Motion that Council give first reading to Bylaw 022-23, being the Community Standards Bylaw.	<b>CARRIED UNANIMOUSLY</b>	ALLOWED	
230912-15	Motion that Council give second reading to Bylaw 022-23, being the Community Standards Bylaw, as presented.	<b>CARRIED UNANIMOUSLY</b>	ALLOWED	
230912-16	Motion that Council give consideration for third reading for Bylaw 022-23, being the Community Standards Bylaw.	<b>CARRIED UNANIMOUSLY</b>	ALLOWED	

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230912-17	Motion that Council give third and final reading for Bylaw 022-23, being the Community Standards Bylaw as presented.	<b>CARRIED UNANIMOUSLY</b>	ALLOWED	
230912-18	Motion that Council give second reading to Bylaw 017-23, being Municipal Development Plan Amendments - East Acreages, North Acreages, Paradise Meadows MDP Amendments, as presented.	<b>CARRIED UNANIMOUSLY</b>	ALLOWED WITH REVISIONS	
230912-19	Motion that Council give third and final reading to Bylaw 017-23, being Municipal Development Plan Amendments - East Acreages, North Acreages, Paradise Meadows MDP Amendments, as presented.	<b>CARRIED UNANIMOUSLY</b>	ALLOWED WITH REVISIONS	
230912-20	Motion that Council give second reading to Bylaw 018-23, being the Land Use Bylaw Amendments - East Acreages, North Acreages, Paradise Meadows LUB Amendments, as presented.	<b>CARRIED UNANIMOUSLY</b>	ALLOWED WITH REVISIONS	
230912-21	Motion that Council give third and final reading to Bylaw 018-23, being the Land Use Bylaw Amendments - East Acreages, North Acreages, Paradise Meadows LUB Amendments, as presented.	<b>CARRIED UNANIMOUSLY</b>	ALLOWED WITH REVISIONS	
230912-22	Motion that Council direct City Director of Community Growth and Infrastructure and Administration to develop an information package for residents affected by Bylaw 017-23, being East Acreages, North Acreages, and	<b>CARRIED UNANIMOUSLY</b>	ALLOWED	

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	Paradise Meadows Area Municipal Development Plan amending bylaw and Bylaw 018-23 being the East Acreages, North Acreages, and Paradise Meadows Land Use Amending bylaw by the end of November 2023.			
230912-23	Motion that Council direct City Director of Community Growth and Infrastructure and Administration to hold information sessions with the public during the development of information packages for Bylaws 017-23 & 018-23.	<b>CARRIED UNANIMOUSLY</b>	ALLOWED	
230912-24	Motion that Council give second reading to Bylaw 016-23, being the Land Use Bylaw Amendment - Business Park/Light Industrial District Amendments – Health Care Facility.	<b>CARRIED UNANIMOUSLY</b>	ALLOWED	
230912-25	Motion that Council give third and final reading to Bylaw 016-23, being the Land Use Bylaw Amendment - Business Park/Light Industrial District Amendments – Health Care Facility, as presented.	<b>CARRIED UNANIMOUSLY</b>	ALLOWED	
230912-26	Motion that Council give first reading to Bylaw 023-23, being the Lakeside Golf Course MDP Amendment Bylaw.	<b>4-3 CARRIED FOR</b> Mayor Jeff Colvin Deputy Mayor Stephen Hanley Councillor Blaine Funk Councillor Foat <b>OPPOSED</b>	ALLOWED	

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		Councillor Shannon Dean Councillor Sandy Johal-Watt Councillor Ritesh Narayan		
230912-27	Motion that Council direct Administration to further investigate the claim of a caveat of restricting further development of Lakeside Greens Golf Course.	<b>CARRIED UNANIMOUSLY</b>	ALLOWED	
230912-28	Motion that Council make the following amendments to Bylaw 023-23, being the Lakeside Golf Course MDP Amendment Bylaw: <ul style="list-style-type: none"> <li>Amend "for the East Acreage, North Acreages, and Paradise Meadows areas" to "to amend MDP Figure 8 – Land Use Concept."</li> <li>Amend Schedule A of Bylaw 023-23, being the Lakeside Golf Course MDP Amendment Bylaw, to reflect Schedule A in the presentation for Item F.5 on the September 12, 2023 Regular Council Meeting.</li> </ul>	<b>6-1 CARRIED FOR</b> Mayor Jeff Colvin Deputy Mayor Stephen Hanley Councillor Sandy Johal-Watt Councillor Blaine Funk Councillor Mel Foat Councillor Ritesh Narayan <b>OPOSED</b> Councillor Dean	ALLOWED WITH REVISIONS	
230912-29	Motion that Council schedule a public hearing for Bylaw 023-23, being the Lakeside Golf Course MDP Amendment Bylaw, for October 17, 2023 at 6:00 p.m.	<b>CARRIED UNANIMOUSLY</b>	ALLOWED	
230912-30	Motion that Council appoint Councillor Dean and Deputy Mayor Hanley to the	<b>CARRIED UNANIMOUSLY</b>	ALLOWED	



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	Joint Planning Area Trilateral Committee with Councillor Foat as an alternate.			
230912-31	Motion that Council move into closed session at 5:16 p.m. to discuss the following: <ul style="list-style-type: none"> <li>FOIP section 21 - Agenda Item 6.6</li> </ul>	<b>CARRIED UNANIMOUSLY</b>	ALLOWED	
230912-32	Motion that Council move out of closed session at 5:20 p.m.	<b>CARRIED UNANIMOUSLY</b>	ALLOWED	
230912-33	Motion that Council direct Administration to develop an action plan to submit to Municipal Affairs as per Directive 3.a & 3.b as to why Council feels the City's Procedural Bylaw is adequate and compliant with the MGA.	<b>4-3 CARRIED FOR</b> Mayor Jeff Colvin Deputy Mayor Stephen Hanley Councillor Blaine Funk Councillor Mel Foat <b>OPPOSED</b> Councillor Shannon Dean Councillor Sandy Johal-Watt Councillor Ritesh Narayan	ALLOWED	THE OA WILL LEAVE IT TO THE MINISTER TO DETERMINE IF THIS IS COMPLIANT WITH THE DIRECTIVE
230912-34	Motion that Council move into Closed Session at 5:45 p.m. to discuss the following: <ul style="list-style-type: none"> <li>FOIP section 17 – Agenda Item 9.2</li> <li>FOIP section 16 – Agenda Item 9.3</li> </ul>	<b>CARRIED UNANIMOUSLY</b>	ALLOWED	



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230912-35	Motion that Council come out of Closed Session at 5:55 p.m.	<b>CARRIED UNANIMOUSLY</b>	ALLOWED	
230912-36	Motion that Council table Item 9.1 FOIP Section 29 – AHS Ambulance Workshop.	<b>CARRIED UNANIMOUSLY</b>	ALLOWED	
230912-37	Motion that Council approve the severance amount of \$77,500 for employee termination based on the severance identified in the employee contract from the unrestricted surplus account as identified in Agenda Item 9.2 of the September 12, 2023 Regular Council Meeting.	<b>CARRIED UNANIMOUSLY</b>	ALLOWED	
230912-38	Motion that Council accept the presentation regarding Agenda Item 9.3 - FOIP section 16 as information.	<b>CARRIED UNANIMOUSLY</b>	ALLOWED	
230912-39	Motion that Council adjourn at 5:58 p.m.	<b>CARRIED UNANIMOUSLY</b>	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:

- 230912-18
- 230912-19
- 230912-20
- 230912-21
- 230912-22
- 230912-28

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## Resolutions 230912-18 to 230912-22

I allow Resolutions 230912-18 to 230912-22 with the revision that Councillor Foat’s vote must be removed and shown as abstaining as required under s. s. 184(a) of the Municipal Government Act (“MGA”).

The minutes I have been provided by the City identify that Councillor Foat was present “via Webex until 1:33 p.m.”).

At the start of the meeting, the Mayor did not announce that Councillor Foat was attending via Webex. Councillor Foat did not participate in the meeting via Webex to my knowledge until after 1:33 pm at which time he attended the meeting in person.

Councillor Foat’s vote on Resolutions 230912-01 – Resolution 230912-09 is listed as “NOT RECORDED”.

The Municipal Government Act allows a municipality to pass a bylaw to provide for council meetings to be conducted via electronic means. Electronic means “means an electronic or telephone communication method that enables **all persons attending a meeting to hear and communicate with each other** during the course of the meeting” (MGA, s. 199(1)(a), emphasis added).

The bylaw to allow council meetings to be held via electronic means must:

- specify the type or types of electronic means by which meetings are authorized to be held,
- require the identity of each councillor attending the meeting to be confirmed by a method authorized by the bylaw, (MGA, s. 199(3)(a)-(b)).

The City has passed a bylaw to allow council meetings to be held by electronic means, the Procedure Bylaw which requires:

5.5.2 ...Members participating in Meeting through electronic means may participate in any Closed Sessions held at that Meeting and are required to vote on a matter put to a vote at the meeting unless the Member is required or permitted to abstain from voting under this or any other enactment.

5.5.8. The Chair must announce at the Meeting that a Member is participating through electronic means.

I have asked for details regarding when Councillor Foat logged into the Webex link and how his attendance was confirmed. The City has not provided me with these details.

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It appears Councillor Foat was not in attendance, at least not in a manner that is required under the MGA and the Procedure Bylaw, for the portion of the Council Meeting addressed by Resolution 230912-01 – 230912-09. He did not ask questions through his Webex Link. He did not vote using his Webex Link.

Councillors in attendance at a Council Meeting are required to vote. (MGA, s. 183(1)).

I find that Councillor Foat was not in attendance for Resolutions 230912-01 –230912-09. He was not in attendance using an electronic means that allowed him to communicate with the other attendees as his vote is unrecorded.

As Councillor Foat was not in attendance for the public hearing on Municipal Development Plan Amendments - East Acreages, North Acreages, Paradise Meadows MDP Amendments, he should have abstained from voting. (MGA, s. 184(a))

### Resolution 230912-28

As noted in the Cuff Report, Council struggles with drafting motions. Resolution 230912-28 is an example of a motion which is not clearly stated or written.

I have reviewed Bylaw 023-23 as shown in the agenda package.

It appears what is being proposed to be replaced by the first bullet is:

A Bylaw of the City of Chestermere, in the Province of Alberta, to amend the Municipal Development Plan (Bylaw 015-15) of the City of Chestermere to provide infill residential development standards **for the East Acreage, North Acreages, and Paradise Meadows areas.**

With Council's amendments, Bylaw 023-23 would read:

A Bylaw of the City of Chestermere, in the Province of Alberta, to amend the Municipal Development Plan (Bylaw 015-15) of the City of Chestermere to provide infill residential development standards **to amend MDP Figure 8 – Land Use Concept.**

I am unclear why “to provide infill residential development standards” has remained in the preamble. I allow Resolution 230912-28 with the addition that “to provide infill residential development standards” is also replaced so that the preamble to Bylaw 023-23 is coherent.



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I note there appears to be some comment from Administration that I had issues with City Council amending bylaws at second reading and this is why Resolution 230912-28 was brought forward at this Council meeting rather than at second reading.

In general, Council may amend a bylaw after a public hearing after considering representations made to it at the public hearing and after considering any other matter it considered appropriate. It is entirely appropriate for Council to amend bylaws after a public hearing and provided for under s. 216.4(5)(b) of the MGA.

I disallowed Resolutions 230627-06 to 230627-15 at the June 27, 2023 City Council meeting because Council amended the area to which the bylaw applied to include a significant amount of additional land. The individuals who lived in those areas would not have had notice that the proposed bylaw applied to them.

In that case, City Council’s amendment after the public hearing raised a significant concern of procedural fairness. As such, I disallowed Resolutions 230627-06 to 230627-15.

My decision in respect of Resolutions 230627-06 to 230627-15 However, this should not be taken by the City as an indication that it is never permissible to amend a bylaw after a public hearing.



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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.

- (a) 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
- (b) 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