

Official Administrator Report Review and Approval of Council Meeting Minutes

Regular Council Meeting: November 28th, 2023

Resolution No.	Motion	Council Decision	OA Response	Comments
231128-01	Motion that Council adopt the Agenda for the November 28, 2023, Regular Council Meeting with the following amendments: <ul style="list-style-type: none"> Remove Item 5.1 2022 Financial Statement Remove Item 5.2 Preliminary Budget Announcements Add Closed Session Item 7.3 FOIP Part 1 Div 2 s. 29 Information that is or will be available to the public – Financial Statements 	CARRIED UNANIMOUSLY	ALLOWED	
231128-02	Motion that Council accept the November 21, 2023, Regular Council Meeting Minutes and acknowledge the Official Administrators comments.	CARRIED UNANIMOUSLY	ALLOWED	
231128-03	Motion that Council accept the November 20, 2023, Audit Committee Minutes as information.	CARRIED UNANIMOUSLY	ALLOWED	
231128-04	Motion that Council restate Motion #231031-13 to read as, "MJM continues to have authority to act on legal matters as directed. The legal fees associated with the representation shall continue to be paid from the general operating funds. Each legal account shall be approved by Administration. The annual budget shall contain a provision for legal fees."	4-2 CARRIED FOR Mayor Jeff Colvin Deputy Mayor Stephen Hanley Councillor Mel Foat Councillor Blaine Funk OPPOSED	DISALLOWED	See below

OA Initials

November 30, 2023

Date

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		Councillor Shannon Dean Councillor Ritesh Narayan		
231128-05	Motion that Council restate Motion #231031-25 to read as, "The previous engagement of MJM LLP continues to be approved."	4-2 CARRIED FOR Mayor Jeff Colvin Deputy Mayor Stephen Hanley Councillor Mel Foat Councillor Blaine Funk OPPOSED Councillor Shannon Dean Councillor Ritesh Narayan	DISALLOWED	See below
231128-06	Motion that Council accept the information regarding Agenda Item 6.1, the Entertainment District Stormwater Analysis as presented.	CARRIED UNANIMOUSLY	ALLOWED	
231128-07	Motion that Council direct Administration on the contingency that Rocky View County releases control of Chestermere Regional Community Association (CRCA) to the City of Chestermere with the intent of the City of Chestermere to assume operational control of the CRCA to: <ul style="list-style-type: none"> Retain all staff, tenants, and user groups and maintain all rates the 	4-2 CARRIED FOR Mayor Jeff Colvin Deputy Mayor Stephen Hanley Councillor Mel Foat Councillor Blaine Funk OPPOSED	DISALLOWED	See below

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	<p>same or reduced through subsidies.</p> <ul style="list-style-type: none"> • City of Chestermere discontinue CRCA lawsuit against Rocky View County (RVC) and mitigate RVC's legal concerns. Negotiate with RVC for expansion construction and purchase. • City of Chestermere to work with CRCA Board on assuming operations and transitioning to City operations. 	<p>Councillor Shannon Dean Councillor Ritesh Narayan</p>		
231128-08	<p>Motion that Council direct Administration, contingent on the City of Chestermere assuming operational control, to keep all pre-existing tenant leases in place and ensure that all tenant bookings remain intact. In addition, ensure that Community Grants are available to be used to subsidize these community user groups.</p>	<p>CARRIED UNANIMOUSLY</p>	<p>DISALLOWED</p>	<p>See below</p>
231128-09	<p>Motion that Council, contingent on the City of Chestermere assuming operational control, place caveats on the CRCA land to ensure only Recreational Related Developments will be allowed.</p>	<p>CARRIED UNANIMOUSLY</p>	<p>DISALLOWED</p>	<p>See below</p>
231128-10	<p>Motion that Council direct Administration, contingent on the City of Chestermere assuming operational control and the 2024 Budget, to use funding from Recreation Off-site Levies, Local Government Fiscal Framework, grants, and donation sources to fund the</p>	<p>CARRIED UNANIMOUSLY</p>	<p>DISALLOWED</p>	<p>See below</p>



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	expedited development of a hockey rink for the Chestermere Recreation Centre.			
231128-11	Motion that Council direct Administration, contingent on the City of Chestermere assuming operational control and the 2024 Budget, to use funds from the Council Priorities Budget for the development of a splash park at Chestermere Recreation Centre.	CARRIED UNANIMOUSLY	DISALLOWED	See below
231128-12	Motion that Council direct Administration, contingent on the City of Chestermere assuming operational control and the 2024 Budget, to use funds from the Council Priorities Budget for the redevelopment of the parking lot at Chestermere Recreation Centre.	CARRIED UNANIMOUSLY	DISALLOWED	See below
231128-13	Motion that Council direct Administration, contingent on the City of Chestermere assuming operational control and the 2024 Budget, to use funds from the Council Priorities Budget for internal renovation to create additional space for and construct a specifically designed, for appropriate use, as a Multi-Cultural Centre within the Chestermere Recreation Centre.	CARRIED UNANIMOUSLY	DISALLOWED	See below
231128-14	Motion that Council direct Administration, contingent on the City of Chestermere assuming operational control and the 2024 budget, to use funds from the Council Priorities Budget for the development of sports courts at Chestermere Recreation Centre.	CARRIED UNANIMOUSLY	DISALLOWED	See below



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231128-15	Motion that Council move into Closed Session at 11:01 a.m. to discuss the following: <ul style="list-style-type: none"> 7.1 FOIP Part 1 Div. 2 s. 25 – Disclosure harmful to economic and other interests of a public body – Lift Station 12 7.2 FOIP Part 1 Div. 2 s. 29 – Information that is or will be available to the public – Labour Relations 7.3 FOIP Part 1 Div. 2 s. 29 – Information that is or will be available to the public – Financial Statements 	CARRIED UNANIMOUSLY	ALLOWED	
231128-16	Motion that Council come out of Closed Session at 12:39 p.m.	CARRIED UNANIMOUSLY	ALLOWED	
231128-17	Motion that Council accept the discussion regarding Agenda Item 7.1 - Lift Station 12 as information.	CARRIED UNANIMOUSLY	ALLOWED	
231128-18	Motion that Council direct Administration to determine proper procedure to determine how the City and #1538974 Alberta LTD proceed with Agenda item 7.1 on the November 28, 2023 Agenda and return to Council December 5th, 2023.	CARRIED UNANIMOUSLY	ALLOWED	
231128-19	Motion that Council accept the discussion regarding Agenda Item 7.3 - Financial Statements as information.	CARRIED UNANIMOUSLY	ALLOWED	
231128-20	Motion that Council approve the Audited 2022 Financial Statements and authorize the Mayor, Deputy Mayor, and City	CARRIED UNANIMOUSLY	ALLOWED	



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	Director of Corporate Services to sign the documents provided in the Auditor's Finalized Audit Package for the year 2022.			
231128-21	Motion that Council accept the discussion regarding Agenda Item 7.2 - Labour Relations as information.	CARRIED UNANIMOUSLY	ALLOWED	
231128-22	Motion that Council adjourn at 12:42 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:

- Resolution #231128-04
- Resolution #231128-05
- Resolution #231128-07 to Resolution #231138-14

I note that pursuant to Ministerial Order MSD:076/23, the Minister of Municipal Affairs has suspended Ministerial Order MSD022/23. My decision in respect of the resolutions passed at the November 28, 2023 Council Meeting was issued on November 30, 2023, prior to Ministerial Order MSD:076/23. The below are my reasons for my decision of November 30, 2023.

Resolution #231128-04 and #231128-05

Resolution #231128-04:

Motion that Council restate Motion #231031-13 to read as, "MJM continues to have authority to act on legal matters as directed. The legal fees associated with the representation shall continue to be paid from the general operating funds. Each legal account shall be approved by Administration. The annual budget shall contain a provision for legal fees."



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Resolution #231128-05:

Motion that Council restate Motion #231031-25 to read as, "The previous engagement of MJM LLP continues to be approved."

I have commented extensively on Resolution #231031-13 and #231031-25 in my report on the October 31, 2023 Council Meeting Minutes.

My concerns have not been addressed by Resolutions #231128-04 and #231128-05.

In particular, Resolutions #231128-04 and #231128-05 and the supporting agenda package do not:

- provide a budget and process to authorize and verify the expenditures for legal proceedings, including:
 - if the funds are being reallocated within the existing budget, which items are being reduced and where the funds are being reallocated to in the budget and the impact on the services for the budget items being reduced;
 - if the funds are being drawn from a Restricted Surplus Account, compliance with Policy 447, Restricted Surplus Account;
 - an limit on the amount the CAO can authorize to be spent on the legal proceedings before seeking further authorization from Council;
- identify when and if the City will be responsible for the legal costs of third parties to the legal proceedings such as Councillors and the compliance with Policy 801, Council Related Legal Proceedings;
- provide for a purpose which is specific to Ministerial Orders or other action arising from the investigation under s. 571 of the MGA into the management, administration and operation of the City, or such other specific purpose as the City identifies as appropriate; or
- provide direction to the CAOs regarding reporting to Council on the legal proceedings and legal costs.

As such, I disallow Resolutions #231128-04 and #231128-05.

Resolution #231128-07 to Resolution #231138-14

Resolution #231128-07 to Resolution #231138-14 are all in respect of the Chestermere Regional Community Association (CRCA). The City does not own the CRCA. It does not lease the CRCA. Rocky View County owns the land on which the CRCA is located. The CRCA leases the land from Rocky View County. The CRCA is a non-profit organization. It is run by a Board of Directors.

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The City may be exploring purchasing the land from Rocky View County. Even if the City was to purchase the land from Rocky View County, I am unclear how the City would assume operational control and the 2024 Budget from the CRCA as the CRCA leases the land.

There is no agenda report or other documentation supporting these Resolutions. I find them premature and improper and irregular. As such, I disallow Resolutions #231128 -07 to 14. I note that the City can and should work with Rocky View County and the CRCA to improve recreational opportunities within the City. These resolutions are not reflective of healthy cooperation between neighbouring municipalities and community stakeholders.



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