

Official Administrator Report Review and Approval of Council Meeting Minutes

Special Council Meeting: December 9th, 2022

Resolution No.	Motion	Council Decision	OA Response	Comments
221209-01	That Council accept the agenda as presented	CARRIED UNANIMOUSLY	DISALLOWED	PLEASE SEE ATTACHMENT FOR REASON
221209-02	That Council go In-Camera at 9:39am	CARRIED UNANIMOUSLY	DISALLOWED	PLEASE SEE ATTACHMENT FOR REASON
221209-03	That Council come out of In-Camera at 10:41 a.m.	CARRIED UNANIMOUSLY	DISALLOWED	PLEASE SEE ATTACHMENT FOR REASON
221209-04	Motion that Council accepts Administration's presentation as information	<p>6-0-1 CARRIED IN-FAVOUR Mayor Jeff Colvin Deputy Mayor Mel Foat Councillor Blaine Funk Councillor Sandy Johal-Watt Councillor Shannon Dean Councillor Stephen Hanley</p> <p>ABSTAINED Councillor Ritesh Narayan</p>	DISALLOWED	PLEASE SEE ATTACHMENT FOR REASON

OA Initials

January 5, 2023
Date

Municipal Government Act,

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

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<p>221209-05</p>	<p>Motion that Council concurs and agrees with the Administration presentation to decline and oppose the Draft Inspection Report issued MSD; 40/22 on the basis of breaches to the Public Inquires Act; breaches to Natural Justice and Procedural Fairness; and lacking evidence found in the draft report within the Ministerial Order MSD; 40/22</p>	<p>4-2-1 CARRIED IN-FAVOUR Mayor Jeff Colvin Deputy Mayor Mel Foat Councillor Blaine Funk Councillor Stephen Hanley OPPOSED Councillor Sandy Johal-Watt Councillor Shannon Dean ABSTAINED Councillor Ritesh Narayan</p>	<p>DISALLOWED</p>	<p>PLEASE SEE ATTACHMENT FOR REASON</p>
<p>221209-06</p>	<p>Motion that Council rejects and opposes the Draft Inspection Report issued MSD; 40/22 on the basis of breaches to the Public Inquires Act; breaches to Natural Justice and Procedural Fairness; and lack of sufficient evidence found in the draft report within the Ministerial Order MSD; 40/22</p>	<p>4-2-1 CARRIED IN-FAVOUR Mayor Jeff Colvin Deputy Mayor Mel Foat Councillor Blaine Funk Councillor Stephen Hanley OPPOSED Councillor Sandy Johal-Watt Councillor Shannon Dean ABSTAINED Councillor Ritesh Narayan</p>	<p>DISALLOWED</p>	<p>PLEASE SEE ATTACHMENT FOR REASON</p>

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221209-07	Motion that Council directs Administration to release the presentation, regarding MSD; 40/22, as presented In-Camera	<p>5-1-1 CARRIED IN-FAVOUR Mayor Jeff Colvin Deputy Mayor Mel Foat Councillor Blaine Funk Councillor Sandy Johal-Watt Councillor Stephen Hanley OPPOSED Councillor Shannon Dean ABSTAINED Councillor Ritesh Narayan</p>	DISALLOWED	PLEASE SEE ATTACHMENT FOR REASON
221209-08	That Council adjourn the December 9, 2022, Special Council Meeting at 10:44 a.m.	<p>CARRIED UNANIMOUSLY</p>	DISALLOWED	PLEASE SEE ATTACHMENT FOR REASON

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Disallowed – Bylaw or resolution is void

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CITY OF CHESTERMERE

OFFICIAL ADMINISTRATOR'S REPORT

December 9th, 2022

Reason for disallowing resolutions:

The resolutions made at the Special Council Meeting of the City of Chestermere (the "City") on December 9, 2022 are disallowed as the Special Council Meeting was not called in accordance with the *Municipal Government Act*.

I have been appointed Official Administrator of the City by the Minister of Municipal Affairs pursuant to Ministerial Order MSD082/22. Ministerial Order MSD082/22 requires the City's Chief Administrative Officer to, within 72 hours of a Council meeting, forward all unapproved Council meeting minutes and related documents, such as passed bylaws and supporting agenda packages to the Minister of Municipal Affairs for distribution to me as Official Administrator for my review.

In respect of the Special Council Meeting on December 9, 2022, I requested further information, specifically:

- Copies of the written notice given to Councillors of the Special Council Meeting and when that written notice was provided;
- Copies of the written notice given to the public of the Special Council Meeting and when that written notice was provided.

I am satisfied that Councillors were given 24 hours' written notice of the Special Council Meeting. However, the public was not given 24 hours' notice of the Special Council Meeting. The written notice to the public of the December 9, 2022 Special Council Meeting was published on the City's website at 11:04 am on December 8, 2022. The December 9, 2022 Special Council meeting was called for 9:00 am on December 9, 2022. I note that the Mayor's notice to Councillors stated that the Special Council Meeting was to start at 9:30 am.

The City could have proceeded with a Special Council Meeting without notice to the public if 2/3 of Council had agreed in writing prior to the Special Council Meeting (see *Municipal Government Act*, RSA 2000 c M-26, s. 194(4)). I have not been provided any written agreement of 2/3 of Councillors to proceed with the December 9, 2022 Special Council Meeting without notice to the public. As such, I find that the Special Council Meeting on December 9, 2022 was not held in accordance the *Municipal Government Act* and I disallow the resolutions made at the December 9, 2022 Special Council Meeting.

My decision does not relate to the substance of the motions made at the Special Council Meeting. To date, I have not been provided the materials before Council during the in-camera session, except for the Administration's Report which has been made public. I have not reviewed the Municipal Affairs

Inspection Report or any correspondence from Municipal Affairs to Council in respect of the Municipal Affairs Inspection Report. As such, I make no comment on the substance of these motions.

The City may choose to consider these motions at a future Council meeting. I note that if this is a Special Council Meeting I recommend that the notice be more specific. I am concerned that the December 9, 2022 notice given was not descriptive of the matter to be considered.

The notice to Councillors for the December 9, 2022 Special Meeting from the Mayor states “Incamera item, under foip section 24, 18, 33. Confidential municipal matter.” The Agenda posted on the City’s website states “As per the Freedom of Information and Protection of Privacy Act Part 1, Division 2, Section 18, Disclosure harmful to individual or public safety, section 24, Advice from Officials, and Part 2, Division 1, Section 33, Purpose of collection of information - Confidential Municipal Matter”.

I note that section 33 of the *Freedom of Information and Protection of Privacy Act*, RSA 2000, c F-25 is not an exception to disclosure in Division 2 Part 1 and is not a ground under section 197(2) of the *Municipal Government Act* for a Council to close their meeting to the public.

As the only matters which can be addressed in a Special Council Meeting are those set out in the notice, the notice should be sufficient to allow Councillors and the public to know the matters being addressed. I recommend that in the future, Special Council Meetings identify with more particularity the matter to be addressed, without revealing the information to be discussed in the closed portion of the meeting. For example, for the Special Council Meeting for December 9, 2022, the notice could have stated “Closed Session- Municipal Affairs Inspection Report – Advice from Officials as per Section 24 of the *Freedom of Information and Protection of Privacy Act*”.



Douglas B. Lagore

Official Administrator

City of Chestermere

January 5, 2023