

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

Regular Council Meeting: May 2nd, 2023

Resolution No.	Motion	Council Decision	OA Response	Comments
230502-01	Motion that Council accept the May 2, 2023 Regular Council Meeting Agenda with the following amendments: <ul style="list-style-type: none"> Remove – Section D, Item 1 – 4th Quarter Financial Update Presentation & Section D Item 2 – Tax Rate Presentation. Move Section F Item 1, being the MDP Discussion, to follow the approval of the minutes. 	CARRIED UNANIMOUSLY	ALLOWED	
230502-02	Motion that Council accept the April 18, 2023 Regular Council Meeting Minutes and acknowledge the Official Administrator's comments.	CARRIED UNANIMOUSLY	ALLOWED	
230502-03	Motion that Council accept the April 18, 2023 Special Council Meeting Minutes and acknowledge the Official Administrator's comments.	CARRIED UNANIMOUSLY	ALLOWED	
230502-04	Motion that Council accept the April 25, 2023 Regular Council Meeting Minutes and acknowledge the Official Administrator's comments.	CARRIED UNANIMOUSLY	ALLOWED	
230502-05	Motion that Council accept the MDP Discussion presentation as information.	CARRIED UNANIMOUSLY	ALLOWED	
230502-06	Motion that Council direct City Director of Community Growth and infrastructure and Administration to evaluate Block C (of Figure 8: Land Use Concept of the Municipal Development Plan) for	CARRIED UNANIMOUSLY	ALLOWED	

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	potential uses, including, but not limited to, mixed-use and residential and to report back to Council for June 6, 2023.			
230502-07	Motion that Council accept the Bylaw #006-23, Off-site Levy Amendment Bylaw presentation as information.	CARRIED UNANIMOUSLY	ALLOWED	
230502-08	That Council give First Reading to Bylaw 006-23, being the Off-site Levy Bylaw, as amended.	CARRIED UNANIMOUSLY	ALLOWED	See below
230502-09	That Council hold a public hearing on Bylaw 006-23, on May 16, 2023 at 9:15 am.	CARRIED UNANIMOUSLY	ALLOWED	
230502-10	Motion that Council table the Library discussion with off-site levies until later in the May 2, 2023 Regular Council Meeting.	CARRIED UNANIMOUSLY	ALLOWED	
230502-11	Motion that Council give first reading to Bylaw #007-23, being the Amending Traffic Control Bylaw.	CARRIED UNANIMOUSLY	DISALLOWED	See below
230502-12	Motion that Council give second reading to Bylaw #007-23, being the Traffic Control Amendment Bylaw as amended.	CARRIED UNANIMOUSLY	DISALLOWED	See below
230502-13	Motion that Council give consideration for third and final reading of Bylaw 007-23, being the Traffic Control Amending Bylaw.	CARRIED UNANIMOUSLY	DISALLOWED	See below
230502-14	Motion that Council give third and final reading to Bylaw #007-23, being the Amending Traffic Control Bylaw as presented.	CARRIED UNANIMOUSLY	DISALLOWED	See below



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230502-15	Motion that Council direct City Director of Community Operations and Administration to review Section 23 of the Bylaw 036-20, being the Traffic Control Bylaw and return to Council for the May 16, 2023 Regular Council Meeting.	CARRIED UNANIMOUSLY	ALLOWED	
230502-16	Motion that Council accept the Upcoming Events in May, June, July, August in Chestermere presentation as information.	CARRIED UNANIMOUSLY	ALLOWED	
230502-17	Motion that Council accept the Legislative Services Update presentation as information.	CARRIED UNANIMOUSLY	ALLOWED	
230502-18	Motion that Council Direct City Director of Corporate Services and Administration to finalize the memorandum of understanding with Bird Canada, with consideration of comments and concerns brought up by Council in the May 2, 2023 Regular Council Meeting, and to report back to Council with an update no later than the end of May 2023.	CARRIED UNANIMOUSLY	ALLOWED	
230502-19	Motion that Council amend the May 2, 2023 Regular Council Meeting Agenda to add an emergent item under Section E, Part 5 being the Financial Audit 2022 – 2026 Request for Decision report.	CARRIED UNANIMOUSLY	DISALLOWED	See below
230502-20	Motion that Council appoint Gregory Harriman & Associate LLP to be The City Auditor and allow the Corporate Services Director to sign the contract	5-1 CARRIED FOR Mayor Jeff Colvin	DISALLOWED	See below

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		Deputy Mayor Mel Foat Councillor Shannon Dean Councillor Stephen Hanley Councillor Blaine Funk OPPOSED Councillor Sandy Johal-Watt		
230502-21	Motion that Council moves into In-Camera at 11:59 a.m. to discuss the following: <ul style="list-style-type: none"> As per the FOIP section 16(1) – Land, Labour, and/or Legal. As per the FOIP section 21(1) – Ministry of Municipal Affairs' Directives. 	CARRIED UNANIMOUSLY	ALLOWED	
230502-22	Motion that Council come out of closed session at 5:27 p.m.	CARRIED UNANIMOUSLY	ALLOWED	
230502-23	Motion that Council direct the City Directors and Administration to reach out to relevant third parties to discuss and explore solutions to mitigate liabilities of Golf Balls leaving golf course and endangering surrounding people and property and bring back to Council with monthly updates at the beginning of said months.	CARRIED UNANIMOUSLY	ALLOWED	See below
230502-24	Motion that Council to direct the City Directors and Administration to discuss with legal to send a Waiver of	CARRIED UNANIMOUSLY	ALLOWED	

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	Liability/Indemnity Agreement to Lake Side Greens.			
230502-25	Motion that Council lift from the table the Library discussion with off-site levies.	CARRIED UNANIMOUSLY	ALLOWED	
230502-26	Motion that Council Adjourn at 5:30.	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 No. 230502-08
- Resolutions 230502-11 to 14
- Resolutions 230502-19 to 20
- Resolution No. 230502-23

Resolution No. 230502-08

I have allowed this resolution but note for City Council that it does not appear from the Agenda Package that a legal review of the Off-Site Levy Bylaw as proposed was completed. I recommend that as a prudent measures, City Council either confirm a legal review has been done of the Off-Site Levy Bylaw or have administration engage legal counsel to conduct a review of the Off-Site Levy Bylaw prior to passing the Off-Site Levy Bylaw.

Resolutions 230502-11 to 14 - Bylaw #007-23, being the Amending Traffic Control Bylaw

I have reviewed the Bylaw #007-23, being the Amending Traffic Control Bylaw. I am disallowing the City’s passage of Bylaw #007-23, being the Amending Traffic Control Bylaw as it is irregular, improper and improvident as Bylaw #007-23, being the Amending Traffic Control Bylaw is uncertain to the point of being unenforceable and contains references to a Schedule “C” that does not exist.

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The City can regulate off-highway vehicles under both its powers under the *Municipal Government Act*, RSA 2000, c M-26 and under the *Traffic Safety Act*, RSA 2000, c T-6. However, the City must exercise its power to regulate in a manner which allows those regulated to know what they must do to comply with the bylaw. I find that Bylaw #007-23, being the Amending Traffic Control Bylaw is drafted in a such a manner that it is uncertain and likely unenforceable in parts.

<p>WHEREAS under the authority and subject to the provisions of the Municipal Government Act, Revised Statutes of Alberta, Chapter M-26 and amendments thereto, City Council must pass bylaws outlining the conduct of City Council and Elected Officials and may pass bylaws governing the conduct of City Council Committees, Committee Members and Board Members;</p>	<p>This preamble appears to have been taken from the Code of Conduct Bylaw #003-19. It is unclear how it is relevant to the within bylaw.</p>
<p>Section 18 is amended to read: "Permitted year-round. Seasonally, the City of Chestermere will operate three (3) public lake access points so that Off-Highway Vehicle operator may access the ice surface. The City will open these Lake Access points, once the Parks Department has determined that the ice surface is safe enough for public use of Off-Highway Vehicles. (See Schedule "C" FOR Lake Access points)</p>	<p>It is unclear what "Permitted year round" refers to.</p> <p>There does not appear to be a Schedule "C" in the Traffic Control Bylaw 036-20 nor does Bylaw#007-23 being the Amending Traffic Control Bylaw add a Schedule C</p>
<p>Section 18.6(b) is amended to read: The maximum speed limit of Permitted Off-Highway Vehicle may travel on a highway 60 kilometers per hour, or less if the posted speed limit is lower than 60 kilometers per hour.</p>	<p>As written, this provision does not make sense. It appears to be missing an "is" between "highway" and "60". Even with this revision, there is still ambiguity in respect of "or less". Is the maximum meant to be less than 60 km/h or it is meant to be the posted speed limit?</p> <p>The City may also require that Permitted Off-Highway Vehicles comply with Traffic Control Devices (see section 6(2)). I recommend the City consider if an additional provision is required or if a</p>



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	provision similar to s. 6(2) can be applied to Permitted Off-Highway Vehicles.

Resolutions 230502-19 to 20 – Appointment of City Auditor

Ministerial Order MSD002/23 provided that:

10a) I direct Council to work with administration to hire an audit firm using a competitive procurement process.

10b) I direct council and the CAOs to develop and submit to the Minister a timeline and implementation plan for completing and reporting to the ministry the audited financial statements for 2021, and the upcoming audited financial statements for 2022.

The City’s report to the Minister of Municipal Affairs in respect of Directive 10b) provided, in part:

1. We post the RFP to day **March 16th, 2023**
2. Posting must be for 30 days so the RFP will close on **April 19th**
3. Review and present to audit committee by end of **April 28th**
4. Go to council for approval **May 16th** to appoint auditor

...

It does not appear that the proposal was taken to audit committee. Instead, the appointment of the City Auditor was added as an emergent item under Section E, Part 5. It is unclear what the reference to Section E, Part 5 is from the resolution but I believe it is a reference to s. 6.3.2(e) of the Procedure Bylaw, #014-22. From the materials I have reviewed, this was not an emergent item. An emergent item is “an Agenda item not included on the Agenda but due to time constraints must be brought before Council at a Meeting.” (Procedure Bylaw, s. 6.3.1).

City Council was required to work with administration to hire an audit firm using a competitive procurement process by **June 30, 2023**. City Council is scheduled to have five Council meetings prior to June 30, 2023. There was no explanation provided for why the proposal was not presented to the audit committee, contrary to the City’s report to the Minister on Directive 10b) or why it was presented as an emergent item on May 2, 2023.



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Further, I have not been provided with a copy of Gregory Harriman & Associate LLP proposal or any evaluation of their response by City Administration. I have not been provided with a copy of the proposed contract with Gregory Harriman & Associate LLP. City Council did not go *in camera* before passing these resolutions. Though I would not expect that the contract or RFP evaluation would have been included on the agenda package, I would have expected that City Administration would have briefed City Council on these items *in camera*. It does not appear that City Council discussed these issues with City Administration *in camera* before passing these motions. It is unclear to me the cost of the audit, the terms of the proposal or if the proposal was a compliant proposal with the criteria set out in the City’s Request for Proposals.

As Official Administrator, I must ensure that the City manages its finances in a fiscally prudent manner. I cannot allow this motion, which commits the City to a five-year term for auditing services without consideration of the costs, the proposal and the terms of the contract.

My decision is not a comment on Gregory Harriman & Associate LLP’s proposal or any proposed contract. I have not seen their proposal or any proposed contract.

For the above reasons, Resolutions 230502-19 to 20 are disallowed.

Resolution No. 230502-23

I have allowed Resolution No. 230502-23 but note that it is very awkwardly worded – it is unclear how City Administration can provide a monthly update at the beginning of “said month”. Usually, City Administration would provide an update on the prior month’s activities at the start of the next month. However, I note that this resolution does not impact the operations of the City and have not disallowed it.

I note Resolution No. 230502-23 as City Council appears to struggle with wording motions in City Council meetings, often appearing to draft motions on an ad hoc basis. I recommend that City Administration provide suggested wording for motions in their reports to City Council for each option City Council may take. City Council is not bound by this wording in any way and may make motions as necessary, but it may be of assistance to the Mayor and all Councillors to have options for motions drafted ahead of time for their consideration.

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