

From: MA Minister <Minister.MunicipalAffairs@gov.ab.ca>
Subject: RE: Clarification re Municipal Governance Act
Date: February 1, 2024 at 4:09:50 PM MST
To: Ron Voss <Rvoss@lightspeed.ca>

AR113530

Dear Mr. Voss:

Thank you for your email of January 10, 2024, regarding Cochrane town council's compliance with its procedure bylaw.

As previously communicated through correspondence, and through advisory calls with ministry staff, municipalities have authority under the *Municipal Government Act*, to create, interpret, and enforce their own procedure bylaws, and are accountable to the courts for any contraventions.

Locally elected councils must answer to their residents, who have multiple opportunities to hold them accountable. This can be achieved through attendance at public meetings, engagement with council members, petitions for inspection and recall, and through municipal elections every four years.

I appreciate the issue you have raised is important to you; however, there is no further information or advice I can provide on this matter. As such, future communication received by my office and ministry regarding this issue will be filed for information only.

I wish you every success in resolving your concerns.

Sincerely,

Ric McIver
Minister

From: Ron Voss <Rvoss@lightspeed.ca>
Sent: January 10, 2024 2:29 PM
To: MA Minister <Minister.MunicipalAffairs@gov.ab.ca>
Cc: Airdrie-Cochrane <airdrie.cochrane@assembly.ab.ca>
Subject: Clarification re Municipal Governance Act

Dear Minister McIver,

I last communicated with you on November 22, 2023, expressing disappointment by your unwillingness to intervene with respect to my Request for Investigation related to a failure by Cochrane's Town Council to comply with aspects of their Procedural Bylaw and Code of Conduct. At that time, I wrote "As a minimum, one had hoped that you would have written to Cochrane's Mayor and Town Council reminding them of their obligation to comply with their

bylaws". I am frustrated by the lack of accountability and inability to secure compliance or at least acknowledgment by the town of such violation of their Procedural Bylaw.

Disappointingly, I have discovered that the Town Administration, instead of helping to ensure compliance, is aiding and abetting such behaviour by Cochrane's Town Council.

One such situation involves sub-clause 4.2 (c) of the town's Procedural Bylaw 19/2019 dealing with the function and responsibility of the Presiding Officer, according to which, "When the Presiding Officer wishes to participate in the debate on a question or motion properly before the Meeting, the Presiding Officer shall vacate the Chair and request the Deputy Mayor to assume the Chair". The Town Administration have given what I consider bogus reasons for excusing the presiding officer from his not following this clause.

One argument they give to excuse the presiding office from not following this requirement is there claim that the clause is confusing and lacks clarity, but to anybody with a reasonable grasp of the English language, that clause is perfectly clear.

Secondly, they claim that such a clause is contrary to the *Municipal Governance Act* in that the *Act*, they say, requires all members of Council (which includes the Mayor and/or a Presiding member) to participate in meetings of Council. I disagree with that argument, as, in my view, sub-clause 4.2 (c) of the town's Procedural Bylaw does not prohibit the presiding officer from participating in debate on a question or motion properly before a council meeting, but rather describes the conditions whereby the presider can participate in such debate. And, therefore, is not prohibited by the *Municipal Governance Act*.

Please advise if my assessment is correct that a clause such 4.2 (c) in a municipality's Procedural Bylaw is not prohibited by the *Municipal Governance Act*.

Sincerely,

Ron Voss
Cochrane, Alberta