

## TOWN OF CARDSTON

### BYLAW #1602

A bylaw of the "Municipality" in the Province of Alberta to establish a Regional Assessment Review Board.

**WHEREAS**, Section 456 of the *Municipal Government Act*, permits two or more Councils to jointly establish assessment review boards to have jurisdiction in their respective municipalities;

Oldman River Regional Services Commission and Municipalities within the region jointly wish to establish a Regional Assessment Review Board to exercise the functions of a Local Assessment Review Board (LARB) and the functions of a Composite Assessment Review Board (CARB) under the provisions of the *Municipal Government Act* in respect of assessment complaints made by taxpayers of a Regional Member Municipality;

Oldman River Regional Services Commission will pay for the costs associated with the establishment and operations of the Regional Assessment Review Board and each Member Municipality will pay the Commission their portions of those costs.

**NOW THEREFORE**, the Council of the "Municipality", duly assembled, enacts as follows:

#### **I. Title**

The title of this Bylaw shall be the "Regional Assessment Review Board Bylaw".

#### **II. Definitions**

- 1) Except as otherwise provided herein, words in this Bylaw shall have the meanings prescribed in section 453 of the MGA.
- 2) In this bylaw the following terms shall have the meanings shown:
  - a) "Alternate" means a person who is available to perform the duties of a member in the event the member is unable to fulfil Board duties;
  - b) "Board" means the Regional Assessment Review Board;
  - c) "CARB" means the Composite Assessment Review Board established in accordance with the *Matters Relating to Assessment Complaints* regulation;
  - d) "Citizen-at-large" means a person who does not represent a specific organization and is a resident of the Member Municipality.
  - e) "Designated Officer" means the person appointed to carry out the duties and functions of the clerk of the assessment review board as required under section 455 of the Municipal Government Act;
  - f) "LARB" means the Local Assessment Review Board established in accordance with the *Matters Relating to Assessment Complaints* regulation;
  - g) "Member" means a member of the Regional Assessment Review Board;
  - h) "MGA" means the Municipal Government Act of Alberta, RSA 2000, Ch. M-26, as amended and Regulations passed under that Act;
  - i) "Regional Member Municipality" means those municipalities who enter into an agreement with the Commission to jointly establish a Regional Assessment Review Board and who enact a bylaw substantially in the form of this bylaw.

#### **III. Appointment of Board Members**

- 1) Each Member Municipality may appoint one individual to the Board and may appoint an individual as an alternate to the Board
- 2) The Board shall consist of a minimum of twenty members who may be a Citizen-at-large who is a resident of the Member Municipality or a Council member.

- 3) In addition, when sitting as the CARB, the Board shall include the provincial member appointed by the Minister.

#### **IV. Terms of Appointment**

- 1) Unless otherwise stated, all Members are appointed for three-year terms, except in the initial year where up to three are appointed for three-year terms and up to four are appointed for two-year terms.
- 2) If a vacancy on the Board occurs the Member Municipality who made the appointment may appoint a new person to fill the vacancy for the remainder of the term.
- 3) A Member may be re-appointed to the Board at the expiration of his/her term.
- 4) A Member may resign from the Board at any time on written notice to the Designated Officer and to the Member Municipality to that effect.
- 5) The Member Municipality may remove their designated Member at any time.

#### **V. Panels of the Board**

- 1) The Board shall sit in panels to hear assessment complaints as the nature of the complaint may permit or require, such panels are to consist of:
  - three persons selected by the Designated Officer when the Board is acting as a Composite Assessment Review Board or a Local Assessment Review Board; or
  - a single member selected by the Designated Officer when the Board is acting as a Single Member Composite Assessment Review Board or a Single Member Individual Local Assessment Review Board.
- 2) The Designated Officer may select any member to sit on a panel and shall designate the Chairperson for each panel, provided however that:
  - the provincial member must be the Chairperson of a panel sitting as the Composite Assessment Review Board; and
  - the provincial member must be the sole member of a panel sitting as a Single Member Composite Assessment Review Board;
  - where possible, the Designated Officer shall include on a three-person panel a member who is from the municipality under whose jurisdiction the complaint arises.

#### **VI. Chairperson**

The Chairperson of a panel:

- will preside over and be responsible for the conduct of meetings;
- may limit a submission if it is determined to be repetitious or in any manner inappropriate; and
- will vote on matters submitted to the panel unless otherwise disqualified.

#### **VII. Jurisdiction of the Board**

The Board shall have jurisdiction to exercise the functions of a Local Assessment Review Board (LARB) and the functions of a Composite Assessment Review Board (CARB) under the provisions of the *Municipal Government Act* in respect of assessment complaints made by taxpayers of a Regional Member Municipality.

#### **VIII. Designated Officer(s) of the Board**

- 1) The Designated Officer(s) of the Board shall be a person designated by the Oldman River Regional Services Commission's Director.
- 2) The Designated Officer shall:
  - assist the Board in fulfilling its mandate; and
  - prescribe the remuneration and expenses payable to each member of the Assessment Review Board.

## **IX. Meetings**

- 1) Meetings will be held at such time and place as determined by the Board.
- 2) The proceedings and deliberations of the Board must be conducted in public except where the Board deals with information protected from disclosure under the provisions of the Freedom of Information and Protection of Privacy Act.

## **X. Quorum and Voting**

- 1) The quorum for panels of the Board shall be as established by the MGA, namely:
  - two members of a panel acting as a local assessment review board; and
  - one member and the provincial member of a panel acting as a composite assessment review board.
- 2) All members must vote on all matters before the Board unless a pecuniary interest or a conflict of interest is declared.
- 3) The majority vote of those Members present and voting constitutes the decision of the Board.
- 4) Where a member of a panel absents himself or herself from the proceedings due to a conflict of interest or a pecuniary interest, the Designated Officer shall appoint a replacement member of the panel.

## **XI. Conflict of Interest**

- 1) Where a member of the Board is of the opinion that he or she has a conflict of interest in respect of a matter before the Board, the member may absent himself or herself from board proceedings while that matter is being discussed, provided that prior to leaving the meeting, the member:
  - declares that he or she has a conflict of interest; and
  - describes in general terms the nature of the conflict of interest.
- 2) The Designated Officer shall cause a record to be made in the Minutes of the members' absence and the reasons for it.
- 3) For the purposes of this provision, a member has a conflict of interest in a respect of a matter before the Board when he or she is of the opinion that:
  - he or she has a personal interest in the matter which would conflict with his or her obligation as a member to fairly consider the issue; or
  - substantial doubt as to the ethical integrity of the member would be raised in the minds of a reasonable observer, if that member were to participate in the consideration of that matter.

## **XII. Pecuniary Interest**

- 1) The pecuniary interest provisions of the MGA apply to all members of the Board while attending meetings of the Board, as though they were councillors attending meetings of council.
- 2) A Board member who fails to declare a pecuniary interest in a matter before the Board, or fails to absent himself or herself from proceedings dealing with such a matter, ceases to be a member of the Board.

## **XIII. Commencement of Appeals**

- 1) A taxpayer may commence an assessment complaint by:
  - mailing or delivering to the address specified on the assessment or tax notice a complaint in the form set out in the 'Matters Relating to Assessment Complaints' regulation and within the time specified in the MGA; and
  - paying the applicable fee.

**XIV. Rules of Order**

- 1) The Board shall make its own procedural rules, having due regard for the principles of procedural fairness.

**XV. Adjournments**

- 1) The Board may in its discretion grant adjournments of a hearing for such purposes as it feels necessary to ensure proper consideration of the issues before it, including:
  - allowing the Board to obtain a legal opinion or other professional guidance; or
  - to allow a viewing by the Board of the site in respect of which the appeal is being made.
- 2) Where the parties to an appeal consent to an adjournment of the hearing, such adjournment may be granted by the Chairperson after consultation with the Members individually (whether in person, by telephone or by e-mail) without the need to convene a formal meeting. In such a case, the Board is deemed to have convened and the hearing is deemed to have commenced as of the date of such consultation.

**XVI. Notice of Decisions & Record of Hearing**

- 1) After the hearing of a complaint, the Designated Officer shall:
  - under direction of the Chairperson, prepare Minutes of the hearing, the decision or order of the Board and the reasons for the decision in compliance with the MGA; and
  - arrange for the order or decision of the Board to be signed and distributed in accordance with the requirements under the MGA.
- 2) The Designated Officer will maintain a record of the hearing.

**XVII. Delegation of Authority**

- 1) In accordance with its authority under MGA section 203(1) to delegate power, Council hereby delegates:
  - its authority under the MGA to prescribe an appeal fee schedule and the remuneration and expenses payable to each member of the Regional Assessment Review Board and to the Designated Officer who will follow the Oldman River Regional Services Commission policy.

**XVIII. Reimbursement of Costs**

- 1) The Oldman River Regional Services Commission shall pay for the administrative costs associated with the operation of the Regional Assessment Review Board. Recovery of costs from Regional Member Municipalities will be as set out in the agreements established.

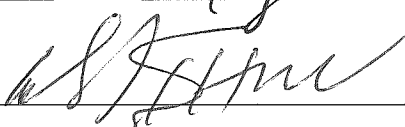
Read a First Time this 24 day of May, 2011.


Read a Second Time this 24 day of May, 2011.

Allow for Third Reading this 24 day of May, 2011.

Read a Third and Final Time this 24 day of May, 2011.

Signed by the Mayor or Deputy Mayor and the Chief Administrative Officer this 25 day of May, 2011.

  
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Mayor

  
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Chief Administrative Officer