

BYLAW NO. 08-2010

A BYLAW OF THE MUNICIPAL DISTRICT OF SPIRIT RIVER NO. 133
IN THE PROVINCE OF ALBERTA
“CENTRAL PEACE REGIONAL ASSESSMENT REVIEW BOARD BYLAW”

Being a Bylaw of the Municipal District of Spirit River No. 133, Alberta to establish a Regional Assessment Review Board.

Background

The *Municipal Government Act*, permits two or more Councils to jointly establish assessment review boards to have jurisdiction in their respective municipalities;

Birch Hills County; Municipal District of Spirit River; Saddle Hills County; Town of Spirit River and Village of Rycroft 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 and taxation complaints made by taxpayers of a Regional Partner Municipality;

Each Regional Partner Municipality will provide one member to sit on the Central Peace Regional Assessment Review Board. Each Regional Partner Municipality will pay for the costs associated with the establishment, training and operations of the Central Peace Regional Assessment Review Board and will cover costs associated with training of a Clerk. Each respective Regional Partner Municipality will bear the full costs relative to any appeals or hosting of their own jurisdictional Hearings and pay fees in respect of their portion of those costs.

COUNCIL OF THE MUNICIPAL DISTRICT OF SPIRIT RIVER NO. 133 ENACTS AS FOLLOWS:

Short Title

1 The short title of this Bylaw shall be the “Central Peace Regional Assessment Review Board Bylaw”.

Definitions

2 (1) Except as otherwise provided herein, words in this Bylaw shall have the meanings prescribed in the definitions section of the Municipal Government Act, .

(2) In this Bylaw the following terms shall have the meanings shown:

- (a) “Board” means the Regional Assessment Review Board;
- (b) “CARB” means the Composite Assessment Review Board established in accordance with the *Matters Relating to Assessment Complaints’* regulation;
- (c) “Citizen-at-Large” means a person who does not represent a specific organization;
- (d) “Designated Officer” means the person appointed to carry out the duties and functions of the clerk of the Assessment Review Board as required in the *Municipal Government Act*;
- (e) “Elected Official” means a Councillor duly elected by the electors of a respective municipality in compliance with the rules and regulations of the *Local Authorities Election Act*;

- (f) "Hearing" means the act of hosting a formal meeting by an officially constituted body to listen to evidence and pleadings initiated by a complainant;
 - (g) "LARB" means the Local Assessment Review Board established in accordance with the 'Matters Relating to Assessment Complaints' regulation;
 - (h) "Member" means a member of the Regional Assessment Review Board duly trained as per the Municipal Government Act of Alberta RSA 2000, Ch. M-26; and amendments thereto;
 - (i) "MGA" means the *Municipal Government Act of Alberta, RSA 2000, Ch. M-26*, as amended and Regulations passed under that Act;
 - (j) "Provincial Member" means a Composite Assessment Review Board member appointed by the Minister;
 - (k) "Central Peace Regional Partner Municipality" means those municipalities who enter into an agreement to jointly establish the Central Peace Regional Assessment Review Board and who enact a Bylaw substantially in the form of this Bylaw.
- Appointment of Board Members**
- 3 (1) The Board shall consist of 5 members who shall be Citizens-at-Large or Elected Officials appointed by the respective Central Peace Regional Partner Municipalities.
 - (2) In addition, when sitting as the CARB, the Board shall include the provincial member appointed by the Minister.
 - (3) Each municipality must submit a minimum of one eligible person.

Terms of Appointment

- 4 (1) Unless otherwise stated, all Members are appointed for three year terms.
- (2) If a vacancy on the Board occurs at any time the Central Peace Regional Partner Municipality must appoint a new person to fill the vacancy for the remainder of that 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 to that effect.
- (5) Any participating municipality may remove their duly appointed member at any time on the recommendation of the Designated Officer.

Panels of the Board

- 5 (1) The Board shall sit in panels to hear assessment complaints as the nature of the complaint may permit or require, such panels to consist of:
 - (a) three persons selected by the Designated Officer from the Board Members when the panel is acting as a Local Assessment Review Board; or
 - (b) two persons selected by the Designated Officer from the Board Members plus one person appointed by the Minister when the panel is acting as a Composite Assessment Review Board; or
 - (c) a single member selected by the Designated Officer when the Board is acting as a Single Member Local Assessment Review

Board or a Single Member Individual Composite Assessment Review Board.

(d) where possible, the Designated Officer shall include on a 3 person panel a member who is from the municipality under whose jurisdiction the complaint arises.

(2) Each panel shall choose the Chairperson among themselves, provided however that:

(a) the provincial member must be the Chairperson of a panel sitting as the Composite Assessment Review Board; and

(b) the provincial member must be the sole member of a panel sitting as a Single Member Composite Assessment Review Board.

Chairperson

6 (1) The Chairperson of a panel:

(a) will preside over and be responsible for the conduct of meetings;

(b) may limit a submission if it is determined to be repetitious or in any manner inappropriate; and

(c) will vote on matters submitted to the panel unless otherwise disqualified.

Jurisdiction of the Board

7 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 Central Peace Regional Partner Municipality.

Designated Officer of the Board

8 (1) The Designated Officer of the Board shall be a person designated by the municipality that receives the assessment complaint and the municipality that receives the complaint shall determine the remuneration of the Designated Officer.

(2) The Designated Officer shall:

(a) assist the Board in fulfilling its mandate;

(b) coordinate the remuneration and expenses payable to each member of the Assessment Review Board; and

Meetings

9 (1) Meetings will be held at such time and place as determined by the Designated Officer in collaboration with the Board.

(2) The proceedings 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*.

Remuneration

10 (1) Board Members shall receive honorariums for adjudicating at formally scheduled Hearings or taking appropriate training. Honorariums shall be paid at the rate set by each municipality providing the member to sit on the Board.

- (2) Board Members and the Designated Officer shall receive compensation for travel based on the rate set by each municipality providing the member to sit on the Board for performing adjudication duties or taking appropriate training.
- (3) Board Members and the Designated Officer shall receive reimbursement for meals incurred while performing adjudication duties or taking appropriate training based on the rate set by each municipality providing the member to sit on the Board.
- (4) Board Members and the Designated Officer shall receive reimbursement for any lodging accommodations required while performing adjudication duties or taking appropriate training based on the rate set by each municipality providing the member to sit on the Board.
- (5) Provincial Members shall receive reimbursement for all expenses incurred and at the rates prescribed by the Province.

Quorum and Voting

- 11 (1) The quorum for panels of the Board shall be as established by the MGA, namely:
 - (i) two members of a panel acting as a local assessment review board; and
 - (ii) one citizen-at-large or elected official 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.

Conflict of Interest

- 12 (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:
 - (a) declares that he or she has a conflict of interest; and
 - (b) 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:
 - (a) 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
 - (b) 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.

Pecuniary Interest

13 (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.

Commencement of Appeals

14 (1) A taxpayer may commence an assessment appeal by:

(a) 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

(b) paying the applicable fee as established by each participating municipality.

Rules of Order

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

Adjournments

16 (1) Except in exceptional circumstances as determined by the Board, the Board may not grant postponement or adjournment of a hearing.

(2) A request for a postponement or an adjournment must be in writing and contain reasons for the postponement or adjournment, as the case may be.

(3) Subject to the timelines specified in the MGA, RSA 2000 and amendments thereto if the Board grants a postponement or adjournment of a hearing, the Board must schedule the date, time and location for the Hearing at the time the postponement or adjournment is granted.

Notice of Decisions & Record of Hearing

17 (1) After the hearing of a complaint, the Designated Officer shall:

(a) 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

(b) 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.

Delegation of Authority

18 In accordance with its authority under MGA RSA 2000 and amendments thereto to delegate power, Council hereby delegates:

(a) its authority to the Designated Officer to select members of the duly appointed members of the Regional Assessment Review Board to hear and decide on issues relative to assessment complaints;

Complaint Costs

19 All administrative costs associated with complaints relative to assessment notices are to be borne by the municipality receiving the complaint.

Severability

20 If any portion of this by-law is declared invalid by a court of competent jurisdiction, then the invalid portion must be severed and the remainder of the by-law is deemed valid.

Repeal

21 By-Law 10-99 the Assessment Review Board By-Law, is repealed.

In Force

22 This by-law shall come into full force and effect on the day that it is finally passed by Council by giving it third and final reading and it is signed in accordance with the MGA.

RECEIVED FIRST READING THIS
19th DAY OF JULY, A.D. 2010
IN THE Municipal District of Spirit River No. 133
IN THE PROVINCE OF ALBERTA

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*REEVE

*CHIEF ADMINISTRATIVE OFFICER

RECEIVED SECOND READING THIS
19th DAY OF JULY, A.D. 2010
IN The Municipal District of Spirit River No. 133
IN THE PROVINCE OF ALBERTA

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*REEVE

*CHIEF ADMINISTRATIVE OFFICER

RECEIVED UNANIMOUS CONSENT
FOR THIRD READING THIS 19th DAY
OF JULY A.D. 2010, IN THE
Municipal District of Spirit River No. 133
IN THE PROVINCE OF ALBERTA

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*REEVE

*CHIEF ADMINISTRATIVE OFFICER

RECEIVED THIRD AND FINAL
READING THIS 19TH DAY OF JULY
A.D. 2010, IN The Municipal District of
Spirit River No. 133, IN THE
PROVINCE OF ALBERTA

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*REEVE

*CHIEF ADMINISTRATIVE OFFICER