

**CITY OF LACOMBE
BYLAW 375**

A bylaw of the City of Lacombe, 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;

WHEREAS The City of Red Deer and the Regional Partner Municipalities 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 their respective taxpayers of a Partner Municipality;

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CITY OF LACOMBE IN OPEN COUNCIL DULY ASSEMBLED ENACTS AS FOLLOWS:

Short Title

1 The bylaw shall be referred to as the “Regional Assessment Review Board Bylaw”.

Definitions

2 (1) Except as otherwise provided herein, words in this Bylaw shall have the meanings prescribed in section 453 of the *Municipal Government Act* (MGA).

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

- (a) “Board” means the Regional Assessment Review Board;
- (b) “CARB” means the Composite Assessment Review Board established in accordance with the MGA;
- (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 in accordance with section 455 of the MGA;
- (e) “LARB” means the Local Assessment Review Board established in accordance with the MGA;
- (f) “Member” means a member of the Regional Assessment Review Board;
- (g) “Minister” means the Minister determined by the Province to responsible for the MGA;

(h) "Partner Municipality" means all those municipalities who enter into an agreement with the City to jointly establish a Regional Assessment Review Board and who enact a bylaw substantially in the form of this bylaw, as well as the City of Red Deer;

(i) "Provincial Member" means a person appointed as a provincial member to a CARB by the Minister.

Member Municipalities

3 The Partner Municipalities hereby jointly establish a Regional Assessment Review Board to exercise the functions of a Local Assessment Review Board and the functions of a Composite Assessment Review Board to have jurisdiction in their municipalities.

Regional Board Review Committee

4 The Regional Board Review Committee will consist of 5 people appointed jointly by the Partner Municipalities.

Appointment of Board Members

5 The Regional Board Review Committee shall appoint not more than 20 citizens-at-large to be Members of the Regional Assessment Review Board.

Establishment of Boards

6 The following Central Alberta Regional Assessment Review Boards are established:

- (a) one or more LARB's that consist of one (1) Member;
- (b) one or more LARB's that consist of three (3) Members;
- (c) one or more CARB's that consist of one (1) Provincial Member
- (d) one or more CARB's that consist of one (1) Provincial Member and two (2) Members.

Terms of Appointment

7 (1) Unless otherwise stated, all Members are appointed for three year terms except in the initial year where one-third is appointed for three year term; one-third is appointed for a two year term and the remaining one-third are appointed for a one year term.

(2) If a vacancy on the Board occurs at any time the Regional Board Review Committee may 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) The Regional Board Review Committee may remove a Member at any time on the recommendation of the Designated Officer.

(6) Upon being appointed, the Member must successfully complete the training as prescribed by the Minister prior to participating in a hearing.

Presiding Officer

8 The Members of every Board established under section 6(b) of this bylaw will select a Presiding Officer from among themselves who will:

- (a) preside over and be responsible for the conduct of hearings;
- (b) vote on matters submitted to the Board unless otherwise disqualified;
- (c) sign orders, decisions, and documents issued by the Board.

Jurisdiction of the Board

9 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 Partner Municipality.

Regional Advisory Group

10 (1) Board Members will elect from among themselves a Regional Advisory Group consisting of up to 4 members, and comprised of one Chair and up to 3 Vice Chairs.

(2) The Regional Advisory Group will report to the Designated Officer on all matters affecting the Board and will:

- (a) assist the Designated Officer in developing policies governing hearings, conduct of Members, and other Board matters;
- (b) evaluate Member performance to identify areas where additional training may be required and prepare reports regarding performance and re-appointment of Members;
- (c) ensure other Members are providing mentoring;
- (d) act as a liaison between the Members, board administration and the Designated Officer;
- (e) review draft decisions to ensure that they comply with legislation, policies, and procedures;

(3) The duties of the Chair of the Regional Advisory Group include:

- (a) chairing meetings of the Regional Assessment Review Board and the Regional Advisory Group;
- (b) establishing agendas for the Regional Advisory Group and the Regional Assessment Review Board meetings in consultation with the Designated Officer;
- (c) liaising with the Designated Officer, Councils, and Partner Municipalities on behalf of the Regional Assessment Review Board;
- (d) appointing an Acting Chair from the Regional Advisory Group;
- (e) signing correspondence on behalf of the Regional Advisory Group.

(4) If the Chair ceases to be a Member or is unable or unwilling to fulfill the Chair's duties, the Clerk may appoint one of the Vice Chairs to serve as Acting Chair until the Chair resumes the Chair's duties or the Members elect a new chair.

Designated Officer of the Board

- 11 (1) The Chief Administrative Officer of the City of Red Deer (CAO) shall appoint a Designated Officer of the Board, and shall prescribe any remuneration associated with the position.
- (2) The Designated Officer is authorized to enter into agreements on behalf of the Board with other non-partner municipalities to provide Assessment Review Board Services.
- (3) The Designated Officer shall assist the Board in fulfilling its mandate.
- (4) The Designated Officer may appoint an Acting Clerk to perform the Designated Officer duties and functions provided they have successfully completed the training as prescribed by the Minister.
- (5) The Designated Officer shall consult with the Regional Advisory Group to set policies, procedures, and directives governing hearing processes, Member conduct, and other Board matters.
- (6) The Designated Officer will consult with the Regional Advisory Group and Members on matters affecting the Boards.
- (7) The Designated Officer will make arrangements for issuing refunds of filing fees in accordance with the MGA and related regulations.
- (8) The Designated Officer will issue instructions to independent legal counsel for Boards when required.
- (9) The Designated Officer has the authority to assign duly appointed Members to the established LARB's and CARB's as required.

(10) The Designated Officer may, at the request of a Presiding Officer of a Board, sign orders, decisions, and documents issued by the Board.

(11) The Designated Officer may, at the request of the Chair of the Regional Advisory Group, sign documents issued by the Regional Advisory Group.

(12) The Designated Officer may set fees payable for persons to obtain copies of the Board's decisions and documents.

Hearings

12 (1) Hearings will be held at such time and place as determined by the Designated Officer.

(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*.

Quorum and Voting at Hearings

13 (1) In accordance with section 458 of the MGA, quorum for the Boards shall be as follows:

(a) two Members, for LARB's established under section 6(1)(b) of this bylaw; and

(b) one Provincial Member and one other Member, for CARB's established under section 6(1)(d) of this bylaw; and

(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 Board.

Conflict of Interest

14 (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 Record of Hearing 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

15 (1) The pecuniary interest provisions of the MGA apply to hearings and meeting of the Board, as though Members were councillors attending meetings of council.

(2) A 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 Complaints

16 In accordance with section 460 of the MGA, 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*', Alberta Regulation 310/2009 and within the time limits specified in the MGA; and
- (b) paying the applicable fee.

Rules of Order

17 The Board will conduct hearings in accordance with:

- (a) the express provisions of the MGA and related regulations;
- (b) principles of natural justice and procedural fairness; and
- (c) policies and procedures approved by the Board.

Notice of Decisions & Record of Hearing

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

- (a) under direction of the Presiding Officer, prepare 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 Hearing in accordance with the MGA.

Delegation of Authority

19 In accordance with its authority under MGA section 203(1) to delegate power, Council hereby delegates:

(a) to the Regional Board Review Committee, its authority under MGA s. 454.1(1)(a) & s. 454.2(1)(a) to appoint members of the Assessment Review Boards;

(b) to the Designated Officer, its authority under section 454.1(1)(c) & 454.2(1)(c) to prescribe the remuneration and expenses payable to each Member of the Assessment Review Board.

Reimbursement of Costs

20 The City of Red Deer shall pay for the administrative costs associated with the operation of the Regional Assessment Review Board. Recovery of costs from Partner Municipalities will be as set out in the agreements established.

Assessment Fees

21 In accordance with section 481(1) of the Municipal Government Act, Council sets the fees payable by persons filing a complaint as follows:

(a) Residential	\$ 50
(b) Non-residential	\$ 650
(c) Tax Notices	\$ 30

Transitional

22 (1) This bylaw shall come into full force and effect on the date of final passage.

23 The City of Lacombe Bylaw 357 is hereby repealed effective January 1, 2012.

INTRODUCED AND GIVEN FIRST READING this 27th day of February, 2012, A.D.

GIVEN SECOND READING this 27th day of February, 2012, A.D.

PRESENTED FOR THIRD READING this 12th day of March, 2012, A.D.

GIVEN THIRD AND FINAL READING this 12th day of March, 2012, A.D.

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Mayor

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Chief Administrative Officer