

## CITY OF ST. ALBERT

### BYLAW 35/2018

#### ASSESSMENT REVIEW BOARDS BYLAW

##### Being a Bylaw to establish Assessment Review Boards

WHEREAS the *Municipal Government Act*, R.S.A. 2000, c. M-26, as amended, requires that Council establish assessment review boards to deal with complaints made about assessments;

AND WHEREAS Council wishes to establish a number of assessment review boards;

AND WHEREAS Council must appoint a designated officer to act as the Clerk of the Assessment Review Boards;

NOW THEREFORE, the Council of the City of St. Albert, duly assembled, hereby ENACTS AS FOLLOWS:

#### TITLE

1. This Bylaw may be referred to as the "Assessment Review Boards Bylaw" or the "ARB Bylaw".

#### DEFINITIONS

2. Any word or term that has a defined meaning in the Act has the same meaning in this Bylaw, and in addition:
  - a. "Act" means the *Municipal Government Act*, R.S.A. 2000, M-26, as amended and includes all relevant regulations under the Act;
  - b. "Board" means any LARB or CARB established pursuant to this Bylaw;
  - c. "City" means the municipal corporation of the City of St. Albert;
  - d. "City Member" means an individual appointed to a Board by Council as a member of a Board;
  - e. "Clerk" means the individual appointed by Council as the Clerk of the Boards in accordance with the Act and this Bylaw;

- f. "CARB" means a composite assessment review board;
- g. "Council" means the municipal council of the City;
- h. "LARB" means a local assessment review board;
- i. "Mayor" means the chief elected official of the City;
- j. "Minister" means the Minister designated under section 16 of the *Government Organization Act* as the Minister responsible for the Act."
- k. Presiding Officer" means:
  - i. The City Member constituting a one-person LARB;
  - ii. The City Member chosen from among the City Members of a three-person LARB to act as the Presiding Officer of the LARB;
  - iii. The Provincial Member of a CARB.
- l. "Provincial Member" means a member appointed by the Minister to a CARB;

### **ESTABLISHMENT OF BOARDS**

- 3. The following Boards are hereby established:
  - a. Two one-member LARBs;
  - b. One three-member LARB;
  - c. Two one-member CARBs; and
  - d. Two three-member CARBs, provided that the same Provincial Member may sit on both of them.

### **QUORUM**

- 4. The quorum for a three-member LARB is two members.
- 5. The quorum for a three-member CARB is two members, one of whom must be the Provincial Member.

## PRESIDING OFFICER

6. The Presiding Officer of a Board shall:
  - a. Preside over and be responsible for the conduct of hearings of the Board;
  - b. Prepare decisions of the Board;
  - c. Provide a copy of Board decisions to the Clerk; and
  - d. Sign orders, decisions and other documents issued by the Board.

## MEMBERSHIP

7. The following individuals may not be appointed as City Members:
  - a. The Mayor or a Councillor;
  - b. An assessor;
  - c. An employee of the City; and
  - d. An agent, being a person who, for a fee or potential fee, acts for an assessed person or taxpayer during the assessment complaint process or at a hearing before an assessment review board or the Municipal Government Board.
8. Council shall, by resolution, appoint City Members as required when membership terms expire or as vacancies occur.
9. In the event of a vacancy, Council may appoint a new City Member to serve the remainder of the vacating City Member's term.
10. The Clerk shall, in writing, provide notice to the Municipal Government Board of the City Members appointed under this Bylaw.
11. The term of membership for each City Member, appointed by Council, shall be four (4) years commencing as of January 1, of the effective year of appointment, unless otherwise specified by Council at the time of appointment.
12. Any City Member of any LARB or CARB may sit as a substitute for any other City Member unable to attend a scheduled hearing.
13. A City Member may serve more than one (1) membership term but must apply for reappointment following the completion of the term of their appointment.

## TRAINING

14. City Members shall successfully complete training, as prescribed by the Minister, prior to participating in a hearing.
15. City Members shall be eligible for training pay as set out in Schedule "A" of this Bylaw.
16. Reimbursement for expenses incurred to attend the mandatory training for accommodation, mileage, parking and meal expenses shall be reimbursed in accordance with Council Policy C-CC-03 Council Remuneration and Expense Reimbursement.

## REMUNERATION

17. City Members shall be eligible for remuneration as set out in Schedule "A" of this Bylaw.

## DECISIONS

18. A decision of a Board shall be rendered in writing with reasons.
19. A decision of a Board is not final until rendered in writing.

## PROCEDURES

20. The provisions of the *Procedure Bylaw* shall not apply to hearings of a Board.
21. Hearings conducted by a Board shall be conducted in accordance with the express provisions of the Act.
22. Hearings before a Board shall be scheduled by the Clerk in accordance with the requirements of the Act.

## CLERK OF THE BOARDS

23. The position of Clerk of the Boards is hereby established as a designated officer responsible for managing all administrative matters for the Boards.
24. Council will by resolution appoint an individual to the position of Clerk.
25. The Clerk shall not be an assessor nor an employee of the Assessment and Taxation department of the City;

26. The Clerk may delegate the Clerk's duties and functions to one or more employees of the City who are not assessors and who are not employed in the Assessment and Taxation department of the City, if they have successfully completed the prescribed training, and the Clerk's delegatee may further subdelegate duties and functions of the Clerk to other City employees who meet these criteria.

27. In addition to those duties and responsibilities prescribed by the Act, the Clerk shall:

- a. Make arrangements for the retention of records of all decisions of each Board;
- b. Prepare the formal record of proceedings before a Board, as and when required;
- c. Issue refunds of complaint fees in accordance with the provisions of the Act;
- d. At the direction of a Board, retain and instruct independent legal counsel for the Boards;
- e. Consult with City Members and the Provincial Member on matters affecting the Boards;
- f. Oversee all administrative and budgeting matters for the Boards, and reporting on the matters as required; and
- g. Upon request, assist a Presiding Officer in preparing a written decision.

28. The Clerk shall successfully complete training, as prescribed by the Minister, prior to assuming the duties and responsibilities of the Clerk.

29. The Clerk shall not receive remuneration for carrying out the duties of Clerk;

### COMPLAINT FEES

30. Fees for filing complaints shall be as set out in the *Master Rates Bylaw*, as amended.

### SEVERABILITY

31. Should any provision of this Bylaw be judged invalid, the invalid provision shall be severed and validity of the remainder of this Bylaw shall not be affected by the severed provision.

### EFFECTIVE DATE

32. This Bylaw shall come into effect when it is passed.

### REPEAL OF BYLAW 7/2010

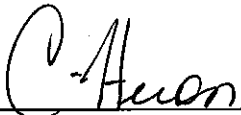
33. Bylaw 7/2010 is hereby repealed.

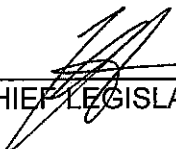
READ a First time this 17<sup>th</sup> day of September 2018.

READ a Second time this 17<sup>th</sup> day of September 2018.

READ a Third time this 17<sup>th</sup> day of September 2018.

SIGNED AND PASSED this 18 day of Sept 2018.

  
\_\_\_\_\_  
MAYOR

  
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CHIEF LEGISLATIVE OFFICER

**Schedule "A"**

**City Member Remuneration & Training Pay**

<b>Time</b>	<b>Presiding Officer</b>	<b>Member</b>	<b>Training</b>
Up to 4 hours	\$219	\$164	\$200
4 – 8 hours	\$383	\$290	
Over 8 hours	\$601	\$427	