

VILLAGE OF EDGERTON

BYLAW NO. 02-21

Regional Assessment Review Board Bylaw

A BYLAW OF THE VILLAGE OF EDGERTON IN THE PROVINCE OF ALBERTA TO ESTABLISH A REGIONAL ASSESSMENT REVIEW BOARD.

WHEREAS pursuant to the provisions of the *Municipal Government Act*, a municipality must establish by bylaw a mechanism for citizens to appeal their property assessment and tax notices; and

WHEREAS Section 455 of the *Municipal Government Act*, permits two or more Councils to jointly establish assessment review boards to have jurisdiction in their respective municipalities; and

WHEREAS the Village of Edgerton and the 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 Council of the Village of Edgerton in the Province of Alberta, duly assembled, enacts that:

1. TITLE

1.1 This bylaw shall be known as the "Regional Assessment Review Board Bylaw"

2. DEFINITIONS

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

For the purpose of this bylaw:

- a) "Board" means the Regional Assessment Review Board;
- b) "CARB" means the Composite Assessment Review Board established in accordance with the *MGA* that hears complaints on assessment notices for property other than the property described in section 2.2(d) of this bylaw and section 460.1(1) of the *MGA*;
- c) "Designated Officer (clerk)" means the person appointed to carry out the duties and functions of the clerk of the assessment review boards in accordance with section 456 of the *Municipal Government Act*;

5. TERMS OF APPOINTMENT

- 5.1 Unless otherwise stated, all Members are appointed for the same term as Council.
- 5.2 If a vacancy on the Board occurs at any time the Partner Municipalities may appoint a new person to fill the vacancy for the remainder of that term.
- 5.3 A Member may be re-appointed to the Board at the expiration of their term.
- 5.4 A Member may resign from the Board at any time on written notice to the Designated Officer (clerk) to that effect.
- 5.5 The Partner Municipality may remove a Member for cause or misconduct on the recommendation of the Designated Officer (clerk).
- 5.6 Upon being appointed, the Member must successfully complete the training as prescribed by the Minister prior to participating in a hearing.

6. JURISDICTION OF THE BOARD

- 6.1 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.

7. DESIGNATED OFFICER (CLERK) OF THE BOARD

- 7.1 Each Partner Municipality shall appoint a Designated Officer (clerk) of the Board. When an appeal occurs, the municipality in which the appeal occurs shall provide the Clerk.
- 7.2 The Designated Officer (clerk) is authorized to enter into agreements on behalf of the Board with other non-partner municipalities to provide Assessment Review Board Services.
- 7.3 The Designated Officer (clerk) shall assist the Board in fulfilling its mandate.
- 7.4 The Designated Officer (clerk) may appoint Acting Clerks to perform the Designated Officer (clerk) duties and functions provided they have successfully completed the training as prescribed by the Minister.

8. HEARINGS

- 8.1 Hearings will be held at such time and place as determined by the Designated Officer (clerk).

- 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.

12. PECUNIARY INTEREST

- 12.1 The pecuniary interest provisions of the MGA apply to hearings and meetings of the Board, as though Members were councillors attending meetings of council.
- 12.2 A Member who fails to declare a pecuniary interest in a matter before the Board, or fails to absent themselves from proceedings dealing with such a matter, ceases to be a Member of the Board.

13. RULES OF ORDER

- 13.1 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.

14. NOTICE OF DECISIONS & RECORD OF HEARING

- 14.1 After the hearing of a complaint, the Designated Officer (clerk) shall:
 - a) under direction of the Chair, assist with the preparation of 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, Matters Relating to Assessment Complaints Regulation, Alberta Regulation 201/2017*
- 14.2 The Designated Officer (clerk) will maintain a Record of Hearing in accordance with the *MGA, Matters Relating to Assessment Complaints Regulation, Alberta Regulation 201/2017*

15. DELEGATION OF AUTHORITY

- 15.1 In accordance with its authority under *Municipal Government Act* section 203(1) to delegate power, Council hereby delegates:
 - a) to the Designated Officer (clerk), its authority under *MGA* section 454.1(1)(c) & section 454.2(1)(c) to prescribe the remuneration and expenses payable to each Member of the Assessment Review Board; and
 - b) to the Designated Officer (clerk), its authority under *MGA* section 481(1) to set fees payable by Complainants.
 - c) to the Designated Officer (clerk), its authority under *MGA* section 454.1(2), section 454.2(2) & section 455(2)(a) to appoint a Member as the Chair of the

A handwritten signature in black ink, appearing to read 'Wes Laporte', with a long, sweeping horizontal stroke extending to the right.

Wes Laporte, CHIEF ADMINISTRATIVE OFFICER