



## THE CORPORATION OF THE TOWN OF FOX CREEK, ALBERTA

### BY-LAW 690-2010

#### ASSESSMENT REVIEW BOARD

A By-law of the Municipal Corporation of the Town of Fox Creek, in the Province of Alberta to establish Assessment Review Boards and to enter into agreements to provide Assessment Review Board Services with other Municipalities.

**WHEREAS** Section 454 of the Municipal Government Act, RSA 2000, Chapter M-26, as amended (hereinafter referred to as the "Act") allows a Council to establish one or more local assessment review boards and one or more composite assessment review boards;

**AND WHEREAS** Section 456 of the Act, allows municipalities to establish joint assessment review boards to have jurisdiction in their municipalities;

**AND WHEREAS** Section 54 of the Act allows a municipality to provide any service or thing that it provides in all or part of a municipality in another municipal authority with the agreement of the other municipality;

**NOW THEREFORE PURSUANT** to the provisions of the Municipal Government Act, Chapter M26, the Council of the Town of Fox Creek, Alberta, in regular session duly assembled, enacts as follows:

#### SEVERABILITY

If any provision of this by-law is declared invalid because of any word, phrase, clause, sentence, paragraph or section of this by-law or any documents which form part of this by-law or an application thereof to any person or circumstance is declared invalid, the remaining provisions shall not be affected thereby, but shall remain in force.

#### SECTION 1 – SHORT TITLE

This By-law may be cited as the "Assessment Review Board By-law".

#### SECTION 2 – DEFINITIONS

- 2.1 "Assessor" means the appointed Assessor for the Town of Fox Creek.
- 2.2 "Board" means the Assessment Review Board whether convened as the Local Assessment Review Board, One Member Local Assessment Review Board, Composite Assessment Review Board or the One Member Composite Assessment Review Board.
- 2.3 "CARB" means the Town of Fox Creek Composite Assessment Review Board established in accordance with the *Matters Relating to Assessment Complaints Regulation*.
- 2.4 "Member-at-large" means a resident of Fox Creek.

- 2.5 "Clerk" means the designated officer appointed by Council to carry out the duties and functions the Assessment Review Board Clerk.
- 2.6 "Complaint" means a complaint under Part 11 or 12 of the Act.
- 2.7 "Complainant" means a person who has filed an assessment complaint in accordance with Section 460 of the Act.
- 2.8 "Council" means the Council of the Town of Fox Creek.
- 2.9 "Town" means Town of Fox Creek.
- 2.10 "LARB" means the Town of Fox Creek Local Assessment Review Board established in accordance with the *Matters Relating to Assessment Complaints Regulation*.
- 2.11 "Member" means a member of the Assessment Review Board whether convened as the Local Assessment Review Board, One Member Local Assessment Review Board, Composite Assessment Review Board or the One Member Composite Assessment Review Board.
- 2.12 "Regulation" means the Matters Relating to Assessment Complaints Regulation.

### **SECTION 3 – JOINT ASSESSMENT REVIEW BOARD SERVICES**

- 3.1 The Chief Administrative Officer, or his designate, is hereby authorized to enter into agreements with other municipalities to provide or receive Assessment Review Board services.

### **SECTION 4 – MEMBERSHIP**

- 4.1 The LARB consists of three Members who hear and decide matters in accordance with the Regulation, as follows:
  - 4.1.1 Three Members-at-large
- 4.2 One Member of the LARB may convene as a one Member Board to hear and decide matters in accordance with the Regulation.
- 4.3 The CARB consists of three Members who hear and decide matters in accordance with the Regulation, as follows:
  - 4.3.1 Two Members-at-large; and
  - 4.3.2 One provincially appointed member who serves as the Chairperson.
- 4.4 The Chairperson of the CARB may convene as a one Member Board to hear and decide matters in accordance with the Regulation.
- 4.5 At the Town's annual organizational meeting Council shall appoint up to three Members-at-large to serve as Members of the LARB and the CARB.
- 4.6 The Clerk is authorized to select any combination of the three appointed Members to form a Board to hear an assessment Complaint.
- 4.7 The Clerk is authorized to select the Member of the one Member Board.

## **SECTION 5 – RENUMERATION**

- 5.1 The honorarium and expenses of the Members shall be established by resolution of Council from time to time.

## **SECTION 6 – TERM OF APPOINTMENT**

- 6.1 Unless otherwise stated, all Members are appointed for a one year term and may be reappointed upon the expiry of the term.
- 6.2 If a vacancy on the Board occurs at any time, Council may appoint a new Member to fill the vacancy for the remainder of that term.
- 6.3 Council may, by resolution, remove a Member of the Board at any time.
- 6.4 A Member may resign from the Board at any time by providing written notice to the Clerk.

## **SECTION 7 – CHAIRPERSON**

- 7.1 The Chairperson of the LARB shall be elected by the Members at the first meeting of each year.
- 7.2 A Member may be re-elected to the position of Chairperson of the LARB.
- 7.3 The Chairperson of the CARB shall be the provincially appointed Member.
- 7.4 The Chairpersons of the LARB and CARB:
- 7.4.1 Shall preside over and be responsible for the conduct of the meetings;
- 7.4.2 May limit a submission if it is determined to be repetitious or in any manner inappropriate;
- 7.4.3 Shall vote on matters submitted to the Board unless otherwise disqualified; and
- 7.4.5 Shall sign orders, decisions and documents issued by the Board.

## **SECTION 8 – VICE CHAIRPERSON**

- 8.1 A Vice Chairperson of the LARB shall be selected at the same time and under the same rules as the Chairperson.
- 8.2 In the absence of the Chairperson, the Vice Chairperson shall preside at the meetings of the LARB.
- 8.3 In the absence of the Chairperson and the Vice Chairperson, one of the other Members of the LARB shall be selected by the Members to preside.
- 8.4 In the absence of the Chairperson, the Vice Chairperson shall sign orders, decisions and any other documents issued by the Board.

## **SECTION 9 – QUORUM AND MEETINGS**

- 9.1 Two Members of the LARB shall constitute a quorum except when sitting as a

one Member Board.

- 9.2 The provincial member plus one Member shall constitute a quorum for the CARB except when sitting as a one Member Board
- 9.3 A Member of the Board who is for any reason, unable to attend the entire hearing of an appeal, shall not participate in the deliberations or decision of the Board.
- 9.4 All Members must vote on all matters before the Board unless a conflict of interest or pecuniary interest is declared.
- 9.5 The majority vote of those Members present and voting constitutes a decision of the Board.
- 9.6 The Board is authorized to make procedure rules for:
  - 9.6.1 Those matters that are not governed by the Act or the Regulation; and
  - 9.6.2 The conduct of its meetings, its hearings, and its business that is consistent with the Act, the Regulation and this Bylaw
- 9.7 Meetings will be held at such time and place as determined by the Clerk.

## **SECTION 10 – CONFLICT OF INTEREST**

- 10.1 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:
  - 10.1.1 Declares that he or she has a conflict of interest; and
  - 10.1.2 Describes, in general terms, the nature of the conflict.
- 10.2 The Clerk shall cause a record to be made in the meeting minutes of the Member's absence and the reasons for the absence.
- 10.3 For the purpose of this provision a Member has a conflict of interest in respect of a matter before the Board when he or she is of the opinion that:
  - 10.3.1 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 matter; or
  - 10.3.2 Substantial doubt 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.

## **SECTION 11 - PECUNIARY INTEREST**

- 11.1 The pecuniary interest provisions of the Act apply to all Members of the Board while attending meetings of the Board.
- 11.2 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.

**SECTION 12 - DUTIES AND PURPOSE**

12.1 The Board has the authority to hear and decide on Complaints filed with respect to matters on an assessment notice issued by the Assessor, in accordance with the provisions of the Act.

**SECTION 13 – GENERAL AUTHORITY**

13.1 No Board Member has authority to:

13.1.1 Pledge the credit or course of action of the Town or enter into any agreement on behalf of the Board or the Town;

13.1.2 Authorize any expenditure to be charged against the Town without prior approval of Council; or

13.1.3 Act administratively except as delegated by the Town’s Chief Administrative Officer

**SECTION 14 – COMPLAINT FEES**

14.1 Fees payable by persons wishing to make a Complaint or to be involved as a party or intervener in a hearing before the Board and for obtaining copies of the Board’s decisions and documents may be set by resolution of Council

**SECTION 15 – REPEAL**

15.1 This By-law hereby repeals By-law #680-2009.

**SECTION 16 – EFFECTIVE DATE**

16.1 This By-law shall come into effect the date upon third and final reading.

READ A FIRST TIME this 28<sup>TH</sup> day of JUNE 2010

READ A SECOND TIME this 28<sup>TH</sup> day of JUNE 2010

Moved and passed unanimously that the “Assessment Review Board By-law”, be presented for third and final reading.

READ A THIRD AND FINAL TIME this 28<sup>TH</sup> day of JUNE 2010

  
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Leora MacKinnon  
Mayor

  
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Dennis M. Egyedy  
Chief Administrative Officer