



**VILLAGE OF CONSORT
LOCAL ASSESSMENT REVIEW BOARD BYLAW #A-866**

Being a Bylaw of the Village of Consort, Alberta for the purpose of establishing Assessment Review Boards.

WHEREAS pursuant to Section 454(1) of the *Municipal Government Act*, Chapter M-26, 2000, as amended, Council must by bylaw establish a local assessment review board and a composite assessment review board; and

AND WHEREAS pursuant to Sections 454.1 and 454.2 of the *Municipal Government Act*, Council must appoint at least the required number of persons as members of the assessment review boards; and

AND WHEREAS pursuant to Section 456(1) of the *Municipal Government Act*, Council must appoint a person to act as the clerk of the assessment review boards having jurisdiction in the municipality and prescribe the remuneration and duties of that person; and

WHEREAS COUNCIL OF THE VILLAGE OF CONSORT ENACTS AS FOLLOWS:

Short Title

1. The short title of this Bylaw shall be the "Assessment Review Board Bylaw".

Definitions

2. In this Bylaw the following terms shall have the meanings shown:
 - a) "Act" means the *Municipal Government Act*, R.S.A. 2000, c. M-26, as amended;
 - b) "Assessment Review Board" or "Board" means either the Local Assessment Review Board or the Composite Assessment Review Board.
 - c) "Assessment Review Board Clerk" or "Clerk" means the person that is designated by Council to carry out the powers, duties and functions of the Assessment Review Board Clerk.
 - d) "Complaint" means a complaint under Part 11 of the *Municipal Government Act*.
 - e) "Public Member" means a person who is eligible to vote in the election for a member of Council for the Village of Consort under the *Local Authorities Election Act*, R.S.A. 2000, c. M-26, as amended, who is not a member of Council;
 - f) "Member" means an individual appointed under this bylaw as a member of the Assessment Review Board;
 - g) "Minister" means the Minister determined by the Province of Alberta to be responsible for the Act.
 - h) "Provincial Member" means a member of the Composite Assessment Review Board appointed by the Minister of Municipal Affairs.

Legislation for the Composite Assessment Review Board

The *Matters Relating to Assessment Complaints* Regulation 201/2017 states that complaints regarding non-residential property require disclosure of evidence and any written argument to be filed with the Assessment Review Board and the opposing party within specific timelines. The assessed person (Complainant) and the Assessor (The Respondent) are required to disclose evidence to each other as set out in Regulation 201/2017.

The *Matters Relating to Assessment Complaints* Regulation 201/2017 states that:

9(2) If a complaint is to be heard by a local assessment review board panel, the following rules apply with respect to the disclosure of evidence:

- (a) The complainant must, at least 42 days before the hearing date,
 - i. Disclose to the respondent and the local assessment review board the documentary evidence, a summary of the testimonial evidence, including any signed witness reports, and any written argument that the complainant intends to present at the hearing in sufficient detail to allow the respondent to respond to or rebut the evidence at the hearing, and
 - ii. Provide to the respondent and the local assessment review board an estimate of the amount of time necessary to present the complainant's evidence;
- (b) The respondent must, at least 14 days before the hearing date,
 - i. Disclose to the complainant and the local assessment review board the documentary evidence, a summary of the testimonial evidence, including any signed witness reports, and any written argument that the respondent intends to present at the hearing in sufficient detail to allow the complainant to respond to or rebut the evidence at the hearing, and
 - ii. Provide to the complainant and the local assessment review board an estimate of the amount of time necessary to present the respondent's evidence;
- (c) The complainant must, at least 7 days before the hearing date, disclose to the respondent and the local assessment review board the documentary evidence, a summary of the testimonial evidence, including any signed witness reports, and any written argument that the complainant intends to present at the hearing in rebuttal to the disclosure made under clause (b) in sufficient detail to allow the respondent to respond or rebut the evidence at the hearing.

Public Hearing Notice

Assessment Review Board Hearings are open to the public.

The personal information on submissions to the Board is collected under the authority of the Municipal Government Act, Section 464.1 and the Alberta Freedom of Information and Protection of Privacy Act (FOIP), Section 33(c).

The agendas and decisions of the Board will be publicly available in accordance with Section 40(1) of the FOIP Act and may be posted on the Village of Consort website.

If you have any questions regarding the collection and/or use of this information, please contact the Access and Privacy Coordinator at (403) 577 3623.

Establishment of the Local Assessment Review Board

3. The Local Assessment Review Board is established and shall consist of three (3) members appointed by Council. One (1) alternate member may also be appointed by Council.
4. The term of office for a Council member appointed to the Local Assessment Review Board is one (1) year.
5. The term of office for a Public Member appointed to the Local Assessment Review Board is three (3) years.
6. The term of membership shall commence January 1 following appointment and shall terminate December 31. Adjustment of a period of appointment may be made as required by resolution of Council.
7. In the event of a vacancy on the Local Assessment Review Board, Council may, by resolution, appoint a new member to serve for the remainder of the term of the vacating member.
8. Council may appoint the same persons who serve as members of the Composite Assessment Review Board to the Local Assessment Review Board.
9. No Local Assessment Review Board member shall be a County employee.
10. The Chairperson of the Local Assessment Review Board shall be chosen annually by the members at the first meeting of the Board.
11. In the absence of the Chairperson or if the Chairperson vacates the position, the members present must choose an acting Chairperson to serve in this capacity during such absence or vacancy.
12. A majority of the members of the Local Assessment Review Board constitutes a quorum, except where the Act provides otherwise.
13. On being appointed, each member of the Local Assessment Review Board must successfully complete the training as prescribed by the Minister prior to participating in a hearing.

Establishment of the Composite Assessment Appeal Board

14. The Composite Assessment Appeal Board is established and shall consist of two (2) members appointed by Council, and one (1) Provincial Member appointed by the Minister. One (1) alternate member may also be appointed by Council.
15. The term of office for a Council member appointed to the Composite Review Board is one (1) year.
16. The term of office for a Public Member an appointed to the Composite Review Board is three (3) years.
17. The term of membership shall commence January 1 following appointment and shall terminate December 31. Adjustment of a period of appointment may be made as required by resolution of Council.
18. In the event of a vacancy on the Composite Assessment Review Board, Council may, by resolution, appoint a new member to serve for the remainder of the term of the vacating member.
19. Council may appoint the same persons who serve as members of the Local Assessment Review Board to the Composite Assessment Review Board.
20. No Composite Assessment Review Board member shall be a Village employee.

- 21. The Chairperson of the Composite Assessment Review Board shall be the Provincial Member.
- 22. The Provincial Member and one other member of the Composite Assessment Review Board constitute a quorum, except where the Act provides otherwise.
- 23. On being appointed, each member of the Composite Assessment Review Board must successfully complete the training as prescribed by the Minister prior to participating in a hearing.

Clerk of the Board

- 24. The position of Assessment Review Board Clerk is hereby established and shall act as Clerk for both the Local Assessment Review Board and the Composite Assessment Review Board.
- 25. Council shall designate a County employee to serve as Assessment Review Board Clerk.
- 26. The Clerk may not be an assessor or a designated officer having authority to grant or cancel tax exemptions or deferrals under s. 364.1 of the Act.
- 27. The Assessment Review Board Clerk does not receive any additional remuneration, other than their salary as a County employee.
- 28. The Assessment Review Board Clerk's duties consist of those set out in the Act and this Bylaw, and to provide administrative support to the Assessment Review Boards.
- 29. The Assessment Review Board Clerk may delegate the administrative duties of this position to any County employee or use a service provider under contract to the County to provide administrative services to the County.

Remuneration

- 30. Board members shall receive honorariums for adjudicating at Hearings, taking appropriate training and writing and reviewing decisions. Honorariums shall be awarded on the following basis:

LARB	Half day – Four (4) hour block	\$110.00
LARB	Full day – Four plus (4+) hour block, excluding lunch hour	\$220.00
LARB – Chair	Half day – Four (4) hour block	\$125.00
LARB – Chair	Full Day – Four plus (4+) hour block – excluding lunch hour	\$250.00
CARB	Half day – Four (4) hour block	\$220.00
CARB	Full Day – Four plus (4+) hour block – excluding lunch hour	\$440.00
CARB – Chair	Half day – Four (4) hour block	\$250.00

CARB - Chair	Full Day – Four plus (4+) hour block – excluding lunch hour	\$460.00
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- 31. Board members and the Clerk shall receive reimbursement for travel based on the most current published Alberta Government Public Service Subsistence, Travel and Moving Expenses regulation for performing adjudication duties or taking appropriate training.
- 32. Board members and the Clerk shall receive reimbursement for meals incurred while performing adjudication duties or taking appropriate training. A reasonable meal allowance will be offered and will most often be authorized and organized by the Clerk. Guidance to limitations can be derived from the most current published Alberta Government Public Service Subsistence, Travel and Moving Expenses regulation.
- 33. Board members and the Clerk shall receive reimbursement for any lodging accommodations required while performing adjudication duties or taking appropriate training.
- 34. Provincial members shall receive reimbursement for any additional expenses incurred at the rates prescribed by the Province.

Rules of Order

- 35. The Board will conduct hearings in accordance with:
 - (i) The express provisions of the Act and related regulations;
 - (ii) Principles of natural justice and procedural fairness; and
 - (iii) Policies and procedures approved by the Board.
- 36. The Clerk may retain and instruct independent legal counsel for the Board when required.
- 37. The Clerk may, at the request of the Chairperson of the Board, sign orders, decisions and documents issued by the Board.

Notice of Decisions and Record of Hearing

- 38. After the hearing of a Complaint, the Clerk shall:
 - (i) Under direction of the Chairperson, prepare the decision or order of the Board and the reasons for the decision in compliance with the Act; and
 - (ii) Arrange for the order and decision of the Board to be signed and distributed in accordance with the requirements under the Act.
- 39. The Clerk will maintain a Record of the hearing in accordance with the Act.

Severability

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

In Force

BYLAW #A-866 Assessment Review Board

41. This bylaw 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 Act.

Read a First Time this 20 Day of July 2020 on a motion of Councillor _____
Carried.

Read a Second Time this 20 Day of July 2020 on a motion of Councillor _____
Carried.

Councillor Walters moved to proceed to Third Reading. Carried Unanimously.

Read a Third Time and Finally Passed this 20 Day of July 2020 on a motion of Councillor
Omens. Carried.

Signed by the Chief Elected Official and Chief Administrative Officer this 20 Day of July 2020.



Michael Beier, Mayor



Barbara Kulyk, Chief Administrative Officer